



**Verbatim Transcript**

**November 29, 1971 — February 19, 1972**

**Volume III**



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# PREFACE

## Introduction

Volumes III through VII present the verbatim transcripts of the 1972 Montana Constitutional Convention. These volumes encompass the total deliberations of the 100 Convention delegates as they debated, amended, and adopted Montana's present Constitution.

The Legislative Council staff audited, edited, proofed, and indexed the five volumes presented here in their "copious free time" — between Legislative Sessions, work on the Montana Code and its Annotations, and numerous research publications. The arduous project owes much to the interest, dedication, and perseverance of the staff. Just as importantly, the project would never have begun without the generous support and encouragement of a Legislature dedicated to preserving the history of a state constitution which represents the foundation of Montana's laws.

## History of Project

Chapter 373, Laws of 1977, provided that the Legislative Council appoint a three-member committee to supervise the staff of the Legislative Council in editing and publishing the Proceedings of the 1971 Constitutional Convention. The committee consisted of one senator, one representative, and a former constitutional convention delegate. Chapter 373 required the Committee to formulate editorial guidelines, establish the format of publication, and prepare a style manual for editorial consistency. Chapter 373 also provided that 1,000 copies of the proceedings be printed, with 60 copies to be distributed free of charge as follows: Law Library — 4 copies; State Library — 10 copies; Governor, Secretary of State, Attorney General, Superintendent of Public Instruction, State Auditor, and each state department — each 1 copy; Supreme Court — 5 copies; Montana Historical Society — 5 copies; and the Legislative Council — 10 copies.

On April 13, 1977, the Legislative Council appointed Senator Margaret Warden, Representative JoEllen Estenson, and Delegate Mae Nan Robinson Ellingson to the editing and publishing committee. In 1979, Senator Mark Etchart was appointed to take Mrs. Warden's Senate member position; Mrs. Warden was appointed to the delegate position; and Representative Arlyne Reichert appointed to the Representative position. In 1981, Representative John Shontz was appointed to take Representative Reichert's place on the committee. Mrs. Warden served as chairman throughout the duration.

Legislative Council staff, then under the able direction of *Rose Weber*, corresponded with staff of the Sixth Illinois Constitutional Convention (1969/1970) and studied the Illinois Proceedings publication which was published in 1972. This correspondence gave the committee and staff direction concerning time schedules and budgets.

Invaluable advice to staff on scheduling, budgeting, and procedure was given by the Council librarian, *Raelen Williard*, who also prepared the bibliography in Volume I.

At the committee's first meeting on June 9, 1977, it was decided that costs for text entry, equipment, editing, proofreading, supplies, billing, recordkeeping, and salaries would be absorbed by the Legislative Council — that costs of the set of Proceedings would include only committee expenses, typesetting charges, reproduction of 1,000 copies, binding, and distribution.

The *GPO Style Manual* and *Reference Manual for Stenographers and Typists*, Fourth Edition, Gavin and Sabin, were chosen as standard guides for capitalization, punctuation, and writing numbers.

At the second meeting of the committee on July 15, 1977, Dr. William Lang of the Montana Historical Society advised the committee and Council staff on how to present oral history.

The committee decided that Council staff would use as a master the Montana Constitutional Convention transcript prepared by Marie Durkee, reporter. Staff would listen to the tape recording of the proceedings,

simultaneously read the Durkee draft, and, in red ink, insert, change, or delete as necessary to indicate every audible sound on the tape. Later, an editor would work on the audited transcript using a different colored ink. Instructions were given to make no changes to a speaker's English as it was on the tape. Staff could editorially point out errors but were not to polish or perfect the language used.

The listening project was begun in June of 1977 using the tapes that had been donated to the Montana Historical Society by Marie Durkee. *Rick Newby* was assigned to the project from June to August 1977 and *Connie Duncan* from August 1977 to January 1978.

Space for the auditing was provided in the Legislative Council library, which proved unsatisfactory because of the daily traffic in that area coupled with the poor quality of the tapes. Loss of time and frustration were experienced by the staff in searching through poorly labeled tapes in their endeavor to piece together the sections of the transcripts in proper sequence.

As work progressed, it became apparent that the tapes were not the original master tapes recorded at the Convention. The project was halted while a search was conducted for the master tapes. In February, 1978, they were discovered in unpacked boxes of President Leo Graybill's Constitutional Convention memorabilia, stored in his garage. These mastertapes were then donated to the Montana Historical Society and were used for the rest of the project. In the meantime, there were several changes in Legislative Council staff positions, including that of Executive Director.

In October, 1978, a more appropriate work area was obtained in the archives of the Montana Historical Society and *Carlyce Skjervem* was assigned to complete the auditing project. All roll call votes were checked against the official journal on file with the Historical Society by Mary *Ellen Randall* and Jan Sperry and the audit continued.

Another problem encountered was that the equipment being used was Z-track to accommodate the Durkee tapes, but the master tapes were 4-track. This caused a delay until authorization was obtained to purchase the proper equipment. Whenever there was a discrepancy between the transcript and the tape, the tape was backed up and listened to as many times as necessary to be certain. Eventually the constant "stop-start" process for 8 hours a day rendered two recorders unusable with the third recorder barely fit to finish the project,

In April, 1979, after 9,234 pages of transcript and 24 weeks of listening to 21 tapes, this phase of the project was completed. Then the editing phase began. *Doug Sternberg* and *Margaret Liles* read each of the 9,234 pages at least twice in the editing process. They were responsible for paragraphing, punctuation, spelling, and capitalization. The editors deleted false starts, crutch words, repetitions, and stutters, added explanatory comments, and pointed out errors and inconsistencies.

The original plan was to enter the text of the proceedings on the Council's computerized bill-drafting system (ALTER) and produce camera-ready copy therefrom. It became obvious in 1979 that because of the full-time responsibilities of Council staff for the Montana Code Annotated and the increased costs for computer time, it was no longer feasible to input the text on ALTER.

Subsequently, a contract was entered into with the printer, Color World of Montana, to do the typesetting from the edited transcripts. The first volume was sent to Color World in November 1979. The 9,234 typewritten pages of transcript were typeset into 3,058 pages.

As the galleys were set by the printer they were proofread by Council proofreaders Phyllis *Cote* and Marie *Fuhrmann*. Page proofs were checked by the proofreaders and read word-for-word by Jean *Stearns*. The dyluxes were again checked by the proofreaders, who not only read and proofed the material over and over again, but also checked spacing, headings, page numbers, and general format. It is impossible to give the proofreaders the credit they deserve in producing these volumes.

At this writing *Margaret Liles* is beginning work on the index to the proceedings which will be published in a separate volume and will have its own preface.

## Costs

The 1977 Legislature had appropriated \$136,000 in House Bill 160 for the expenses of editing and publishing the proceedings and for the expenses of the supervisory committee. The 1979 Legislature appropriated another \$80,000 in House Bill 897 to "complete the editing and publishing". House Bill 897 also provided:

"The committee shall set the sales price of the proceedings at an amount sufficient to totally recoup the amount appropriated for the proceedings, including the \$130,000 [sic] appropriated by HB 160 of the 45th Legislature. Proceeds from sales of the proceedings shall be deposited in the general fund."

Because of inflation, it was necessary in 1981 to appropriate still another \$100,000, bringing the total amount appropriated for committee expense, typesetting, printing, and binding, to \$316,000.

Diana S. Dowling  
Executive Director  
Montana Legislative Council  
June 1981

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**Morning Session****November 29, 1971****10:00 a.m.**

**CHAIRMAN BLEWETT:** The proceedings will now commence, ladies and gentlemen.

Before we get into the formal program, I have been asked to make an announcement. If by chance any delegate desires to speak or to be heard on any matter during these proceedings, and particularly in the subsequent proceedings, be certain that you state your name and district from which you come. This is necessary in order for the proper record.

Ladies and gentlemen, we come to the point of an historic occasion in the State of Montana, the beginning of the Constitutional Convention.

I would like, at this time, to appoint a committee from the Constitutional Preparatory Commission members to escort into this chamber our distinguished guests. At this time I would like to appoint Clyde Hawks, chairman, Leonard Schulz, Bruce Toole, Charles Harrington, Randall Swanberg and Clyde Rader. Would those gentlemen kindly escort the distinguished guests into this chamber?

Ladies and gentlemen, while we are waiting for the escort group, I also would like to appoint at this time a committee from the Commission members to notify Governor Anderson that we would like to have him attend the chamber, and I now appoint those members: Eugene Mahoney, chairman, Jack Brenner, Arthur Hagenston, Charles Bovey and Eugene Phillips. Would those gentlemen kindly now escort the Governor to this chamber?

Is the escort committee ready to proceed with the guests?

**MR. HAWKS:** Yes, Mr. Chairman.

**CHAIRMAN BLEWETT:** Would the escort committee kindly lead our distinguished guests into the chamber?

All rise.

(Whereupon, the distinguished guests were escorted to the front of the chamber by the appointed committee.)

**CHAIRMAN BLEWETT:** Will the next escort committee kindly proceed?

Will the next escort committee proceed please?

Ladies and gentlemen, will you kindly remain standing while the escort committee proceeds with the escorting of our distinguished guests?

Now, the First Lady of the State of Montana, Evelyn Anderson.

Now, the Honorable Forrest H. Anderson, Governor of the State of Montana.

Will the escort committee kindly escort the Governor to the Chair?

(Whereupon, the Governor was escorted to the Chair by the appointed committee.)

**CHAIRMAN BLEWETT:** Governor Anderson, I have the honor and the privilege of presenting to you at this time the pen and the gavel used by William Andrews Clark, presiding in the Constitutional Convention of 1889. I would therefore, at this time, like to present to you officially the 1889 gavel so that you may officially open this 1971-1972 Constitutional Convention.

**GOVERNOR ANDERSON:** Thank you, Mr. Blewett.

The hour appointed by the Montana State Legislature having arrived for the convening of the Montana Constitutional Convention, I do accordingly, as Governor of this State, call the Convention to order.

For the purposes of organization I appoint as temporary secretary, Mr. Walter Marshall; as temporary sergeant-at-arms, Mr. Roger Barber; as temporary reporter, Mrs. Virginia Waterman; as temporary parliamentarian, Mrs. Phyllis Baden, and as temporary journal clerk, Mrs. Rosemary Acher.

It is appropriate that those to whom so much has been entrusted by our voters call upon God for the guidance at the outset of their task. It is my privilege at this time to present pastor Lionel B. Simonson, who will offer the invocatory prayer.

Mr. Simonson.

**PASTOR SIMONSON:** Almighty eternal God of truth and of mercy, in earnest prayer we ask Your blessing upon this Constitutional Convention, upon its delegates, upon its deliberations, upon its decisions. Oh God, ruler over all things, You are a tender father. You desire the lasting welfare, as well as the eternal happiness, of your children. You have wisdom and goodness. You have given us a land to live in, in which people, through their freely elected representatives and their freely designed laws, are the source of governmental authority in their midst. For these institutions, by which ours is a government of the people, and by the people, and for the people, we thank You, oh God.

We thank You for each one of these one hun-

dred delegates, and for their willingness to enter this arena to work at this historic task with the talents, the energies, the experiences and the convictions given them. We ask of You to bring their united efforts to flourish in a truly good Constitution for our beloved State.

Bless and inspire these men and women, oh God, with all that they need to do a good job, a job pleasing in Your sight, a job that is beneficial to all the people of our generation and of generations to come. Give them, oh Father, a great measure of wisdom and of mutual respect, of patience and faith, and courage to build one another up in a common endeavor to serve Your purposes. Help them to be alert, both to their own deepest convictions as well as to the fundamental needs of people in these times, but above all, oh God, keep them alert to Your guidance, to Your yearning for the earthly well being of Your children.

Even as we pray for this Convention and its delegates, oh God, so too we ask for Your blessing upon all the people of our State. Inspire many, many people to uphold these men and women in fervent prayer, so that these delegates may do their work in the confidence that many God-fearing people are praying for them.

We ask You, oh God, to bless this Convention in its quest to formulate a Constitution that will help us to establish justice, to insure domestic tranquility, that will help us to promote the general welfare of all people and to secure the blessings of liberty and opportunity for ourselves and for our posterity. These petitions, oh God, we offer in the name of Jesus Christ, Your son, our Savior. Amen.

**GOVERNOR ANDERSON:** Mr. Blewett, we will now have the posting of the colors.

**CHAIRMAN BLEWETT:** Will you kindly remain standing while we have the posting of the colors, led by Major Liston of the Montana National Guard.

Mr. Liston.

**MAJOR LISTON:** Color Guard, prepare to post the colors...

(Whereupon there was the posting of the colors by the Montana National Guard.)

**CHAIRMAN BLEWETT:** Ladies and gentlemen, join me in the Pledge of Allegiance to our Flag...

We will now sing the National Anthem... ..

Thank you, Major Liston, and your grand staff.

Will you now all be seated?

Ladies and gentlemen, it is now my privilege and again my pleasure to introduce to all of you present those distinguished guests who have heretofore been escorted to this chamber.

Our first guest to be introduced is a man who gave us the pleasure of his remarks at the banquet last evening, Mr. Samuel Whitwer, president of the 1969-1970 Illinois Constitutional Convention. Mr. Samuel Whitwer. Thank you again for joining us.

Next, our elected state officials. The Honorable Lieutenant Governor, Thomas Judge. The Honorable Robert Woodahl, Attorney General. The Honorable Frank Murray, Secretary of State. The Honorable Dolores Colburg, Superintendent of Public Instruction. The Honorable Alex Stephenson, State Treasurer. The Honorable Lou Boedecker, Railroad and Public Service Commission, and I haven't yet seen Ernest Steel. I don't know whether he made it. Did he make it, Lou?

**COMMISSIONER BOEDECKER: No.**

**CHAIRMAN BLEWETT:** Next, our Supreme Court Justices. The Honorable Chief Justice James T. Harrison. The Honorable Associate Justice Wesley Castles. The Honorable John Harrison, Associate Justice. The Honorable Gene Daly, Associate Justice. The Honorable Frank Haswell, Associate Justice. The Honorable Thomas J. Kearney, Clerk of the Supreme Court.

And, ladies and gentlemen, from our legislative leadership, the Honorable Dick Dzivi, Senate Majority Leader; the Honorable Bill Mathers, Senate Minority Leader; the Honorable James Lucas, Speaker of the House; the Honorable James T. Harrison, Jr., House Majority Leader; and in the absence of Bill Christiansen, House Minority Leader, who was unable to be present, I present Representative Larry Fasbender.

Thank you very much, Governor Anderson.

**GOVERNOR ANDERSON:** Thank you, Mr. Blewett.

Mr. Blewett, distinguished state officials, at this time I have a golden opportunity to address what I think is one of the great meetings in this century for Montana.

The Constitutional Convention will reestablish the foundation of law for the government in this State. I believe that this is a profound expression of our fundamental belief in self-government. The people of Montana called this Convention, they elected you as delegates, and they will ulti-

mately approve or reject the constitution you write.

A properly written constitution will define the structure and responsibilities of government and provide for the protection of the rights of the people of this State. Many generations of Montanans not yet born will live under these laws if you do your job well.

Constant change and the emergence of new ideas and beliefs will challenge the wisdom of your efforts. And each of you will leave a mark forever on the history of Montana. But more importantly, you have an opportunity to initiate a new history—a history of dynamic and responsive state government.

Montana's present Constitution is an expression of the distrust in government that was prevalent when it was written in 1889. It imposes strict limitations on the exercise of the powers of government—legislative, executive and judicial. It is burdened with accumulated statutory detail. And it restricts and confuses the capability of state government to respond to the rapidly changing problems of modern society.

I do not believe, however, that the entire Constitution should be stricken, because there are sections which are enduring statements of the rights of individuals and precise definitions of the responsibilities of state government.

I believe the revision of the Montana Constitution must accomplish four essential objectives:

It must establish the structures and responsibilities of state and local government.

It must guarantee the rights of the individual in this state.

It must free state government from the strictures that shackle us to the past.

And it must allow us to move freely into the future.

In this century, the balance of power within the American federal system has been distorted. The states have failed to act—too often because of constitutional restrictions—and the Federal Government has been forced to exercise the needed authority.

This has occurred in Montana and every other state in the Union. And if the decline of the states within the national system continues, they will become nothing more than federal subdivisions. We must not allow this to happen.

There are going to be changes in this state in the coming years. We cannot expect Montana to remain as it is forever.

If this Convention does not revitalize our state government, and give it the authority to act and

solve problems, it may be one step further in the decline of the federal system, and the destiny of Montana will be decided in Washington, D.C.

The people have demonstrated that we are willing and able to solve our problems.

Those who came before us changed a wilderness into a state. We have fought to lift this state up from its colonial status in the national economy. We are working to preserve our unequalled environment. We have undertaken many programs to improve our state and local governments. We are now beginning the task of revising our State Constitution. And by these acts—and others—Montanans are saying that they will not forfeit their right to determine the necessary policies for the right to govern.

The purpose of the Constitutional Convention is to write a document that will be the basis and the inspiration of a dynamic and responsive state government. And the timeless wisdom of the National Constitution should be the inspiration for the document you write.

Like the national prototype, our Constitution must not include extraneous statutory provisions that are properly within the jurisdiction of the Legislature. And like the national prototype, our Constitution must be a statement of your faith and the belief that good and decent men and women will govern this state in the coming years.

You should not be afraid to include new and progressive ideas in the Constitution. Passage of the referendum calling for this Convention, executive reorganization, and the nineteen-year old vote are proof that the people of Montana recognize the need for change. And if a proposal is good it will be approved by the people.

There are those who consider this Constitutional Convention to be an extension of the legislative process. And they would make it the responsibility of this Assembly to decide issue; of present importance—now and forever. I believe, if this is allowed to happen, the intent of the Constitution will be compromised and its hope of success will be destroyed.

You are here to write a constitution—not a body of statutes. And this document must withstand the seasons of history—not just the climate of current opinion.

I wish you well...

Thank you very much.

Now, ladies and gentlemen, I call upon the Honorable Eugene Mahoney, vice-chairman of the Montana Constitutional Convention Commission, to call the roll of the delegates elect. Mr. Mahoney.

**MR. MAHONEY:** The following is the true and correct roster, by district, of the delegates elect to the 1971-1972 Constitutional Convention of the State of Montana as compiled by the Secretary of State in accordance with the Constitutional Convention Enabling Act.

As your name is called, please rise and answer present and remain standing.

**District No. 1:**

Torrey B. Johnson .Present.  
Catherine Pemberton .Present.

**District No. 2:**

Bruce M. Brown .Present.  
Lyman W. Choate.. .Present.

**District No. 3:**

Oscar L. Anderson .Present.  
C. Louise Cross .Present.  
Otto T. Habedank .Present.  
R u s s e l l C . McDonough .Present.

**District No. 4:**

Magnus Aasheim . . . . .Present.  
Mark Etchart .Present.  
Gene Harbaugh .Present.  
Roger A. Wagner . . . . .Present.

**District No. 5:**

Lloyd Barnard .Present.  
Leslie "Joe" Eskildsen .Present.

**District No. 6:**

A. W. Kamhoot .. .Present.  
Archie O. Wilson, .Present.

**District No. 7:**

John H. Leuthold .Present.  
Richard A. Nutting . . . . .Present.

**District No. 8:**

Chet Blaylock.. . . .Present.  
Jean M. Bowman . . . . .Present.  
Jerome J. Cate .Present.  
Max Conover .Present.  
Dave Drum .Present.  
James R. Felt .Present.  
Robert Lee Kelleher . . . . .Present.  
George W. Rollins .Present.  
Don Scanlin .Present.  
John M. Schiltz .Present.  
Clark E. Simon .Present.  
R. J. Studer, Sr. , , , , .Present.

**District No. 9:**

Thomas M. Ask. .Present.  
Don E. Belcher.. . . .Present.

**District No. 10:**

Douglas Delaney ..... .Present.  
Donald R. Foster..... .Present.

**District No. 11:**

Grace C. Bates ..... .Present.  
Ben E. Berg, Jr..... .Present.  
Dorothy Eck ..... .Present.  
Fred J. Martin ..... .Present.  
J. Mason Melvin ..... .Present.  
Richard B. Roeder ..... .Present.

**District No. 12:**

Betty Babcock ..... .Present.  
William A. Burkhardt ..... .Present.  
Geoffrey L. Brazier ..... .Present.  
George Harper ..... .Present.  
Jerome T. Loendorf ..... .Present.  
Charles H. Mahoney ..... .Present.

**District No. 13:**

Harold Arbanas ..... .Present.  
William H. (Bill) Artz ..... .Present.  
Virginia H. Blend ..... .Present.  
Marian S. Erdmann ..... .Present.  
Leo Graybill, Jr. .... .Present.  
Lyle R. Monroe ..... .Present.  
Robert B. (Bob) Noble ..... .Present.  
Donald Rebal ..... .Present.  
Arlene E. Reichert ..... .Present.  
William H. Swanberg ..... .Present.  
Margaret S. Warden .Present.  
Robert F. Woodmansey ..... .Present.

**District No. 14:**

E. S. "Erv" Gysler ..... .Present.  
Mrs. Rachel K. Mansfield. .... .Present.  
Carman Skari ..... .Present.  
Edith Van Buskirk ..... .Present.

**District No. 15:**

Cedor B. Aronow. , .Present.  
E. M. Berthelson ..... .Present.  
Rod Hanson ..... .Present.  
Robert Vermillion ..... .Present.

**District No. 16:**

Richard J. (Rick) Champoux ..... .Present.  
Noel D. Furlong..... .Present.  
Arnold W. Jacobsen. .... .Present.  
Marshall Murray ..... .Present.  
Sterling Rygg ..... .Present.  
Henry L. Siderius ..... .Present.

**District No. 17:**

R. S. (Bob) Hanson ..... .Present.  
Charles B. McNeil ..... .Present.

**District No. 18:**

Mrs.	Daphne	Bugbee	.Present.
Bob	Campbell..		.Present.
J.	C.	Garlington	.Present.
George	B.	Heliker	.Present.
Mrs.	Thomas (Katie)	Payne	.Present.
Mrs.	Mae Nan	Robinson	.Present.
John	H.	Toole.	.Present.
Lucile	Speer		.Present.

**District No. 19:**

Wade	J.	Dahood	.Present.
Peter	(Pete)	Lorello..	Present.
Joseph	H.	McCarvel	Present.
Mike McKeon	.....		Present.

**District No. 20:**

Maurice	Driscoll	.Present.	
Dan	W.	Harrington	.Present.
David	L.	Holland	.Present.
Thomas	F.	Joyce..	.Present.
M.	Lynn	Sparks	.Present.
Mrs. John Justin			
(Veronica)	Sullivan	Present.	

**District No. 21:**

John	H.	Anderson, Jr.	.Present.
Carl	M.	Davis.	.Present.

**District No. 22:**

Miles	Romney	.Present.	
Jack	K.	Ward	.Present.

**District No. 23:**

Franklin	Arness	.Present.	
Marjorie	Cain..	.Present.	
Paul	K.	Harlow	.Present.
George	H.	James..	.Present.

I now call upon the Chief Justice of the Montana Supreme Court, the Honorable James T. Harrison, to administer the oath of office.

**CHIEF JUSTICE HARRISON:** I consider this a great privilege, and I thank you for it.

You will each raise your right hands and say:

"I," and pronounce your name, and then repeat after me, "do solemnly swear that I will support, protect and defend the Constitution of the United States, and the Constitution of the State of Montana, and that I will discharge the duties of my office of the delegate to the Constitutional Convention with fidelity; that I have not paid or contributed, or promised to pay or contribute, either directly or indirectly, any money or other valuable thing to procure my nomination or election except for necessary and proper expenses expressly authorized by law; that I have not know-

ingly violated any election law of this state, or procured it to be done by others in my behalf; that I will not knowingly receive, directly or indirectly, any money or other valuable thing for the performance or non-performance of any act or duty pertaining to my office other than the compensation allowed by law, SO HELP ME GOD."

**CHAIRMAN BLEWETT:** Delegates and ladies and gentlemen, will you now all be seated, and will those of you who are delegates kindly sign the oath of office which is before you, and pass it to the center so that the pages may pick them up.

Is there anyone who has not yet signed his or her oath of office?

(No response.)

We'll then proceed with the balance of the proceedings. At this time, let's all of us stand and join together in the singing of our State Song, "Montana".

Governor Anderson, I now turn over to you for the proceedings from this time forward. Governor Anderson.

**GOVERNOR ANDERSON:** Thank you, Mr. Blewett.

According to the Enabling Act, nominations are now open for the office of temporary president. The secretary will record the nominations.

**DELEGATE:** Mr. Chairman.

**GOVERNOR ANDERSON:** Yes.

**DELEGATE:** This is George Harper, District 12. In keeping with our consensus of opinion in last Saturday's meeting, I'll offer this resolution:

I move that the votes for temporary president be cast by a written ballot placed in the ballot box by each delegate as his or her name is called; that, after all delegates present have voted, the ballots be counted out loud by a teller appointed by the presiding officer, that the number of votes for each candidate be tabulated and announced by the temporary secretary, and the candidate receiving a bare plurality be elected as temporary president; that the counted ballots may be examined upon request by the person who nominated any candidate and shall be thereafter destroyed after the conclusion of the three-day organization meeting; that, in the event of a tie for the most votes, an additional ballot be taken immediately, in the same manner, without any speeches or any new candidates or any withdrawal of candidates; that it shall not be known how any delegate has voted.

I further move that the Convention shall elect the permanent president in like manner, except that a majority of the votes cast shall be required for such election; that in the event no candidate receives such a majority in either the first or second balloting process, the person receiving the lowest number of votes (or, if there be a tie in low position as to votes received, those so tied) shall be removed from consideration on the third ballot and succeeding ballots, and thereafter the low vote getter or those so tied shall be eliminated from further consideration on each succeeding ballot until only two candidates remain for final consideration.

**GOVERNOR ANDERSON:** Reverend Harper, would you bring that motion to the rostrum, please?

**DELEGATE HARPER:** Yes.

**GOVERNOR ANDERSON:** Does everybody understand the motion made by Reverend Harper?

**DELEGATE:** Mr. Chairman, may I be heard?

**GOVERNOR ANDERSON:** Yes.

**DELEGATE:** Thomas F. Joyce, District 20. I move, at this time, that the motion is out of order, as not responsive to the call of the Chair, which was to nominate a temporary president.

**GOVERNOR ANDERSON:** You heard the motion-substitute motion by Mr. Joyce. I hesitate, as the Governor, to rule on the motion as to whether it is or is not out of order and I believe, probably, the democratic thing to do is to let the elected members of the Constitutional Convention decide whether or not they wish to follow the motion made by Reverend Harper.

As I say, I have great hesitancy to want to attempt, in any way, to get involved to where I may be critical of your deliberations, and for that reason, is there a second to Reverend Harper's motion?

**DELEGATE CATE:** Mr. Chairman, under the rules-Jerome Cate, District 8-I don't believe a second is necessary for the motion. I do believe the motion is in order, but if it requires a second, I'll second the motion at this time.

**DELEGATE:** Mr. President,

**GOVERNOR ANDERSON:** Mr. Romney.

**DELEGATE ROMNEY:** Miles Romney, District 22, Ravalli County where the sun is shining.

I wish to move a substitute motion. I'm taken by surprise at this motion, so I have not written a motion out.

I move that the election of all officers of this Convention be made via an open roll call, in which each delegate specifically votes "Yes" or "No" for the particular candidates to be voted upon, and I wish to speak upon the substitute motion.

**GOVERNOR ANDERSON:** Mr. Romney, here again I recognize your substitute motion. I don't profess to be a parliamentarian, and among the parliamentarians that I see at my left over here is Jim Lucas, and I'm going to ask him to come up here and advise me as to what the parliamentarian procedure would be. Mr. Lucas.

I'm going to make this just as nonpartisan as possible. Mr. Lucas, would you give me this advice? Mr. Lucas has been the Speaker of the House and I think he can advise me as to what procedure I follow here.

**MR. LUCAS:** Gentlemen, I think if we follow the Mason's Rules of Procedure, the original motion, of course, was in order; the substitute motion was in order; and we now have a substitute motion for all motions pending, which ends the motion. The third motion made by Delegate Romney is now properly before the body, and then you have to backtrack up the ladder if it should be defeated.

**GOVERNOR ANDERSON:** You just stand by.

We'll vote on the substitute motion of Mr. Romney. Would you again, Mr. Romney, state your motion, so it will be clearly understood?

**DELEGATE ROMNEY:** Mr. Chairman, I move that all votes taken in the election of officers of this Convention be done by roll call.

**GOVERNOR ANDERSON:** You heard the motion. All those in favor say Aye.

**DELEGATES:** Aye.

**GOVERNOR ANDERSON:** Opposed No.

**DELEGATES:** No.

**GOVERNOR ANDERSON:** The Chair is in doubt. We'll use the machine. I know that much.

**DELEGATE ROMNEY:** Mr. Chairman.

**GOVERNOR ANDERSON:** Mr. Romney.

**DELEGATE ROMNEY:** I would like to know if the Delegate Romney is not privileged to speak on his motion?

**GOVERNOR ANDERSON:** Well, it's a little late, after having the motion before the group and they're voting, Mr. Romney.

**DELEGATE ROMNEY:** I so specified when I made my original motion.

**GOVERNOR ANDERSON:** It's a non-debatable motion, I'm sure. It's a motion upon a motion, so the Chair will rule that you will not debate it.

Has everyone voted?

**DELEGATE:** Mr. Chairman, I request that the roll call be published and that it not be a secret roll call, and that the Ayes and Nays on the motion be recorded on the board.

**GOVERNOR ANDERSON:** I have no objection to that.

Has everyone voted? Does anyone wish to change their vote? If not, the secretary will take the tape. Mr. Secretary.

**SECRETARY MARSHALL:** Mr. President, 50 have voted Aye, 49 have voted No.

**GOVERNOR ANDERSON:** That's what you call a horse race. 50 voting Aye, and 49 voted No, Mr. Romney's motion has passed. Mr. Romney, would you mind reducing your motion to writing?

Does the secretary have it? Do you have it—well, I'm sure he does. Did you want it reported in the Journal, Mr. Romney?

**DELEGATE ROMNEY:** I'm not so particular, as long as we have the 50 votes.

**GOVERNOR ANDERSON:** Your point is well taken, sir.  
Mr. Davis.

**DELEGATE DAVIS:** Delegate Davis, District 21. I move the nomination of Delegate Cedar Aronow, District 15, Shelby, Montana, to act as temporary president to the Montana Constitutional Convention.

Delegate Aronow has performed a lifetime of service to the State of Montana and to our great

nation. He's a former practicing-former county attorney, city attorney, legislator, and he's now a practicing attorney, and I'm very pleased to say, a Marine in World War II and in the Korean War.

So, I would nominate and recommend to my fellow delegates, my fellow attorney and my fellow Marine, and I think this is a privilege and an honor that would be very well to confer upon our Delegate Aronow. Thank you.

**GOVERNOR ANDERSON:** Are there any other nominations?

**DELEGATE:** Mr. Chairman, I rise to second the motion. Am I in order?

**GOVERNOR ANDERSON:** You can if you wish. There is no need for a second to a nomination.

**DELEGATE:** I'm Rod Hanson, District 15. I do second the nomination of Mr. Aronow for temporary president.

**GOVERNOR ANDERSON:** Are there any other nominations?

**DELEGATE:** Mr. Governor.

**GOVERNOR ANDERSON:** Mr. Felt.

**DELEGATE FELT:** Delegate Felt, District 8. In order to eliminate any questions any individuals may have, I'll point out to them that the individual who requested the opportunity to nominate me for this position will not do so because I informed him this morning that I felt, in the interest of harmony within the Convention, there would be no particular reason for him to do so.

I have a little interest in a few other aspects of the Convention, and one you may be sure of is that our lights don't burn out, as I noticed that our lights are still on. I don't know if this is any problem or not, but down here, at least, they're still on—the lights of the last vote.

This last vote, while we'll accept the decision of the majority, is regrettable, perhaps because we spent an hour of our time yesterday reaching a different decision, almost unanimously, only to have it overturned without discussion, where it was open to the public.

**GOVERNOR ANDERSON:** Are there any other nominations? Are there any other nominations?

(No reply.)

There being no other nominations, do I hear a motion to Mr. Martin.

DELEGATE MARTIN: Fred Martin, District 11. I move the nominations be closed.

GOVERNOR ANDERSON: It's been moved that the nominations be closed. All those in favor, signify by saying **Aye**—

DELEGATES: **Aye**.

GOVERNOR ANDERSON: -those opposed, No.

(No reply.)

The Ayes have it, and so ordered. We will now have the roll call vote for temporary president.

SECRETARY MARSHALL: Aasheim — this is for Aronow for temporary president—

Aasheim .....	Aye.
Anderson, John H.....	Aye.
Anderson, Oscar L. ....	Aye.
Arbanas .....	Aye.
Arness .....	Aye.
Aronow .....	Aye.
Artz .....	Aye.
Ask.....	Aye.
Babcock.. .....	Aye.
Barnard.. .....	Aye.
Bates .....	Aye.
Belcher .....	Aye.
Berg .....	Aye.
Berthelson .....	Aye.
Blaylock .....	Aye.
Blend .....	Aye.
Bowman .....	Aye.
Brazier .....	Aye.
Brown .....	Aye.
Bugbee ... ..	Aye.
Burkhardt .....	Aye.
Cain .....	Aye.
Campbell .....	Aye.
Cate .....	Aye.
Champoux .....	Aye.
Choate .....	Aye.
Conover .....	Aye.
Cross .....	Aye.
Dahood, excused.	
Davis .....	Aye.
Delaney .....	Aye.
Driscoll .....	Aye.
Drum .....	Aye.
Eck .....	Aye.
Erdmann .....	Aye.
Eskildsen .....	Aye.
Etchart .....	Aye.
Felt .....	Aye.
Foster .....	Aye.

Furlong. ....	Aye.
Garlington .....	Aye.
Graybill .....	Aye.
Gysler .....	Aye.
Habedank .....	Aye.
Hanson.....	Aye.
Hanson, Rod .....	Aye.
Harbaugh .....	Aye.
Harlow .....	Aye.
Harper .....	Aye.
Harrington .....	Aye.
Heliker .....	Aye.
Holland .....	Aye.
Jacobsen .....	Aye.
James.. .....	Aye.
Johnson .....	Aye.
Joyce .....	Aye.
Kamhoot .....	Aye.
Kelleher .....	Aye.
Leuthold .....	Aye.
Leondorf .....	Aye.
Lorello .....	Aye.
Mahoney .....	Aye.
Mansfield. ....	Aye.
Martin .....	Aye.
McCarvel .....	Aye.
McDonough .....	Aye.
McKeon .....	Aye.
McNeil .....	Aye.
Melvin .....	Aye.
Monroe.. .....	Aye.
Murray.. .....	Aye.
Noble .....	Aye.
Nutting .....	Aye.
Payne .....	Aye.
Pemberton .....	Aye.
Rebal .....	Aye.
Reichert .....	Aye.
Robinson .....	Aye.
Roeder .....	Aye.
Rollins .....	Aye.
Romney .....	Aye.
Rygg .....	Aye.
Scanlin .....	Aye.
Schiltz .....	Aye.
Siderius .....	Aye.
Simon .....	Aye.
Skari .....	Aye.
Sparks .....	Aye.
Speer .....	Aye.
Studer .....	Nay.
Sullivan .....	Aye.
Swanberg. ....	Aye.
Toole .....	Aye.
Van Buskirk .....	Aye.

Vermillion	Aye.
Wagner	Aye.
Ward.....	Aye.
Warden.....	Aye.
Wilson.....	Aye.
Woodmansey	Aye.

99 voted Aye-98 voted Aye-[Records show  
98 voted Aye, one Nay, one Absent]

**GOVERNOR ANDERSON:** Cedor Aronow, having received all of the votes of those assembled, has been duly elected temporary president.

At this time I'd like to take the opportunity to thank my Republican colleague for coming up and helping me. And I want to suggest that he and I oftentimes don't agree, but I know that his advice in parliamentary matters are important, and I feel at liberty to call on him, and there have been occasions when he has felt free to call on me.

He is a Republican and I am a Democrat, and this is the way I hope the spirit of this Convention will follow through, all the way to its conclusion, because I believe that any man, no matter who he may be, has got something to tell you if you will just sit long enough to listen.

Thank you very much.

I hereby appoint the following committee to escort the temporary president to the Chair: Lyle Monroe and Fred Martin. Would you please escort Mr. Aronow to the Chair?

Mr. Aronow, it's a big Chair, treat it well.

**TEMPORARY PRESIDENT ARONOW:**

Thank you.

I would like to thank the Governor for presiding over the opening of the Convention, and appoint the following committee to escort the Governor from the chamber: Franklin Arness from Libby, Tom Ask from Roundup and Louise Cross from Billings-or Glendive, excuse me.

**GOVERNOR ANDERSON:** Thank you very much, and God bless you.

**TEMPORARY PRESIDENT ARONOW:** I want to thank the delegates to the Convention for the trust that they have shown in me, and the honor that they have presented to me by making me your temporary president.

While I'm here, I would like to take this opportunity to thank an old friend of mine for the service he has given to this Convention. In 1949, when I served in this chamber, I met a then young man by the name of Walter Marshall, that was the Clerk of the House. And over the years, I have seen Walter

Marshall at legislative assemblies in varied capacities, and he has obtained and gained an expertise over the years in legislative bodies.

He has sometimes been with the House, sometimes with the Senate. He is always cheerful, always willing, and always a hard worker, and this was demonstrated when he gave unsparingly of his time in the pre-organization meetings, to help us and to explain things. And at this time I want to thank you, Walter Marshall, for the fine service you have given, not only to this Convention, but to the State of Montana over these many years.

No one, so far, has really expressed the thanks and appreciation that I know this Convention feels for our Constitutional Convention Commission. They have given unsparingly of their time and their effort, at considerable personal sacrifice to themselves, and they have stayed away from their own affairs, their own businesses, and devoted their time and energy and businesses to the State of Montana for the preparatory work of this Commission.

They have supervised the staff, headed by Dale Harris, who has done an outstanding job in preparing material for our education. And I want to take this opportunity, not only in my own behalf, but in the behalf of all the delegates, to thank the Commission, our good friend Dale Harris, and his staff for the wonderful job that they have done in preparing for this Convention. Thank you.

The next order of business. Nominations are now open for the office of convention president. Mr. Aasheim.

**DELEGATE AASHEIM:** Mr. Chairman, I'm Magnus Aasheim from District 4. I wish to place in nomination a man who is well qualified for this position. He has been active in numerous and varied civic projects in Cascade County.

One of the more recent and farsighted endeavors was the promotion of the seven million dollar Great Falls Airport project. This was no small accomplishment, and it was made possible because of the needed ability and the personality of the coordinator.

I am proud to place this man in nomination for chairman of the 1971-1972 Montana Constitutional Convention, Leo Graybill, Jr.

**TEMPORARY PRESIDENT ARONOW:** The name of Leo Graybill, Jr. has been placed in nomination. Is there a second? Mr. Holland.

**DELEGATE HOLLAND:** Dave Holland, District 20. It is with great pleasure that I second the nomination of Mr. Graybill, who is, by his training and by his education and by his ability, is very well qualified to handle the position for which he has been nominated.

**TEMPORARY PRESIDENT ARONOW:** Are there any other nominations for the office of president?

**DELEGATE:** Mr. Temporary President.

**TEMPORARY PRESIDENT ARONOW:** Mr. Felt.

**DELEGATE FELT:** Without any objection, I would prefer to step just this far to the side and use it [microphone] this way because, otherwise, I would have my back to too many of you delegates.

I feel that I'm somewhat ill equipped to make the remarks and suggestion that I intend to make, but I shall do the best I can and hope that all of you, in your own judgment, can fill in gaps in my capabilities.

It's my purpose here to again deal with the question of harmony within the Convention, but in this instance, it's my purpose to nominate a fellow delegate that I consider very well qualified. And I do this for the purpose of giving this Convention the opportunity of a free choice of a presiding officer who could have the support of a large number-or the majority of the delegates.

And at this opportunity I would like to express our feelings that this be done in an open Convention, as we are now undertaking.

I wish to pay my respects to all of the individuals who offered themselves as candidates. I feel that each of them had legitimate reasons for doing so, and I am certain that many others amongst the delegates also could have had reasons for offering their services.

And I submit to you that when we, as I shall now do, offer a delegate as a choice for the position of presiding officer, that it's done in the same sense that all of us, collectively, will eventually offer to the people of Montana a proposed constitution, which they may accept or reject. We will do so sincerely, believing it's in the best interest of the State.

I am certain that all of us are equally dedicated to this cause, and are conscious not only of our own individual responsibility as we perform duties here each day, but in the final result, it will be the people of the State of Montana who will

make the decision as to whether or not they will accept the Constitution that we propose.

I feel that, in some ways, we have not gained the confidence of the people of Montana, and that there has been a lack of harmony within the Convention over this matter of the selection of a presiding officer. Whether it was necessary that this occur, I'll not comment upon that, but I became quite conscious, as things were happening rather rapidly yesterday, that while I felt I had reasons to offer my own services, and to continue the work that I have been engaged in, and my time to render a service in that position, that perhaps my general exposure in the field of partisan political activity in the past caused me to be looked upon as a particular example of partisanship.

And even though I may not have felt that this was a justified feeling, I knew that it existed. And therefore, while I could protest my disinterest and point to the fact that I have equal reason to question the disinterest of those who do not wish to submit this question openly to a full Convention, where all one hundred delegates have an opportunity to choose, this would not establish the fact of my own disinterest.

As I saw that various candidates were withdrawing from the field, for one reason or another, and the other Republican candidates informed me yesterday that they did not intend to have their names placed in nomination, I began thinking about this matter as a personal responsibility.

My decision was further moved along as I listened to our distinguished speaker at the banquet last night, and at the conclusion of the banquet, I felt it advisable that I withdraw my own candidacy and so advised the individuals who had planned to nominate me.

I regret taking the time of having to explain this to you, but I have not had the opportunity to explain, either to the people who had urged me to become a candidate, and obviously, I had no opportunity to point it out to the people of Montana in general who, if they are interested enough to read the newspaper accounts, might wonder why it happened that I filed as a candidate to be nominated this day, and am now withdrawing.

So, in that general spirit, I'll now make a nomination. I feel it's necessary-and I regret that it is necessary-to point out that, in the first decision we made here, we didn't only depart from the decision we ourselves made, but we departed entirely from the American tradition, under which people are elected by secret ballots, and that the open vote of "Yes" or "No" is confined to issues where the people are particularly interested in

knowing how someone voted on a certain issue, that the custom of secret election of individuals is not only traditional, but founded naturally upon logic.

It does not then, again, disrupt the mutual good feelings that are intended to exist within a deliberating body, or within any group trying to move toward a common goal, and I do very much regret that this change occurred, because I think it places us at some disadvantage under these circumstances, and for those reasons which were so ably presented and led to a different decision being reached only yesterday, when we were trying to conserve time.

The individual that I propose to nominate, I must say, was somewhat reluctant when first approached, and totally surprised. I'm glad he doesn't wear false teeth because he was completely shocked when we suggested to him that, in the event that would he be willing to accept this position of responsibility, that I would be happy to withdraw. And after some consideration, however, Mr. Bruce Brown did agree that he would permit me to place his name in nomination.

Mr. Brown, the delegate from Custer County, does have the qualifications for this position. He is a human being, and therefore imperfect, as are all of us. He is a particularly human individual, I feel, having more humbleness than many of the rest of us, and I think this would stand him in good stead and be exemplified, of course, by his not attempting to push himself into this position, but is one of the few instances where a genuine draft occurred.

He is, of course, of a fair and balanced temperament and would be fair to all individuals. He is a dedicated man, as dedicated to this cause as are all the rest of us. He is an independent thinker, but one who accepts the right of every other individual people to also think independently.

It's sometimes pertinent to mention the things that a person is not. I would say, in particular, he is not narrow in outlook, nor would he be at all dictatorial in the way he would lend his services to this Convention. Perhaps, above all, he's not ambitious for political advancement, or deferment or personal advantage whatsoever, to be gained from serving in any capacity in this Convention.

I feel that all of us as delegates, and certainly all the people of Montana, have a great stake in the action we are about to make in the decision we are about to make. We do not, obviously, wish to waste our own time, nor would the people of Montana wish us to waste their money or their time in an endeavor here which is torn by disharmony if they felt at the time of our first steps

that decisions were being made by less than a majority, by negotiations which led to results that might not have been obtained if an open choice had been pending.

That we may dispel that question by the procedure that we are offering to you now, and we would pledge to you that there will not be an effort made to criticize the decisions made, nor the methods used, to reach those. We are grateful for the opportunity to present a choice to the Convention, just as we were all grateful for the opportunity to speak for five minutes yesterday to all of the delegates, and we think that something which almost might have been yesterday, in the event that it might be continued on as they were, we may have an opportunity yet today.

As I said, I feel somewhat inadequate for the task of dealing with this entire matter, and other things might be said, but I do not wish to take more of your time. If I have omitted something of importance, I do rely upon each of you to think about this decision, to be guided by your own conscience and your own dedication to our mutual cause. I thank you.

#### **TEMPORARY PRESIDENT ARONOW:**

Are there any other nominations?

**DELEGATE:** Mr. Chairman.

#### **TEMPORARY PRESIDENT ARONOW:**

Yes.

**DELEGATE:** My worthy colleagues, I am Catherine Pemberton from District No. 1. As one of 19 women delegates to the Montana Constitutional Convention, it is a special privilege to second the nomination of the native Montanan who believes in Montana and who has been born, educated, and makes his living in our Big Sky Country.

He is a successful Miles City attorney, whose family history in Custer County and eastern Montana goes back into the eighties. He is from an old Scotch family with a conservative background. The family ranch, called by its brand the "SH," is famous in the southeastern part of the state where the Montana Stockgrowers organized in 1884 and continued to hold the annual meetings in Miles City until 1918. Bruce Brown's grandfather was president of the Stockgrowers in 1912.

The Browns have five children, a daughter and four sons. Two are university graduates, and one son is captain on the Custer County High School ball team.

Brown has been city and county attorney, he's

served on various civic boards in the city and county and over the state.

He was graduated from the university School of Business Administration and the School of Law of the university.

He was a pilot in World War II, and is still a pilot.

Bruce Brown is from an old time Montana family. His wonderful grandmother was one of the first white children born in Custer County.

Brown's thinking would represent all thinking in Montana, not just one segment, and I have the privilege of asking your support of my friend, Bruce Brown, Independent delegate from District 2, for president of this historic conference.

**TEMPORARY PRESIDENT ARONOW:** Thank you, Mrs. Pemberton.

Are there any other nominations for the office of president? Mr. Habedank.

**DELEGATE HABEDANK:** Otto Habedank from District 3. I came to this Convention dedicated to a bipartisan convention. A proceeding was held yesterday afternoon which I did not attend because I was not invited.

Yesterday afternoon I listened to 13 candidates express their desire as to why they felt they should be president of this Convention. I heard many comments as to why we should not delay these proceedings by having a choice made among these candidates by the members of this Convention.

I got to searching my conscience during the night because I attended a lot of rallies throughout the State of Montana and I heard many other candidates say that this Convention should be nonpartisan or bipartisan, and that partisan politics has nothing to do with it. And I came here expecting to have an opportunity to decide among those 13 candidates, and such others as should be nominated, and I don't intend to be denied that opportunity except by the specific withdrawal of nominations of Democrats and Republicans and Independents who offered themselves.

If they, themselves, publicly wish to withdraw, that is their privilege, but unless I'm stopped by order of the Chair, or vote of this Convention, I intend to nominate the people who spoke to us. And at this time I nominate the first speaker yesterday, a farmer, rancher, educator and school administrator for eight years, Mr. Magnus Aasheim.

**DELEGATE:** Mr. Chairman.

**TEMPORARY PRESIDENT ARONOW:** Mr. Aasheim.

**DELEGATE AASHEIM:** At this time, I'd like to express my appreciation to Mr. Habedank for his courtesy, but I'm not now a candidate for this position.

**TEMPORARY PRESIDENT ARONOW:** You withdraw your name from nomination?

**DELEGATE AASHEIM:** Yes.

**TEMPORARY PRESIDENT ARONOW:** Thank you, Mr. Aasheim. Any other nominations? Delegate Habedank.

**DELEGATE HABEDANK:** I wish to place in nomination a school administrator for 19 years at least, a do-something man, Harold Arbanas.

**TEMPORARY PRESIDENT ARONOW:** The name of Harold Arbanas has been placed in nomination.

**DELEGATE:** Harold Arbanas, District 13. I intend to be a do-something man, but I would now withdraw.

**TEMPORARY PRESIDENT ARONOW:** Mr. Arbanas has withdrawn his name from nomination. Are there any other nominations? Mr. Habedank.

**DELEGATE HABEDANK:** I next wish to place in nomination a teacher from Laurel, a man whom we all know, Mr. Chet Blaylock.

**TEMPORARY PRESIDENT ARONOW:** The name of Chet Blaylock has been placed in nomination. Mr. Blaylock.

**DELEGATE BLAYLOCK:** Mr. Chairman, Mr. Habedank, thank you very much, but I think one of the things that we have to remember is, when you go into a caucus as we all did yesterday, that if we had received the majority of the vote in there, we would have wanted those people to stay with us regardless of how else we might feel, and so at this time, I decline.

**TEMPORARY PRESIDENT ARONOW:** Mr. Blaylock has withdrawn his name from nomination. Are there any other nominations? Mr. Habedank.

**DELEGATE HABEDANK:** Mr. Chairman, I place in nomination-and I heard his statement

that he is not seeking nomination-but I nominate Jim Felt.

**TEMPORARY PRESIDENT ARONOW:**

The name of Jim Felt has been placed in nomination. Mr. Felt.

**DELEGATE FELT:** Mr. Temporary President, I withdraw my name. Thank you for the courtesy.

**TEMPORARY PRESIDENT ARONOW:**

The name of Jim Felt has been withdrawn from nomination. Now, are there any other nominations for the office of president? Mr. Habedank.

**DELEGATE HABEDANK:** I place in nomination as candidate, the attorney from Butte, David L. Holland.

**TEMPORARY PRESIDENT ARONOW:**

The name of David L. Holland has been placed in nomination. Mr. Holland.

**DELEGATE HOLLAND:** Thank you, Mr. Habedank. I bet you'd be surprised if I accepted, but I must respectfully decline.

**TEMPORARY PRESIDENT ARONOW:**

Mr. Holland has declined the nomination. Are there any other nominations for the office of president? Mr. Habedank.

**DELEGATE HABEDANK:** I nominate Geoffrey Brazier, attorney of Helena.

**TEMPORARY PRESIDENT ARONOW:**

The name of Geoffrey Brazier has been placed in nomination. Yes, Mr. Brazier.

**DELEGATE BRAZIER:** Mr. Temporary Chairman, with all due respect for the courtesy and motives of Mr. Habedank, I don't think I could rally enough support, and I therefore respectfully withdraw.

**TEMPORARY PRESIDENT ARONOW:**

The name of Jeff Brazier has been withdrawn. Now, are there any other nominations for the office of president. Mr. Habedank.

**DELEGATE HABEDANK:** I realize you think this is an exercise in futility, but I still hope that one of these fellows will accept, and regardless of what Mr. Holland says, I nominate Jack Schiltz, attorney at Billings.

**TEMPORARY PRESIDENT ARONOW:**

Jack Schiltz has been nominated for president. Mr. Schiltz.

**DELEGATE SCHILTZ:** Mr. President.

**TEMPORARY PRESIDENT ARONOW:**

Mr. Schiltz.

**DELEGATE SCHILTZ:** I think I'm just as good a man as I thought I was yesterday, but I must respectfully decline.

**TEMPORARY PRESIDENT ARONOW:**

The name of Jack Schiltz has been withdrawn from nomination. Are there any other nominations? Mr. Habedank.

**DELEGATE HABEDANK:** I nominate Sterling Rygg of Kalispell.

**TEMPORARY PRESIDENT ARONOW:**

The name of Sterling Rygg has been placed in nomination. Mr. Rygg.

**DELEGATE RYGG:** Thank you, Mr. Habedank, but I too decline the nomination.

**TEMPORARY PRESIDENT ARONOW:**

Mr. Rygg has declined the nomination and his name is withdrawn from nomination. Is there any other nominations for president? Mr. Habedank.

**DELEGATE HABEDANK:** I nominate John Toole.

**TEMPORARY PRESIDENT ARONOW:**

The name of John Toole has been placed in nomination. Mr. Toole.

**DELEGATE TOOLE:** Mr. President, I'm not a candidate. Thank you very much.

**TEMPORARY PRESIDENT ARONOW:**

The name of John Toole has been withdrawn from nomination. Are there any other nominations for the office of president? Mr. Habedank.

**DELEGATE HABEDANK:** I nominate Charles Mahoney, Independent from Helena.

**TEMPORARY PRESIDENT ARONOW:**

Mr. Mahoney.

**DELEGATE MAHONEY:** Mr. President, I really appreciate this nomination because us Independents got practically told off yesterday, but we really appreciate this, but I'm just solidly supporting Bruce Brown, and I therefore withdraw.

**TEMPORARY PRESIDENT ARONOW:**

The name of Chuck Mahoney has been withdrawn from nomination. Are there any other nominations? Mr. Habedank.

**DELEGATE HABEDANK:** Mr. Chairman, I nominate Leslie Joe Eskildsen of Malta.

**TEMPORARY PRESIDENT ARONOW:**

The name of Leslie Joe Eskildsen has been placed in nomination. Mr. Eskildsen.

**DELEGATE ESKILDSSEN:** Mr. Temporary President, I withdraw.

**TEMPORARY PRESIDENT ARONOW:**

The name of Leslie Joe Eskildsen has been withdrawn from nomination. Are there any other nominations for the office of president? Mr. Habedank.

**DELEGATE HABEDANK:** Mr. Chairman, I nominate Paul Harlow, a long-time friend in education and otherwise, from Thompson Falls, Montana.

**TEMPORARY PRESIDENT ARONOW:**

Mr. Harlow.

**DELEGATE HARLOW:** Mr. Temporary Chairman, I'm even better off than Mr. Rygg. I feel I'm a better man today than I was yesterday, but I must decline because I don't think I'm good enough to be chairman today.

**TEMPORARY PRESIDENT ARONOW:**

The name of Paul Harlow has been withdrawn from nomination. Are there any other nominations for the office of president?

Are there any other nominations for the office of president?

(No reply.)

Are there any other nominations-yes, Mr. Holland.

**DELEGATE HOLLAND:** I move the nominations for the office of president be closed.

**TEMPORARY PRESIDENT ARONOW:**

It's been duly moved that nominations for the office of president be closed. Is there any discussion? Are you ready for the question?

**DELEGATES:** Question.

**TEMPORARY PRESIDENT ARONOW:**

All those in favor, signify by saying Aye—

**DELEGATES:** Aye.

**TEMPORARY PRESIDENT ARONOW:**

-opposed No.

(No reply.)

The Ayes have it. The nominations are closed. Mr. Clerk, would you be kind enough to read the names of the individuals who have been nominated for the office of Convention president?

**SECRETARY MARSHALL:** For the office of Convention president, Leo Graybill, Jr. and Bruce Brown are the two nominees, sir.

**TEMPORARY PRESIDENT ARONOW:**

In accordance with the motion previously made, voted on and carried, the vote will be by roll call, open. Call the roll.

**SECRETARY MARSHALL:**

Aasheim		Graybill.
Anderson,	John.	Brown.
Anderson,	Oscar L.	Pass.
Arbanas		Graybill.
Arness		Graybill.
Aronow		Graybill.
Artz		Graybill.
Ask..		Brown.
Babcock . . . . .		Brown.
Barnard		Graybill.
Bates	.	Graybill.
Belcher		Graybill.
Berg . . . . .		Brown.
Berth&on..	..	Brown.
Blaylock		Graybill.
Blend..	.	Graybill.
Bowman..		Brown.
Brazier		Graybill.
Bugbee		Graybill.
Burkhardt . . . . .		Brown.
Cain.		Graybill.
Campbell		Graybill.
Champoux		Graybill.
Choate..	,	Brown.
Conover	.	Graybill.
Cate	(No	reply.)

**DELEGATE CATE:** Mr. President.

**TEMPORARY PRESIDENT ARONOW:**

Mr. Cate.

**DELEGATE CATE:** Mr. President, with the Convention's indulgence, I would like to explain my vote. I'm Jerome Cate from District 8. I'm 32 years old. I have been a Democrat for 20 years. I was the president of the Young Democrats in the Eighth Grade at Sacred Heart

High School in Miles City. I have been active in the Democratic Party all through my high school and college years.

I worked for Senator Lee Metcalf in Washington for five years. I've been a delegate to the National Convention for the Democratic Party. I've worked for the Senate of the State in 1959 and 1961. I have been President of the Yellowstone County Democratic Club. I have been Chairman of the Democratic Central Committee of Yellowstone County, which is a tough county to be a Democrat in. I have participated on those committees for the Democratic Party for many years. I have been on the Executive Committee of the Democratic Party.

In the first rule of legislative session, fellow delegates, if this were a legislative session, I would be telling the Republicans in the balcony that this is not a legislative session. This is a Constitutional Convention where each and every candidate should exercise his own judgment on each and every issue and not be dictated to by any party machine.

Ladies and gentlemen, for that reason I wish to cast my vote for Bruce Brown, Independent candidate, for president of this Convention. Thank you.

**SECRETARY MARSHALL:** Cate votes Brown. Now, back to Brown.

**DELEGATE BROWN:** Brown.

**SECRETARY MARSHALL:** Brown votes for Brown.

Cross	Graybill.
Dahood .....	Excused.
Davis.	Graybill.
Delaney	Graybill.
Driscoll	Graybill.
Drum.....	Brown.
Eck	Graybill.
Erdmann	Brown.
Eskildsen	Graybill.
Etchart..	Brown.
Felt.....	Brown.
Foster	Brown.
Furlong.	Graybill.
Garlington	Brown.
Graybill	Graybill.
Gysler	Graybill.
Habedank	Brown.
Hanson..	Brown.
Hanson, Rod.,	Graybill.
Harbaugh	Graybill.
Harlow	Graybill.

Harper .....	Brown.
Harrington .....	Graybill.
Heliker .....	Graybill.
Holland .....	Graybill.
Jacobsen .....	Brown.
James .....	Graybill.
Johnson .....	Brown.
Joyce .....	Graybill.
Kamhoot .....	Brown.
Kelleher .....	Graybill.
Leuthold .....	Brown.
Loendorf .....	Brown.
Lorello .....	Graybill.
Mahoney .....	Brown.
Mansfield .....	Graybill.

**DELEGATE:** Mr. President.

**TEMPORARY PRESIDENT ARONOW:**  
Mr. Martin.

**DELEGATE MARTIN:** Mr. President, some of you may remember that yesterday I invited the Republicans to attend the Democratic caucus. I was the only one who attended. They didn't throw me out, but nevertheless, I do think that the selection as of yesterday should have been by 100 instead of 58. I vote Brown.

**SECRETARY MARSHALL:** Martin votes Brown.

McCarvel .....	Graybill.
McDonough .....	Graybill.
McKeon .....	Graybill.
McNeil .....	Brown.
Melvin. ....	Graybill.
Monroe .....	Graybill.
Murray .....	Brown.
Noble .....	Graybill.
Nutting. ....	Brown.
Payne .....	Brown.
Pemberton .....	Brown.
Rebal .....	Graybill.
Reichert .....	Graybill.
Robinson .....	Graybill.
Roeder .....	Graybill.
Rollins .....	Graybill.
Romney .....	Graybill.
Rygg .....	Brown.
Scanlin .....	Brown.
Schiltz .....	Graybill.
Siderius. ....	Graybill.
Simon .....	Brown.
Sparks .....	Graybill.
Skari .....	Graybill.
Speer .....	Graybill.

Studer.....	Brown.
Sullivan	Graybill.
Swanberg..	Graybill.
Toole . . . . .	Brown.
Van Buskirk..	Graybill.
Vermillion	Graybill.
Wagner	Graybill.
Ward.....	Brown.
Warden..	Graybill.
Wilson..	Brown.
Woodmansey	Graybill.
Mr. Temporary President.	

**TEMPORARY PRESIDENT ARONOW:**

Mr. Marshall.

**SECRETARY MARSHALL:** One delegate excused, one delegate passed, the tally of the vote: Graybill, 60 votes; Brown, 38 votes.

**TEMPORARY PRESIDENT ARONOW:**

Thank you, Mr. Marshall.

Does anyone wish to examine the ballot?

**DELEGATE:** Mr. President.

**TEMPORARY PRESIDENT ARONOW:**

Yes. Mr. Brown has the floor. Mr. Brown.

**DELEGATE BROWN:** I would like to thank the delegates to the Convention for the great honor they have given me, and I'm now going to work with Mr. Graybill, and I'd now like to move that we cast a unanimous ballot for Mr. Graybill.

**TEMPORARY PRESIDENT ARONOW:**

Thank you, Mr. Brown. Your action, Mr. Brown, is a most kind and generous motion, and on a standing vote, I take it, you have instructed me to declare this election unanimous?

**DELEGATE BROWN:** Yes.

**SECRETARY MARSHALL:** I now cast a unanimous ballot for Leo Graybill, Jr., for president of the Montana Constitutional Convention of Helena, Montana, this day.

**TEMPORARY PRESIDENT ARONOW:**

Leo Graybill, Jr., receiving a majority of votes cast, has been duly elected president of the Convention.

I hereby appoint the following committee to escort the president to the Chair: Marshall Murray, Joe Eskildsen and Tom Joyce. You gentlemen will perform your duty and escort the president to the Chair.

**PRESIDENT GRAYBILL:** Mr. Temporary Chairman, ladies and gentlemen of the Constitutional Convention, I must say, it's a very humbling process to be elected by this body, and I want to thank all of you.

I think, friends, that we can now say that all had a fair shot at it, and I appreciate the support I got, and I appreciate the unanimous vote afterwards. Let's make it a bipartisan Convention from here on out.

I have no long statement to make, but I would like to remind the delegates and myself, right here at the outset, that we are actually representatives of the people of the fine State of Montana, and I hope that we will keep in front of our minds as we go through the Convention, at all times, the fact that all we are doing is fashioning for the public a constitution that we can honorably and honestly present to them, and ask them to support it when we place it before them next fall.

So, with that in mind, let's put ourselves to the task of putting together the best constitution that we can get the public and the State of Montana to pass.

The Chair would now entertain a motion about rules.

**DELEGATE:** Mr. President.

**PRESIDENT GRAYBILL:** Mr. Romney.

**DELEGATE ROMNEY:** Mr. President, I'm Delegate Romney, District 22. I move that the Convention adopt, as temporary rules, the Joint Rules of the Forty-second Legislative Assembly. Note the word "temporary."

**PRESIDENT GRAYBILL:** The Chair has heard a motion from Delegate Romney that we adopt the Temporary Rules of the Montana Legislative Session, so that we can proceed on that basis.

Mr. Mahoney.

**DELEGATE MAHONEY:** As a point of information from the Chair and from the author of the motion, would we be adopting at this time, as temporary rules, Rule H7-1? This is in regard to committees. I'd like to know.

**PRESIDENT GRAYBILL:** What I think we have in mind, Mr. Mahoney-well, we could ask Mr. Romney. Mr. Romney, do you want to answer that?

**DELEGATE ROMNEY:** It's obvious that we would not use the Joint Rules and the House

Rules to conduct the proceedings of the Convention throughout. Consequently, in order to facilitate and expedite the transaction of our work here today, tomorrow and Wednesday, it is our thought that we could use these rules until such time as the new Rules Committee can perfect a new set of rules which we will use throughout the Convention.

As the Senator knows, in previous conventions, almost always, some set of rules has been perfected by the membership of the convention. For example, the United States Constitution itself, drew up its own rules during the first few days, as you have no doubt known from reading James Madison's notes on the Constitutional Convention.

**DELEGATE MAHONEY:** I'd ask the distinguished gentleman from Ravalli County another question.

**PRESIDENT GRAYBILL:** Mr. Mahoney.

**DELEGATE MAHONEY:** Yes.

**PRESIDENT GRAYBILL:** May we make the observation—I don't know, but I think that it is the intention of Mr. Romney to back up the Montana Rules by Mason's, where they are not specific. Is that correct?

**DELEGATE MAHONEY:** Do you have any objection to removing Rule H7-1 from this proceedings? This is in regard to committees.

**DELEGATE ROMNEY:** As far as the Mason's Rules are concerned, they are implanted in these Rules themselves, anyway, and at any place where these Rules do not pertain, why, Mason's takes over, but I have no objection to taking that out.

**DELEGATE MAHONEY:** Mr. Chairman, in order to get the whole Convention—and this is a very important thing, and this is going to hinge on something that could be done.

I'm going to move, as a substitute motion to this motion, that we remove this Rule from the temporary rules of this Convention, and will be adopted later. I hope I'm in order, and I will now move that Rule H7-1—and I will now read it—

**PRESIDENT GRAYBILL:** Will you give the delegates the sense of Rule H7-1?

**DELEGATE MAHONEY:** I have now my glasses. Mr. Chairman, this is on page 72 of the House Rules:

"The Committee on Rules and Journal shall consist of the Speaker and four members appointed by him. The Speaker shall appoint other Standing Committees, Select Committees, and House membership on Joint Committees and Conference Committees. The Standing Committees of the House are as follows..."

Now, I'm not going to worry about these committees. This is the part that I would like to have this Convention determine, how they would like to have these committees appointed, and if this should be adopted in there, then it would run straight over to the president of the Convention.

So, Mr. Chairman, I move to remove that from Mr. Romney's motion, this one rule in regard to committees. Let the Rules Committee come back to the Convention with another rule on this, if they so desire.

**PRESIDENT GRAYBILL:** Now, Mr. Mahoney, we understand your motion, and we'll let them vote on it here in a minute.

It is the intention of the Chair, in any event, to call for another motion about the appointment of committees, and especially about appointment of a Rules Committee, but we do want some rules to operate under.

Yes, sir.

**DELEGATE BRAZIER:** I rise to second the motion of Mr. Mahoney.

**PRESIDENT GRAYBILL:** Mr. Brazier.

**DELEGATE BRAZIER:** Delegate Brazier from District 12.

**PRESIDENT GRAYBILL:** All right, you have heard the motion of Mr. Mahoney—or the substitute motion of Mr. Mahoney, that we adopt the Montana House Rules, backed by Mason's Rules, with the exception of the Rule on appointment of the committees.

Is there any further discussion?

**DELEGATE:** Mr. Chairman.

**PRESIDENT GRAYBILL:** Mr. Blaylock.

**DELEGATE BLAYLOCK:** If this is a substitute motion of a substitute motion, doesn't that replace the entire motion of Mr. Romney's? This is just an amendment, isn't it?

**PRESIDENT GRAYBILL:** I think Mr. Mahoney called it a substitute motion, but if I understand him correctly, he's willing to operate under

the Montana Legislative Rules, backed by Mason's, but without the committee Rule. Is that correct, Mr. Mahoney?

**DELEGATE MAHONEY:** All I'm trying to do is remove the one section, and if the Chair can determine how to do it now, I'll do it.

**PRESIDENT GRAYBILL:** Right. So now, we have before us, a substitute motion of Mr. Mahoney, that we adopt as our temporary rules the Montana Legislative Rules, backed by Mason's, without the Rule on committee appointments.

Now, is there any other discussion?

**DELEGATE:** Mr. President.

**PRESIDENT GRAYBILL:** Mr. Felt.

**DELEGATE FELT:** Begging the indulgence of the Assembly-and when this is completed, I can assure you you won't be hearing from me this frequently-I thought that this would be an amendment, and I intended to speak, but since it's been treated as a substitute motion, I feel that there are a few other things that need to be mentioned because these House Rules that we're adopting in a temporary manner, are quite well, but unfortunately, I doubt if many of us-I know I do not-have a copy of them with us.

But, speaking from some memory of these Rules, I-and, of course, the point that Mr. Romney made is well taken, as well as Robert's Rules, and we are using them because they are in the Enabling Act and they are duly incorporated in the House Rules, and in that respect, they are adequate for our purposes.

At this time, I-if I recall these House Rules correctly, they are developed in the overall purpose and sense of being a set under which a House of Representatives of this state can operate efficiently, recognizing rights of minorities; but, by golly, they give the majority the power to control, and do they ever give the Speaker of the House power, way beyond what anyone has ever suggested giving the president of a Convention such as this.

That I know because I held the position. It gave you not only the possibility of naming the committees, but naming all the members to every committee, and deciding who will be the chairman and vice-chairman. Deciding what proposals go to each committee. And in all the parliamentary procedural matters, the power is granted way beyond those that have been discussed in the pamphlets that have been distributed to us, and

the discussions we have had amongst ourselves, and this comes as quite a surprise to me.

I thought that we would follow the procedure reviewed for us in the last couple of days of our orientation period, which calls-and this is in the pamphlets that were handed to you-for the creation of a committee to deal with rules of our organization. Now, this committee would then be able to report and give us the proposals that they think would be appropriate for our proceedings.

I feel that with all of the parliamentary procedural rules, we already have a workable set in the rules that were given to us by the Enabling Act through Mason's Rules, so we are fully capable of doing whatever we wish to undertake, and that it's not necessary, and I think that Mr. Mahoney put his finger on the most single important matter that we have all discussed at length, but they are certainly inappropriate for us.

He is asking us to adopt, as our rules, something that is not comprehensive, something that we do not have before us, something that we understand only in a general way. We have had this presented without benefit of committee report or investigation.

For those reasons, Mr. Chairman, I move as a substitute motion for all motions pending, that the Mason's Rules of Procedure be continued as the rules of this body until such time as we have the benefit of the report of the Committee on Rules of Organization and I would, if this motion should carry, be pleased to make a motion calling for the Chair to begin the process of selecting a committee-temporary committee-to deal with the organization, although I would hope that the membership of the committee would at least be ratified by a voice vote on the floor. Thank you.

**PRESIDENT GRAYBILL:** Now, the Chair understands that you have made a substitute motion, Mr. Felt, and your substitute motion is that the Mason's Rules, rather than the Legislative Rules backed by Mason's Rules, be the rules--temporary rules--under which we operate, just until the Rules Committee reports, is that the sense of your motion?

**DELEGATE FELT:** That's correct.

**PRESIDENT GRAYBILL:** Now, the Chair is in doubt and will ask the parliamentarian. Is this second substitute motion in order?

**PARLIAMENTARIAN BADEN:** Yes.

PRESIDENT GRAYBILL: The second substitute motion is in order.

I understand, then, that no further substitute motions are in order?

PARLIAMENTARIAN **BADEN:** Yes.

PRESIDENT GRAYBILL: No further substitute motions are in order, and we're now open for debate on the second substitute motion, or we'll vote.

DELEGATE ROMNEY: Mr. Chairman.

PRESIDENT GRAYBILL: Mr. Romney.

DELEGATE ROMNEY: Delegate Romney, District 22. I enthusiastically endorse the proposition of Delegate Felt because it's precisely what I said in the first place.

PRESIDENT GRAYBILL: All right. Are you ready for the question?

DELEGATE MAHONEY: Mr. President.

PRESIDENT GRAYBILL: Mr. Mahoney.

DELEGATE MAHONEY: I don't think there is enough people that has gotten House Rules, let alone trying to operate under Mason's Rules. They are quite a problem to get copies of.

I think we could operate very handily under this substitute—not Mr. Felt's motion, but under my thing, if we cleared up the main points of this issue at this time, and I would like to oppose Mr. Felt's motion and stay with the House Rules, very temporarily, with my amendment to take out appointment of committees. That is what I would like.

PRESIDENT GRAYBILL: Is there further discussion?

The Chair would like to make the point that when you delegates stand, to say your name and speak up because A, I might not know all your names, but B, there is an awful bright light in my eyes—which I hope won't be here after today—so speak up.

DELEGATE: Mr. President.

PRESIDENT GRAYBILL: Yes.

DELEGATE: I'm Richard Nutting from District 7.

PRESIDENT GRAYBILL: I recognize Delegate Nutting.

DELEGATE NUTTING: I rise in support of Mr. Felt's motion. I had drawn up a tentative proposition to which I would like—that I would like to present if this motion endures.

PRESIDENT GRAYBILL: Now, is this matter that you are going to present, another matter?

DELEGATE NUTTING: This is in support of Mr. Felt's motion.

PRESIDENT GRAYBILL: All right, you may allude to it. Go ahead.

DELEGATE NUTTING: The motion that I would be interested in, which would replace this motion, would be that a temporary committee be selected on rules and organization, to be dissolved after presenting its final report to the Convention. That it consist of seven delegates to be nominated by the president and approved or disapproved by a majority vote of the delegates. Its duties shall be to present a final report tomorrow, recommending various officers to be selected by the Convention, and the method of selection to be utilized, the names of all substantive committees now created, the number of delegates to make up each such committee, and such other matters as such committee believes to be pertinent to the organization of the Convention.

That such committee may have its own organization meeting during a brief recess of the Convention this day, so that it may select its own chairman and consider holding a committee hearing, and meeting in the Senate Chamber immediately following adjournment this day, or other procedures it may wish to utilize; and that it be permitted to utilize stenographic and clerical help from the staff of the Constitutional Convention Commission, or such other persons as it may wish to employ.

Now, I think this does what we're all trying to do, without—it would mean that there would be a temporary rules committee, which would come back and report. So, if Mr. Felt's motion would prevail, I would be very happy to present this in substitution, and we would not—we would be operating under a clear set of rules when the Rules Committee reports back.

PRESIDENT GRAYBILL: The Chair is under the impression that similar motions are going to be made if these motions—when we clear up the matter of what rules we're under.

Now, we're still debating Mr. Felt's motion. Is there any more discussion?

(No reply.)

Are you ready for the question?

DELEGATES: Question.

PRESIDENT GRAYBILL: All right. The question, then, is on Mr. Felt's motion that we use Mason's Rules as the temporary rules until the Rules Committee meets and brings in, for our consideration, a separate set of rules for this Convention.

We'll use the voting machines, Mr. Marshall. All those in favor of Mr. Felt's motion vote Aye, all those opposed vote No.

Have all the delegates voted? Do any of the delegates wish to change their votes? The vote is now closed.

Mr. Marshall, will you tell us the result of the vote?

SECRETARY MARSHALL: 71 have voted Aye and 24 have voted No.

PRESIDENT GRAYBILL: By your vote, we have adopted Mr. Felt's motion making Mason's Rules of Order the temporary rules of this Convention.

The Chair would now entertain a motion about the appointment of a temporary Rules Committee so that we can get on with the job of making rules.

Mr. Blaylock.

DELEGATE BLAYLOCK: Mr. Chairman, Chet Blaylock, District 8. I move that the president appoint a temporary Committee on Rules of Organization, and report to the afternoon session. The Committee to consist of three members of each party, the president acting as *ex officio* member.

PRESIDENT GRAYBILL: All right, you have heard Mr. Blaylock's motion that there be a committee of six, was that?

DELEGATE BLAYLOCK: Yes.

PRESIDENT GRAYBILL: Three from each party, with the president also to act on the committee and to bring in rules to an afternoon session under which we could conduct the remainder of the preliminary business.

Now wait a minute. I want to find out if the other side wants to amend or it's roughly the

same thing as you said, but is there any other amendments or motions?

DELEGATE MAHONEY: I just hate to be disenfranchised the first day.

PRESIDENT GRAYBILL: All right. First, I'll recognize Jeff Brazier.

DELEGATE BRAZIER: Mr. President, I offer a substitute motion that the Committee be a seven-member committee, to be elected in its entirety from the delegation. A legal ballot in such election, as being one which does not include more than seven names of nominees.

The reason I suggest this method, is so that we can dispose of the matter with one ballot, and get on with other business.

PRESIDENT GRAYBILL: Now, if I understand you correctly, you're saying that we should elect them, but we would only allow seven people to be nominated?

DELEGATE BRAZIER: Well, there's no magic in any particular number, just so far as it's an odd number. What I'm getting at, is the problem that Mr. Mahoney has.

To be specific, it's a choice of whether the delegation itself or the Convention itself select this Committee, or whether the president appoints it. I just submit that it can be disposed of with one ballot.

We can take the nominations, and have everybody sign and file a ballot, with not more than seven names among the nominees.

PRESIDENT GRAYBILL: Mr. Felt, we are now debating the amendment to Mr. Blaylock's motion, the amendment to be that we would have a ballot instead of appointed from the Chair, and that the ballot would be limited to seven names.

DELEGATE FELT: Well, whether it's an amendment or a substitute motion, I would like to speak on it.

I had originally intended to ask the gentleman, Mr. Blaylock, a question, but I think you have perhaps answered it.

I would, therefore, oppose the motion of the gentleman, Mr. Brazier, because I feel that it would be appropriate to have the president nominate the delegates. And as long as the motion includes a spread upon party relationships, and I would anticipate, certainly, that this would properly cover other acts of trying to get a representative group on the Committee, but the one

thing I hoped might be included, and it's too late for me to offer it as an amendment now, it would be simply that—well, it might be a rather routine procedure as to ratifying and confirming the nominations made by the Chair. And I would somewhat prefer to see the Floor holding the authority which it has, and exercising it, while delegating to the Chair the duty and the ability to make nominations, but that the Floor would confirm this, and it could be done by voice vote, or any method desired.

So, if we reach the point where I would be able to offer this type of amendment to the motion made by the gentleman, Mr. Blaylock, I would contemplate doing so, and would support the motion if my amendment could be in.

**PRESIDENT GRAYBILL:** Is there other discussion about the substitute motion of having a ballot?

May I ask the Body if it would be appropriate if the Body knew whom the Chair would appoint to the Rules Committee, if it did appoint?

No one rising to speak to that, I would take it that there is no more discussion, and we'll vote on the amendment, which is that we have a ballot to select the temporary Rules Committee of seven. Are all seven to be elected, Mr. Brazier?

**DELEGATE BRAZIER:** That's the intention of my motion, Mr. President.

**PRESIDENT GRAYBILL:** May I ask another question, because the Chair is in genuine doubt as to whether you have any restrictions as to whether these all be in one party, or any number from any one party, or just the first seven that happen to get nominated.

**DELEGATE BRAZIER:** Well, the seven pulling the highest number of votes. I just had a feeling, with the cross section of thinking in this delegation there is no way we're going to have them all from one party.

**PRESIDENT GRAYBILL:** In other words, we can nominate as many as we want, is that true, but only seven are elected?

**DELEGATE BRAZIER:** Yes.

**PRESIDENT GRAYBILL:** All right. Now, I understand you.

So the point is, we are now voting on an amendment to elect the temporary Rules Committee, the amendment to the original motion that the Chair appoint a temporary Rules Committee,

three from each party, and that the Chair sits as a member.

Is there any further discussion?

**DELEGATES:** Question.

**PRESIDENT GRAYBILL:** All right. We'll vote by the machine. All those voting in favor of the amendment, mainly to have the temporary Rules Committee chosen by a ballot, the top seven to be selected, indicate by saying Aye. All those opposing it vote No.

Have all the delegates voted?

**SECRETARY MARSHALL:** Not yet, sir.

**PRESIDENT GRAYBILL:** Have all the delegates voted? Does any delegate wish to change his vote? The vote is now closed. Will the clerk tell us the vote?

**SECRETARY MARSHALL:** Mr. President, 18 voted Aye, 79 have voted No.

**PRESIDENT GRAYBILL:** The motion has failed.

Now, is there any further discussion on the original motion of Mr. Blaylock?

**DELEGATE:** Mr. President.

**PRESIDENT GRAYBILL:** Mr. Blaylock.

**DELEGATE BLAYLOCK:** I have no objection to Mr. Felt's point that the nominations be ratified by the body.

**PRESIDENT GRAYBILL:** All right. You're putting that as an amendment, or a condition of your original motion?

**DELEGATE BLAYLOCK:** With the permission of the Convention, since I made the original motion, I should like to make that motion, so that this will be ratified by this body.

**DELEGATE:** Mr. President.

**PRESIDENT GRAYBILL:** All right, Mr. Aasheim.

**DELEGATE AASHEIM:** The original motion specified three from the Republican and three from the Democratic Party. I just wonder if we aren't excluding from this motion—and I'd like to amend that motion to say, three from the Democratic Party and three from any other area that the Chair might wish to select.

**PRESIDENT GRAYBILL:** Very well, you have made an amendment. Is there any discussion on the amendment? Mr. Harper.

**DELEGATE HARPER:** George Harper, District 12. I just think we ought to get something sort of out and on the boards right at first. The six of us who happen to be here as Independents are not another party. We also consider ourselves to be members of this Constitutional Convention. When the people of our district elected some delegates as Republicans, they did not send those people here to represent the Republican Party. They sent them to represent our district, and likewise with the Democrats, and the same way with us as Independents. They certainly did not send me as an Independent to represent myself, but to be a part of the whole district procedure.

Now, if this keeps up, in effect—that is, this idea of having bipartisan and meaning Republican and Democrats—those of us who are Independents may as well go home, or register as visitors in this kind of a delegation.

Now, I'll go to this point, though, I don't think we ought to always be classified as Republicans. Now, this tendency was shown yesterday, when the Democrats assumed they would be against the rest of us, and I noticed that the Chairman once today said, "the other side." We don't want to consider ourselves as being the "other side" from the Democrats, and I don't know why we might not have an Independent as one of the three Democrats who are on the Committee, as well as one of the three who are from outside.

I feel very keenly about this, and I don't want to prolong this session except to say that I think this kind of thinking betrays what most of us said when we were running for office, and this goes for most of you, that the sooner we get through with this business of mentioning parties, the sooner we get through this idea of caucusing and going we and they, the sooner we can settle down and get the job done, and the much more attractive the outcome will be to the people of this state.

**PRESIDENT GRAYBILL:** All right. Any more discussion on the substitute—or the amendment, rather, which is that the Chair select three from each side—whatever that means?

**DELEGATE:** Mr. Graybill.

**PRESIDENT GRAYBILL:** Yes, sir.

**DELEGATE:** Delegate James. I think George has a very good point there. I think from

now on we should make appointments according to ability and talent. We are here to draft a constitution for the State of Montana, not a Democratic or Republican or an Independent. We have given you a vote of confidence, and you expressed during your campaign, you might say, the fact that you would conduct this meeting in a fairway. We have given you this vote of confidence, and we feel it's up to you, and if we disagree, we'll let you know.

**PRESIDENT GRAYBILL:** Is there any further—Mrs. Pemberton.

**DELEGATE PEMBERTON:** Catherine Pemberton, District No. 1. I believe it was Mr. James over here who just spoke. I'd like to also call our attention to remembering the fact that we are 81 men and 19 women, and we are all working towards the interests of Montana in this Convention, and I'd like to have us think that way from here on.

**PRESIDENT GRAYBILL:** Thank you, Mrs. Pemberton.

Is there any other discussion on the amendment?

**DELEGATE:** Mr. Chairman.

**PRESIDENT GRAYBILL:** Yes, sir.

**DELEGATE:** I'm Bill Burkhardt from District 12. I rise to just try to clarify what, to me, has been a confusing procedure, and I'd like to know the length of tenure of the temporary Committee. I would like to know the scope of their responsibility, and I'm just not certain. I'm hearing sentiments expressed that I agree with in terms of keeping this an open and nonpartisan and genuinely citizen-oriented work, and yet we're just getting tired enough that we're going to slip through and wonder later what we did. And I'd like some clarification about precisely how long this Temporary Rules Committee will be functioning and precisely what the scope of its duties are and, now, just what the amendment really is.

**PRESIDENT GRAYBILL:** All right, the Chair would like to say, in his opinion at the moment, subject to change, the idea is to elect a temporary Rules Committee to come up with rules which would allow us to proceed to pick a vice-president and other necessary officers, and to organize committees, and carry us through what we all understand is the first two or three days here.

At that time, or later on, a regular Rules Committee will be adopted, and the regular Rules Committee will, in my opinion, have the duty of determining how we will proceed when we get to the assembly part next January, how things will be done. All of that business will be done later.

This is only to facilitate the setup, and it really isn't a matter of temporary, it's a matter of this Rules Committee will set up the first rules for our organization. And later on, the later Rules Committee would set up the operational rules under which we act now.

That is the way I see it, and I'm perfectly willing to hear discussion, but that is what I think we are trying to do now.

Is there other discussion? Mr. Romney, I'm going to recognize the lady.

DELEGATE: Mae Nan Robinson, District 18. I would like to offer an amendment to Mr. Blaylock's motion, that the Chair nominate a temporary Rules Committee composed of seven people, to be nominated without reference to party or any other consideration other than ability.

PRESIDENT GRAYBILL: I think the Chair will temporarily rule your motion out of order, until we have disposed of the matter—we have an amendment here, and your amendment is not to the amendment itself, it's an amendment to the original motion. Do you follow me?

DELEGATE ROBINSON: Yes.

PRESIDENT GRAYBILL: Stand up again, if you want to, but let's dispose of Mr. Aasheim's amendment, which is whether or not the Chair is to pick three Republicans or three from the "other side."

DELEGATE: Mr. Chairman.

PRESIDENT GRAYBILL: Yes, Mr. Aasheim.

DELEGATE AASHEIM: Magnus Aasheim from District 4. I sense the sentiment of the group, and I would like to withdraw my motion.

PRESIDENT GRAYBILL: Is there any objection to the withdrawal of the motion?

(No reply.)

All right, the motion is withdrawn.

Now, we're back to Mr. Blaylock's motion that the Chair appoint three Democrats and three Republicans and that the Chair sit with them to make a committee of seven.

Now, I'll hear from the delegate from Mrs. Robinson from Missoula.

DELEGATE ROBINSON: I would like to offer that the Chair nominate seven members to the temporary Rules Committee without reference to party designation.

PRESIDENT GRAYBILL: All right, the motion has been made that the Chair, as a substitute-no, as an amendment to Mr. Blaylock's motion, that the Chair nominate seven members to a temporary Rules Committee.

Is there discussion on that motion? Yes.

DELEGATE: I believe that she meant appoint—excuse me, Rod Hanson, District 15. I believe she meant appoint instead of nominate.

PRESIDENT GRAYBILL: Well, I think the sense of Mr. Blaylock's amendment is, that whatever I do will be put before this body for ratification, so I think she really means nominate, and then if you agree with the group I select, fine, and if not, we start over.

DELEGATE ROBINSON: I really mean nominate.

PRESIDENT GRAYBILL: She really means nominate, Mr. Hanson.

Are there other delegates wishing to discuss the amendment which would have the Chair nominate seven members?

(No reply.)

If not, we'll proceed to vote on the amendment, which is that the Chair appoint seven members to a temporary Rules Committee, with it understood that the temporary Rules Committee is operating only to set up organizational rules, and that this temporary Rules Committee, when the Chair has made the appointments, will be submitted to you for your ratification, and the Chair is not now, at the moment, bound by party designation by this motion.

Are you ready to vote?

DELEGATES: Question.

PRESIDENT GRAYBILL: The vote is open. Those in favor of the motion say Aye, those opposed vote No. Have all the delegates voted? Does any delegate wish to change his vote? If not, the vote is closed.

SECRETARY MARSHALL: Mr. President, 91 have voted Aye, 7 voted No.

**PRESIDENT GRAYBILL:** Well, then, the motion is carried. The vote has carried in favor of the motion making it the Chair's obligation to nominate seven members of this body to a temporary Rules Committee.

Yes, sir.

**DELEGATE CATE:** Mr. President, the last two or three votes haven't shown on the board up here. The last two votes haven't shown.

**PRESIDENT GRAYBILL:** I guess, Mr. Marshall, unless we direct you otherwise, we would like to see our votes go up in lights.

I think-if the Chair may have just a moment.

All right, the Chair would nominate the following members to the Rules Committee, and none are to be designated by me as chairman because that wasn't in the motion. First, Joe Eskildsen; second, Margaret Warden; third, Miles Romney; fourth, Tom Joyce; fifth, Tom Ask; sixth, Marshall Murray; seventh, John Toole.

The Chair is mindful that it didn't have to do anything, and that there are all types of people here, but that's what I nominated. It looks to me like it would be a good list, and I submit it to you.

The Chair would now entertain a motion that we put it before this body, and this group see if it wants to ratify or not.

**DELEGATE FELT:** Mr. President.

**PRESIDENT GRAYBILL:** Mr. Felt.

**DELEGATE FELT:** I move the body approve the nominations made by the president, and I'll just mention now that I would hope, after this, that perhaps in line with comments that have come from different members of the floor, perhaps Mr. Nutting might make a motion, including the miscellaneous questions on the proposal dealing with the duties and term of office, and the various details of the function of that committee.

I now move that we approve the nominations made by the president.

**PRESIDENT GRAYBILL:** All right, Mr. Champoux. You were on your feet, do you have anything to say?

**DELEGATE CHAMPOUX:** Nothing but to say that I came here to Montana with a Boston accent, and I second his motion.

**PRESIDENT GRAYBILL:** All right, the motion has been made and seconded that the Chair's nominees be ratified by the Convention as

the temporary Rules Committee to set up the operational rules under which we would operate for the balance of our initial term here, between now and the next two or three days when we adjourn until January.

Does everybody understand the sense of the motion?

(No reply.)

All right, is there discussion?

**DELEGATES:** Question.

**PRESIDENT GRAYBILL:** Come on, aren't you going to discuss it? All right. You're ready for the question. We'll take a vote on the machine. The vote is now open. Those in favor of Mr. Felt's motion; that the Chair's nominees to the temporary Rules Committee be sustained, or ratified, vote Aye, those opposed vote No.

Have all the delegates voted? Do any of the delegates wish to change their vote? Now we'll close the vote. Will the clerk show the vote?

**SECRETARY MARSHALL:** Mr. President, 96 delegates have voted Aye, none have voted NO.

**PRESIDENT GRAYBILL:** Now, we are getting more bipartisan all the time.

Okay. That's the temporary Rules Committee, then, and I would like to ask that the temporary Rules Committee remain after we adjourn, or after we recess-maybe over here in the right-hand corner-to pick a time and place when they can meet this day.

Now, the hour is getting late. The Chair will recognize--all right, Delegate Nutting.

**DELEGATE NUTTING:** Delegate Nutting, District 7. I move that the temporary Committee be dissolved after its final report to the Convention. That the Committee's duties shall be to present a final report recommending the various officers to be selected by the Convention and the method of selection to be utilized, the names of all substantive standing committees to be now created, the number of delegates to make up each such committee, and such other matters as the Committee believes to be pertinent to the organization of the Convention. That such committee will have its own organization meeting during a brief recess of the Convention this day, so that it may select its own chairman and consider holding a committee hearing and meeting in the Senate Chamber immediately following adjournment this day, or such other proceedings as it may wish

to utilize, and that it may be permitted the use of the stenographic and clerical help from the staff of the Constitutional Convention Commission, or such other persons as it may employ.

**PRESIDENT GRAYBILL:** Mr. Nutting, first of all the clerk would like a copy of your motion which, I take it, you can supply them.

**DELEGATE NUTTING:** May I ask for clarification from the Chair?

**PRESIDENT GRAYBILL:** Yes.

**DELEGATE NUTTING:** You listed substantive committees. May this Rules Committee also deal with procedural committees? Can we get that out of the way?

**PRESIDENT GRAYBILL:** Yes.

**DELEGATE NUTTING:** It says, "and such other committees."

**PRESIDENT GRAYBILL:** All right, you have heard the motion, which is to tell this Rules Committee what to do and to get them started. Is there a **second**? **Mr. Romney.**

**DELEGATE ROMNEY:** I note that the hour is getting late and the stomach is speaking up. The proposal sounds good to me, but it's long. I think it would be wise to have it reproduced so that all delegates may have possession of it, and we can take action on it after the recess.

**PRESIDENT GRAYBILL:** Now, Mr. Romney, I don't understand what you mean. You mean we would not vote on it now, or that we would have it reproduced even though we vote on it?

**DELEGATE ROMNEY:** I would like to know what I'm voting on. I think it should be reproduced so we would be able to ponder it, and then we can proceed. So, I move that we have it reproduced and that we consider it after therecess.

**PRESIDENT GRAYBILL:** May I ask you a question, Mr. Romney? Is it your understanding that the Committee could still get together and meet, or are they powerless until we—

**DELEGATE ROMNEY:** If everybody is aware that this will be before us, about all we can do now is to get together and decide when we are going to meet and where.

**PRESIDENT GRAYBILL:** All right—

**DELEGATE ROMNEY:** In the meantime, we're operating—have been operating in a vacuum without any rules.

**PRESIDENT GRAYBILL:** Well, we've got rules, now, but no Rules Committee. But the Chair understands that there was an amendment to the motion. So there is an amendment that the motion be made available to the delegates and that they will not consider it at this time.

Is there any discussion on the amendment?  
(No reply.)

All right, we'll open the vote. All in favor of the amendment that we have this reproduced and then we vote later on the duties of the Rules Committee, or the outline of what the Rules Committee can do, please vote Aye. All those opposing that motion vote No. The vote is open.

Have all the delegates voted? Do any delegates wish to change their vote? The vote is closed. Will the clerk announce the vote?

**SECRETARY MARSHALL:** Mr. President, 52 have voted No, 42 have voted Aye.

**PRESIDENT GRAYBILL:** All right, the amendment has failed. We are now considering Mr. Nutting's original motion that we direct the Rules Committee, according to the tenor of his motion, to proceed and report back to us. Is there any further discussion?

**DELEGATE:** Mr. Chairman.

**PRESIDENT GRAYBILL:** Mr. Aasheim.

**DELEGATE AASHEIM:** Magnus Aasheim, District 4. The hour is getting late, as Miles Romney said. This is a rather lengthy resolution, and in view of the dinner hour, I move that we recess, subject to the call of the Chair.

**PRESIDENT GRAYBILL:** The motion has been made that we recess, subject to the call of the Chair. No one is required to second. Is there any discussion? It's nondebatable. All right, it's amendable, but not debatable. Any amendments? If not, we'll vote now. The vote is now open on whether or not to recess, subject to the call of the Chair.

**DELEGATE FELT:** Mr. Chairman, a point of order—or a point of information. I would like to know if that clock is one hour off, or my watch is an hour off.

**SECRETARY MARSHALL:** That clock

hasn't worked in 10 years, Mr. Felt. You know that.

**DELEGATE FELT:** Mr. Marshall, you also know that you have to put your question, sometimes, in a rather ridiculous manner to get to the point. Everyone's looking at that clock and saying it's late.

**PRESIDENT GRAYBILL:** It's 12:25.

All right. Now the vote is now open on whether or not to recess, subject to the call of the Chair, and those in favor of that motion vote Aye, and those opposed to that motion vote Nay.

Have all the delegates voted? Does any delegate wish to change his vote? The vote is now closed. Will the clerk announce the vote on recessing?

**SECRETARY MARSHALL:** Mr. President, 62 have voted Aye, 35 have voted No.

**PRESIDENT GRAYBILL:** The Chair would like to announce that it will attempt to see if we can't get these matters straightened out, and we probably will have a call of the Convention yet this afternoon, so don't go away. I guess we stand in recess.

What time? All right, the Chair would say about 3:30. We are in recess until 3:30.

(The Convention recessed at 12:30 p.m.—reconvened at 3:30 p.m.)

### Afternoon Session

**PRESIDENT GRAYBILL:** Will the delegates please now be in order.

Has the rules-the temporary Rules Committee returned to the floor?

Mr. Marshall, do I understand, Mr. Marshall, that you've been designated the Chairman of the temporary Rules Committee-Murray, pardon me. Marshall Murray.

**DELEGATE MURRAY:** Mr. President, the Rules Committee-the temporary Rules Committee has met and I would like to report that I was elected the chairman of that committee and Leslie Joe Eskildsen has been elected the vice-chairman of that committee, and I move the adoption of that committee report. I guess we don't need to move that adoption. All right.

**PRESIDENT GRAYBILL:** All right. Hearing no objection, we'll assume that you're the chairman and that Mr. Eskildsen is the vice-chairman.

**DELEGATE MURRAY:** Fine, thank you. All right, for the next matter. I think there's some doubt as to whether or not there is a motion before the Convention.

**PRESIDENT GRAYBILL:** Mr. Marshall informs me there is no motion, but that the matter handled here could be handled, perhaps, at the end of the day as to the directions to the Rules Committee as to what to do with your final report.

**DELEGATE MURRAY:** For the rest of my report, then, and in order to alleviate any doubt, I would request that Mr. Nutting withdraw his motion if, in fact, he's made it.

**PRESIDENT GRAYBILL:** Mr. Nutting.

**DELEGATE NUTTING:** Mr. Chairman—President, I withdraw my motion until a future date.

**PRESIDENT GRAYBILL:** All right. Now, Mr. Murray, do you have a report from the temporary Rules Committee on the problem of the vice-presidency, or the officers?

**DELEGATE MURRAY:** Mr. President, let me explain how we went about this matter. We discussed the matter of the procedural committees and the matter of the substantive committees first, and arrived at a result. We also arrived at a recommendation regarding the appointment of those committees. Now, we understand that after doing so, that it is the interest of the president of this Convention to have the statutory vice-president elected so that these committees could be selected, if they are adopted or accepted by this Convention. In this respect, we ran out of time. It is the consensus of the temporary Rules Committee that there should be three elected vice-presidents. We could not determine their specific duties within the time limit of our meeting and, therefore, it is the report of this committee, at this time, that the Convention shall elect a first vice-president or the statutory vice-president, who shall have such duties as the president assigns during the 3-day

organizational meeting, now and I move the adoption of that committee report.

Now, may I speak to it, Leo, for just a moment?

**PRESIDENT GRAYBILL:** May I make one request for clarification? Do I assume, then, that when the committee finally reports, it will have come in with some duties for this vice-president, permanently?

**DELEGATE MURRAY:** We are in doubt as to that.

**PRESIDENT GRAYBILL:** Well, in any event, at the moment, do you want to get him elected?

**DELEGATE MURRAY:** At the moment, I— it is the consensus of the committee that we would like to have the vice-president referred to in The Enabling Act elected so that he can meet with the president and they can perform the function of appointing the various members to the committees.

**PRESIDENT GRAYBILL:** (inaudible—both speaking at once) Could the Chair understand that he, at least, would have the duties assigned him by The Enabling Act, of taking over if anything happens to me?

**DELEGATE MURRAY:** At least those duties, yes. We contemplate that.

**PRESIDENT GRAYBILL:** All right. Now, that's your motion. Do you wish to speak to the motion, Mr. Murray?

**DELEGATE MURRAY:** No. With that explanation, I think that's sufficient.

**PRESIDENT GRAYBILL:** All right. You have heard the motion of the chairman of the temporary Rules Committee that we proceed to elect the statutory vice-president, that he have such duties as the chairman assigns—as the president assigns him for the 3-day period, that he have, certainly, the statutory duty of replacing the president in the occasion of my sickness or absence, and that the Rules Committee will come up with other rules for the remainder of the officers at a later date.

Is there any discussion about this proposed rule—or this proposed resolution by the Rules Committee?

(No reply.)

Are you ready for the question? No? Mrs. Payne.

**DELEGATE PAYNE:** Did I understand Mr. Murray correctly to say that you are going to elect three vice-presidents? Is this what you recommended?

**PRESIDENT GRAYBILL:** (inaudible) I'll give you Mr. Murray.

**DELEGATE MURRAY:** Mr. President, Mrs. Payne, it is the consensus of the committee, and I'm sure this committee will eventually report out the recommendation, that this Convention elect three vice-presidents.

**DELEGATE PAYNE:** But at this particular time, it would just be voting on whether or not to elect one?

**DELEGATE MURRAY:** That's correct.

**PRESIDENT GRAYBILL:** Is there other discussion on the resolution? Mr. Berg.

**DELEGATE BERG:** Mr. President, Ben Berg from District 11. I should like to inquire as to whether the first vicepresident is to join with the president in its selection of committees, or do I misunderstand that?

**DELEGATE MURRAY:** Under my suggestion, that is true because I move that he shall have such duties as the president assigns him, and by that, I mean after talking with the president, that he wants the vice-president to meet with him so that the committee assignments can be made.

**DELEGATE BERG:** So that this is at least one duty that will now be undertaken by the first vice-president? And other duties are to be assigned by the Committee on Rules later?

**DELEGATE MURRAY:** The recommendation will be made by the committee later. We're in doubt as to whether each of the vice-presidents, as in the case of one of the conventions, should have the duties assigned by the president, or whether

the rules themselves should spell out their duties, and we're trying to iron that out amongst us.

**PRESIDENT GRAYBILL:** The president will announce that it would be his intention to confer with such a vice-president on any committees that were appointed, if the Chair had anything to do with those committee appointments.

Is there further discussion? Mr. Felt.

**DELEGATE FELT:** Your last comment may have clarified the question I had because I did not recall, at least, whether we had given authority for committee assignments to any person, president, vice-president, or committee, or any group, but it seemed to be assumed that both would have powers. But that really has never been acted upon, and there actually could be—certainly be some question.

**PRESIDENT GRAYBILL:** I think you're correct that I, certainly, have no power to do that, and we'll see what they come in with. But if I do have any power to do that, then I'm going to confer with the vice-president on that.

Mr. Murray.

**DELEGATE MURRAY:** Mr. President, with respect to the question of Mr. Felt, we considered that, and that is why this motion contains the language "such duties as the president assigns him," because we are about to take up the other issue. We have a recommendation with respect to the appointment of committees.

**PRESIDENT GRAYBILL:** All right, is there further discussion on the motion?

(No reply.)

Are you ready for the question?

DELEGATES: Question.

**PRESIDENT GRAYBILL:** All right, we're voting on the res on the rule on the temporary Rules Committee's first resolution, that we proceed to elect a first vice-president, who would have the statutory duties, who would have such other duties as assigned by the president during the first 3-day session, and the president has already indicated that this would include going over committees with the first vice-president, if the chairman has any such right, and that we proceed after we approve this, to elect such a vice-president.

The vote will now be taken by the machine. The vote is open. Those in favor of the resolution

vote Aye, those opposed to the resolution vote No.

Have all the delegates voted? Do any delegates wish to change their votes? If not, the Chair will close the vote. Mr. Clerk, will you tally the votes?

**SECRETARY MARSHALL:** Mr. President, 99 delegates have voted Aye, none voting No.

**PRESIDENT GRAYBILL:** Very well. I take it that the Convention, then, is ready to proceed to the nominations for first vice-president—statutory first vice-president.

Nominations for statutory first vice-president? Mrs. Robinson.

**DELEGATE ROBINSON:** Mae Nan Robinson from District 18. The delegates of this Constitutional Convention are, for the first time, representing a new constituency in Montana. That constituency is the 18-, 19-, and 20-year olds who were given the privilege to vote. It's my hope, that this Convention will see fit to involve the youth of this state in the formulation of this Constitution at all phases and in all aspects.

In judging from the number of young delegates in this Convention, it's further my hope that the Convention will see fit to grant some positions of responsibility to some of the younger delegates.

At this time, I would like to nominate, for the office of vice-presidency of this Convention, a man who has gained the respect and trust of both the young and old. And in nominating this person, I would like to read a letter that appeared in the *Missoulian* November 12th. This letter was written by a Mr. Ed Bursette, an unsuccessful Democratic candidate for the Constitutional Convention. The letter reads:

"The voters of District 18 have selected an excellent slate of candidates. The leading candidate in the primary was John Toole. The leading candidate in the general election was John Toole.

All delegates trying for the Convention favored a Convention that would be nonpartisan. John Toole has acquired the qualifications for the selection as the presiding officer of the Convention. He has experience in government, the ability to get along with people; and is fair-minded in his dealing with others. I sincerely hope that our delegates will start at once to promote John Toole for the prestigious office of chairman of the Constitutional Convention."

As a delegate of Missoula County, District 18,

I would urge you to support John Toole, a man who will unite rather than divide this Convention, a man who will lead rather than push, a man who will speak rather than shout, a man who has put Montana above party and above political ambition. I present John Toole, a man for Montana.

**PRESIDENT GRAYBILL:** Is there-if any of you are seconding, I'd like to know that.

**DELEGATE:** Mr. President.

**PRESIDENT GRAYBILL:** Mr. Schiltz.

**DELEGATE:** Mr. President, a point of order.

**PRESIDENT GRAYBILL:** Excuse me, I'll take the point of order.

**DELEGATE:** Mr. President—

**PRESIDENT GRAYBILL:** State your name and—

**DELEGATE:** Maurice Driscoll, District 20. Before we go any further in the proceedings at this Convention, I think we should do it legally. We have one delegate who has not yet been sworn in, and is participating in the organization of the Convention.

**PRESIDENT GRAYBILL:** The Chair happens to-the delegate, Mr. Dahood has seen the Chair and has been sworn in by the Chief Justice and filed his affidavit. I'm sorry that I did not announce it. The records from this time forth should show that it has been done, and we aren't going to let him vote unless he did it, but he did it, so we're okay, Mr. Driscoll.

Now, Mr. Schiltz. (Clapping — Applause)

**DELEGATE SCHILTZ:** Mr. President, it's with a great deal of pleasure that I have this opportunity to second the nomination so eloquently made by the lady from whatever district Missoula is in.

I have known John Toole for almost 35 years. I'm going to be very brief and I'm going to say the best thing I can say about any human being, in my opinion, and that is that he has the absolute honesty and the absolute integrity to do the job that this Convention needs at this time to project ourselves as a serious and a good body, and it's with great-a great deal of pleasure that I second the nomination.

**PRESIDENT GRAYBILL:** Thank you. The delegate—

**DELEGATE:** Bob Campbell, District 18 in Missoula.

**PRESIDENT GRAYBILL:** Yes, Mr. Campbell.

**DELEGATE CAMPBELL:** I'm a Democratic delegate from Missoula, and I would also like to second the nomination of John Toole.

The Toole family, of course, since the beginning of Montana history, has been very active in public service. John has continued his fine family tradition through his service to the State, to the county and to the local governments.

As a Republican, he is endorsed by every organization and group in Missoula, including labor. We feel that his past service and his capabilities and personal integrity cannot be questioned. It gives me great pride to second that nomination, and personally recommend that he be elected by this Convention.

**PRESIDENT GRAYBILL:** Are there other nominations for the office of first vice-president? Mr. Nutting.

**DELEGATE NUTTING:** Mr. Chairman, I'm not going to belabor the point, you all heard Sterling Rygg speak yesterday and you're familiar with his views, and he would be interested in being a candidate for vice-president, and I would like to place in nomination the name of Sterling Rygg from Kalispell.

**PRESIDENT GRAYBILL:** Are there seconds for Sterling Rygg? Seconds are not required, but are there seconds?

All right, are there further nominations for the office of first vice-president? Are there further nominations for the office of vice-president? Mr. Kelleher.

**DELEGATE KELLEHER:** From District 8, Mr. President. There is a young man who's made a terrific impression on me the first time I met him in 1964, and in the 7 years since that time, I've only grown to greater appreciate his integrity, his honesty and his capability, and that man is Marshall Murray of Kalispell, and I'd like to nominate him for the office of first vice-president.

**PRESIDENT GRAYBILL:** Marshall Murray has been nominated, are there further seconds?

**DELEGATE MURRAY:** Mr. President.

**PRESIDENT GRAYBILL:** Mr. Murray, I'll recognize you.

**DELEGATE MURRAY:** I'm flattered by this nomination, but it is not my desire to serve in this capacity, and therefore, I respectfully withdraw.

**PRESIDENT GRAYBILL:** Mr. Murray has withdrawn his name.

Are there farther nominations for first vice-president of the Constitutional Convention? Mr. Cate.

**DELEGATE CATE:** I would move that the nominations be closed.

**PRESIDENT GRAYBILL:** All right, just a moment. I don't want to cut it off. I'd like to say three times, are there any further nominations?

**DELEGATE:** Mr. President.

**PRESIDENT GRAYBILL:** Mr. Driscoll.

**DELEGATE:** Dave Drum, District 8.

**PRESIDENT GRAYBILL:** Oh, Mr. Drum. Excuse me.

**DELEGATE DRUM:** Before the nominations are closed, it appears that no more nominations are going to be made, and I would would request, on behalf of a consensus of the non-Democratic delegates, that this unorganized group be allowed the use of the voting machine as a method of selecting a vice-president of this Convention.

As a courtesy to this group, we would request that the Democrats present abstain from voting, and that only the totals for each candidate, as indicated by an Aye vote on the voting machine, be read as the total. The machine would then be cleared and the next candidate voted upon.

The non-Democratic delegates, which includes those identified as Independents, are invited to partake in this voting, and we hope that they will include themselves.

We feel a principle is involved here, and the secret ballot has been one that we have revered-revered for many years, and we feel that it is applicable in this case, and we would appreciate this courtesy from the Party.

**PRESIDENT GRAYBILL:** All right, Mr. Drum, if I understand the sense of your suggestion, or your motion-is it a motion? Let's make it

a suggestion a minute. It is, that the Democratic members let the Republican and Independent members vote independently on this matter and abstain, and then, if that's allowed, you want to use the voting machine and, I take it that-do you want to use the voting machine and once for one candidate and once for the next candidate?

**DELEGATE DRUM:** Yes.

**PRESIDENT GRAYBILL:** All right, now we understand that, and before we make a motion on it, the Chair would like to have the sense of any Democratic delegates here as to whether there is any Democratic delegate that objects to abstaining on this expression of opinion by the Republican Party while we're in the House, so that they don't have to move over to the Senate and do this.

Hearing no objection from the Demo-oh, wait a minute. Mr. Cate, do you want to talk? I'm looking for Democrats, Mr. Habedank. All right. Fine.

**DELEGATE CATE:** I really thought George Harper would get up on this, but aren't we getting back to this thing we've been trying to get away from, division on the basis of parties? I'd like you to consider that, Mr. Drum. And-I think we're just aggravating the situation by making that type of division.

The opportunity was presented to the Republicans to caucus if they wanted to. They didn't take advantage of that opportunity, and I would like to have the opportunity to cast a vote for vice-president for John Toole. Thank you.

**PRESIDENT GRAYBILL:** Let me ask this question: Are there any Republican or Independent members here who object to this procedure?

**DELEGATE:** Mr. Chairman.

**PRESIDENT GRAYBILL:** Mr. Habedank.

**DELEGATE HABEDANK:** There's one Republican member here who objects. I think it's about time we buried the hatchet as far as partisan politics are concerned, and I'm perfectly willing for this body as a whole to elect whoever they see fit to vice-president.

**DELEGATE:** Mr. President.

**PRESIDENT GRAYBILL:** Mr. Berg.

**DELEGATE BERG:** As a Republican, I want to see all officers of this Convention elected by all delegates.

PRESIDENT GRAYBILL: All right, we have heard from you. Mr. Mahoney.

DELEGATE MAHONEY: I agree with Mr. Berg, that we don't want any more division, and that with all due respect to Mr. Drum's remarks, I would like to see it one vote because we got to have it seconded and we can't be letting this—I would like to—I would question—I would think this is probably poor strategy.

PRESIDENT GRAYBILL: Mr. Gysler.

DELEGATE GYSLER: District 13. I would just like to second the last three statements that have been made. I think that the faster we forget any party designations in our deliberations and everything, the better off we will be.

PRESIDENT GRAYBILL: Mr. Dahood.

DELEGATE DAHOOD: Mr. President, I'm a Republican from District 19. I agree with my fellow Republicans who have indicated the entire assembly should vote on the candidate for vice-president. I think the man nominated, John Toole from Missoula, is an excellent choice, and I think the entire delegation should have the privilege of voting upon his candidacy.

PRESIDENT GRAYBILL: Mr. Davis.

DELEGATE DAVIS: Carl Davis, District 21. As long as this matter is before the floor, let's give some serious consideration to not having any more caucuses throughout this entire Convention. (Applause)

PRESIDENT GRAYBILL: All right. Now, we had a suggestion which was not made in the form of a motion. The Chair certainly does not want to stop it from being made into the form of a motion. The Chair, without expressing any opinion as to whether either side is right, is perfectly willing to entertain a motion from the Republicans for a recess, if you do want to caucus, or it's perfectly willing to go ahead.

Do any Republicans want to make a motion one way or the other?

If none are made, the Chair will proceed and ballot the whole group. If you want to make a motion to do what you suggested, Mr. Drum, or if you want to make a motion to recess, somebody do it.

DELEGATES: Question.

PRESIDENT GRAYBILL: I take it from

the "question," from the fact that some of you are ready for the question, that we can go ahead and vote the whole delegation on Mr.—the whole Convention on Mr. Toole and Mr. Rygg as candidates for first vice-president.

Are you ready for the question?

DELEGATES: Question.

PRESIDENT GRAYBILL: All right. Now the Chair, then, is ready to put the issue of whether Mr. Toole or Mr. Rygg will be the first vice-president, and I would think in line with what we did this morning, then, that the way we would do it is on roll call vote, and the members would answer by stating the name of the candidate for which they wish to vote. Now, that's what the Chair is, at the moment, considering doing.

Mr. Arbanas.

DELEGATE ARBANAS: Delegate Arbanas from District 13. I'd like to make a suggestion to the Chair. I know neither of these gentlemen, and I would appreciate a chance to have them speak to this assembly for a short moment, to make a responsible judgment.

PRESIDENT GRAYBILL: The both of these members spoke yesterday at the caucus; however, I would certainly be willing to have both of them stand.

Are you, Mr. Rygg, on that issue?

DELEGATE RYGG: Would it be in order for me to withdraw my name now? I think we could save a lot of time and in the best interest—

PRESIDENT GRAYBILL: We always like to hear those withdrawals, Mr. Rygg.

DELEGATE RYGG: Well, I—I think it would be in the best interest for me and everybody to give it to Mr. Toole, and if I could withdraw from that, I would do so now.

PRESIDENT GRAYBILL: Let's see. Mr. Rygg was nominated by Mr. Nutting. Now, Mr. Nutting, would you consent to the withdrawal? There's been quite a lot of time go by. I don't want to put you in a bad position.

DELEGATE NUTTING: I defer to Mr. Rygg's judgment.

PRESIDENT GRAYBILL: Mr. Rygg, do I understand that you would now like to withdraw as a candidate?

**DELEGATE RYGG:** That's right, and I would give it to Mr. Toole.

One other thing, Mr. President, while I have this mike in my hand, I have a reason for getting it. I thought I should get up once and use it before my seatmate wore it out, so I'd just like to have the opportunity to try it. (Applause)

**PRESIDENT GRAYBILL:** Mrs. Robinson, would you care to make a motion to cast a unanimous ballot of this convention in favor of your nominated candidate?

**DELEGATE ROBINSON:** It would give me great pleasure to make a motion to cast a unanimous ballot of this entire Constitutional Convention to Mr. John H. Toole as our first vice-president.

**PRESIDENT GRAYBILL:** All right. You have heard the motion, which is to cast a unanimous ballot of this Convention for John Toole for first vice-president of the Montana Constitutional Convention.

The Chair will open the voting, and those in favor of that motion vote Aye, those against that motion vote No.

Have you completed voting? Have all the delegates voted? Any delegate want to change his vote? The Chair will close the vote. Mr. Clerk, will you tally the votes for the motion?

**SECRETARY MARSHALL:** Mr. President, 95 delegates have voted Aye, none voting No.

**PRESIDENT GRAYBILL:** The motion having been sustained 95 to 0, the Chair will request that the record of this Convention show a roll call on the roll call issue, will show a unanimous vote of this Convention for John Toole for first vice-president.

**SECRETARY MARSHALL:** As temporary secretary of this Convention, I hereby cast a unanimous ballot for John Toole of Missoula for vice-president, a Montana delegate for the Constitutional Convention. John Toole. (Applause)

**PRESIDENT GRAYBILL:** The Chair would ask that Delegate Otto Habedank and Delegate George James escort Mr. Toole to the podium for introduction.

John, it's my sincere pleasure to congratulate you on that, and I would like to present to the Convention, John Toole, who's been elected your first vice-president. And John, bearing in mind that we're all going somewhere tonight, would you care to say a word or two to the Convention?

**DELEGATE TOOLE:** Mr. President, it would be only a word or two. I'm really overwhelmed by all of this. I'm humble and proud. I'll do my very best, and thank you all so very much. (Applause)

**DELEGATE:** Mr. President.

**PRESIDENT GRAYBILL:** Mr. Blaylock.

**DELEGATE BLAYLOCK:** Chet Blaylock, District 8. If it is in order at this time, I should like to move that the delegates to this assembly remain seated in alphabetical order, as we are now.

**PRESIDENT GRAYBILL:** The Chair was considering a report of the Rules Committee, and we're only partly through it; however, before we adjourn tonight, I would call upon you, Mr. Blaylock, to make such a motion so that we'll know what to do tomorrow morning.

So, if you would allow-if you would withdraw your motion temporarily, we'll consider it, continue the Rules Committee, and when we finish, and before we adjourn-before we recess, we'll come back to you.

**DELEGATE BLAYLOCK:** I'll withdraw then.

**PRESIDENT GRAYBILL:** All right, then, now back to Mr. Murray, the chairman of the temporary Rules Committee. Have you a second part of your temporary, or your first, report concerning committees for this Convention? Mr. Murray.

**DELEGATE MURRAY:** Mr. President, we, your temporary Committee on Rules of Organization, respectfully report as follows. The following committees were established as the permanent committees of the Convention.

Procedural committees:

Administrative.

Rules and Resolution.

Public Information.

Style, Drafting and Transition.

Substantive committees:

Bill of Rights, Suffrage and Elections.

Legislature.

Executive.

Judiciary.

Local Government.

Revenue and Finance.

Education.

Public Health, Welfare and Labor.

Natural Resources and Agriculture.

General Government and  
Constitutional Amendment.  
Now, let me go through those again—

**PRESIDENT GRAYBILL:** Now, Mr. Murray, may the Chair observe for the delegates that the committee has caused to be printed these sheets, on which you have indicated preferences. Now, I want it clear, that by handing these out we are not suggesting that these are the final or official committees until this action—this body has acted upon them, but we want you to be able to look at them and have them in your hand.

We may amend them or we may change them, we may add or subtract to them. At least this will give everybody, in his hand, an idea of who the committee-of what the committees are. Then, when we have finished adopting what the committees shall be, you can amend those sheets in your hand, and then you can write in the names of the committees you want to be on before we leave tonight. But there is no suggestion, as I understand it, from the Rules Committee, that this is their proposal, and you don't have to adopt it this way. This is so you'll see what you're doing.

Okay, Mr. Murray.

**DELEGATE MURRAY:** Mr. President, we, as the Committee of Rules, move for the adoption of this committee report. And now may I speak to that motion, please?

With the assistance of Dale Harris, we analyzed, as all of us I'm sure have done since we became candidates for this Constitutional Convention, the various material given to us—furnished to us with respect to what other conventions have done relative to procedural committees and substantive committees, and have attempted to weigh, as best we can, the problems inherent in the State of Montana and in our existing Constitution.

We feel that the procedural committees, as such, are relatively standard. The Administrative Committee would be the housekeeping committee, related to the operation of the Convention, and the hiring and firing of the staff, and this sort of detail.

The Rules and Resolutions Committee would be doing that work that this temporary committee is now doing.

The Public Information Committee is the committee which we envision—and others in other states have envisioned—as being the committee which assumes the responsibility of conveying to

the public the work and the progress of the Convention itself.

And the committee entitled Style, Drafting and Transition has to do with, we hope, the spirit of the entire document itself, the style of the language and the drafting of each of the sections and articles involved. And the word “transition”, we trust, has to do with the dovetailing of all of these provisions into one document, and the matters related to the transition of that document, and how it might relate to various statutory provisions which presently exist—or should exist—after the adoption of the Constitution, if it's adopted.

Now, are there any questions with respect to those four committees that we entitled procedural committees?

**PRESIDENT GRAYBILL:** Questions on the procedural committees?

(No reply.)

**DELEGATE MURRAY:** There being none, let me discuss, briefly, the substantive committees.

First of all, we recognize that this Convention will have a great deal of work on some matters, and not so much on others. Now, we have attempted to design these committees so that they will, as much as possible, have, each of them, a substantial work load, and so that none of them will be considered to be light work loads, or unimportant, or uninteresting committees to serve on.

And we considered, with respect to the Bill of Rights, Suffrage and Elections, that these matters can be handled under one committee. Certainly the Legislature itself, the Executive, the Judiciary, Local Government, Revenue and Finance, and Education speak for themselves.

Public Health, Welfare and Labor is a committee which we designed after looking at the various committees proposed and used in the other states, feeling—and after discussion with Dale Harris—that they are all matters that this committee could well consider, and that it might be a significant committee by itself.

Natural Resources and Agriculture has been suggested by us because of the considerable interest, in our area and others, according to the Temporary Rules Committee during the campaign, with respect to natural resources. And we felt even though natural resources automatically included agriculture in most of our eyes, that it might be nice to say “Natural Resources and Agriculture,” since some of the other conventions have done so.

And the substantive committee entitled General Government and Constitutional Amendment. The Constitutional Amendment portion of that concerns itself with revision and amendment, and the General Government portion of that is what we would call our miscellaneous, or catch-all, type committee—which and I'm not suggesting that it would, because this matter would just, of course, be in the discretion of the president, subject to veto, I guess, by the members of the Convention itself—such things, perhaps, as lottery, gambling and things of that nature.

We feel that there will be many matters of considerable import which would be referred to that particular committee, in addition to the duties assigned thereto, entitled Constitutional Amendment.

**PRESIDENT GRAYBILL:** Are there questions of the chairman of the temporary Rules Committee concerning the substantive committees? Mr. Harper.

**DELEGATE HARPER:** George Harper, District 12. Mr. Murray, did your committee consider, at all, a kind of committee which might be called a "General Review Committee," and I'll just tell you what I had in mind.

I note in reading the Model Constitution book, and the suggestions from people who went through other constitutional conventions, that when you get all done with your individual committees doing their work and drawing up their parts of the bill, still the whole constitution is to be a unified document, needs to be styled in other ways, and sometimes it's important to get together all of these factors.

I would have a suggestion, if your committee didn't discuss it, to see what your reaction would be; mainly, that the chairman of all of these committees, meeting on the call of the president of the Convention, be named as a "General Review Committee."

**DELEGATE MURRAY:** I appreciate your suggestion, but let me say that I believe we did consider this matter. I think it's the consensus of the committee that that work be procedural—considered procedural rather than substantive and, therefore, we consider it to be within the responsibility of the Style, Drafting and Transition Committee, and we hope that that committee would undertake the—have the spirit of this Convention at heart, and hopefully that it will assume those duties. I suppose, that there being no other committee, and if that burden is placed on that

committee by the president, that that duty will be so assumed.

**DELEGATE HARPER:** Mr. Chairman, George Harper, District 12. I'm not pushing this, it's just that we ought to take the time now to do what we think we need to do.

I mentioned style. I should have been more specific. I'm not concerned so much about style, perhaps, as the idea that when we have 10 committees, we're going to have committees that naturally deal with—in some areas, with the same thing. There's going to be an overlap, and somewhere in the process there ought to be a chance for us, not just at the end of the process after all the committees have worked and handed out their individual opinions.

There must be some way, I think, so that we can share what's going on, and I think maybe an occasional meeting of the chairmen might do this. I called it a "General Review Committee." Maybe it needs no name at all, but there's somewhere along the line, the chairman of the Legislative Committee could say to this group, well now, this is what we're dealing with. And somebody else could say wait a minute, we're talking about that same thing. And if it's obvious there's going to be a disagreement, then maybe they'd go back to their committees and ask them to, you know, to consider something a little bit different, or to consider what the other people are doing.

This is the area I'm thinking in. I have no definite proposal to make particularly on it.

**PRESIDENT GRAYBILL:** Mr. Harper, Mr. Harris has pointed out that in some conventions, the chairman or president later appoints such a committee to do that, and I think that the temporary Rules Committee chairman—I'd like to ask you this: Isn't it the understanding that we can add to committees, or change committees later on. This is a skeleton to start working with. May we not add committees later on?

**CHAIRMAN MURRAY:** Mr. President, it's my understanding, that we can change our rules at any time we so desire.

**PRESIDENT GRAYBILL:** I'm not suggesting that we shouldn't make the change now, Mr. Harper, but I think it is possible to do exactly what you say, even with this structure.

**CHAIRMAN MURRAY:** Mr. President, may I also say that this matter has been expressed to me by other delegates. They are concerned with

this, and I think that if it's within the scope of the duties of the temporary Rules Committee, we'll give this matter further consideration.

**PRESIDENT GRAYBILL:** Are there other questions concerning the substantive committees? Mr. Monroe.

**DELEGATE MONROE:** I had a question for Mr. Murray.

I was wondering; in some of the constitutional conventions, I noticed public lands was on one of the committees. I didn't notice it here specifically, but in your mind, does that fit within, say, Natural Resources and Agriculture-the public lands?

**CHAIRMAN MURRAY:** I refer that to Mr. Harris. We did discuss that. Where does that seem to lie within this group of committees?

**MR. HARRIS:** I would defer that to the president when he assigns the committees. It would appear to come under Natural Resources.

**CHAIRMAN MURRAY:** I think that was the consensus of the committee, yes.

**PRESIDENT GRAYBILL:** Are there other questions of the temporary Rules Committee chairman on the substantive committees? Mr. Felt?

**DELEGATE FELT:** (inaudible first sentence) I wonder if there is any-and this is a very important decision, of course, and though it may be tentative, it is quite likely that it will structure the work of the Convention, and any changes, if they occurred, would probably be rather disruptive, at least if we were to consolidate some committees, or to abolish them.

The matter of public lands, for example, dealt with natural resources more than education, and could become kind of confusing, and I would like a little time, I think, myself, to consider that type of question, just as one example.

I'm also concerned as to whether we are-perhaps we're not setting a precedent, I hope, because I'm in hopes we're going to have public hearings of committees, for a very good reason, so the people can present their thoughts to the committee prior to the time the committee reports to the Convention. And it will not be necessary for us to answer these questions, so called, but actually make our suggestions while we are here taking up the time of the whole Convention.

I would be quite interested in knowing the possible number of members of the different commit-

tees. I think if I knew that I would be more certain whether I liked or disliked the names given to substantive committees.

Because of the total importance of the question, I would wish for a little more comprehensive statement of the reasons for designating the names of some of these committees. Some are quite self-explanatory, but some are not, and I would like to know, too, if the committee expects us to vote here immediately, today, or whether they might contemplate a public hearing at which not only delegates, but any persons who have perhaps been working for 10 years or so on this question and have things on their mind that they would like to express, to give us the benefit-or give the committee the benefit of their thoughts.

Perhaps I have a strange feeling that-I'd almost like to know how this happened to be handed while the committee report was being read to us, and just how much the committee really was able to-how much time and thought and analysis they have been able to submit, and who they've heard from, and find out what they have considered.

(Inaudible)...all of this, particularly because I feel we may be making decisions here without full knowledge ourselves, without the opportunity for the public to participate. To my knowledge they haven't even been invited, and perhaps if they were invited, and given some time, they would appear. Or perhaps they would not. Perhaps they don't care, but I sure would hate to see this first committee report-and one on a matter of great magnitude-presented to us without knowing that all the people in the State of Montana were given some opportunity to present their thoughts.

Now, I may be all wrong on all of this, but I would certainly hate to be asked to vote right now on all this, without knowing the numbers, without knowing such things as what committee will be dealing with the question of our school lands, what will be the Natural Resources Committee, the Education Committee, and possibly other questions which I just would not want to take your time now to (inaudible) bring up.

But I did want a chance to bring it up because I know it's common in many other states to split the Legislature Committee up into two, one of which deals with the structure of the legislature and the other with the general powers of the legislature, and there seems to be considerable approval by the text writers and persons with much experience in legislative and constitutional revision, for that type of a division. And I suppose it could be handled through subcommittees, and it could be

brought to you in some other ways, but it would depend upon how many members there might be on all the legislative committees, and it just seems like an awful big order.

But, of course, I am completely in the dark as to what the committee has contemplated for the next 2 days, but having elected our general officers, as called for, it would appear to me that we are proceeding at a very commendable pace-and we hope that we will always do that-but we cannot lose track of the axiom involving haste makes waste, and that full consideration must be given to matters of great importance.

I thank you for your time.

**PRESIDENT GRAYBILL:** Mr. Felt, the Chair would like to respond to one portion of your statement.

The Chair asked the temporary Rules Committee, when it began its session at 2:00, to consider the committees first, and when it had completed consideration of the committees, to send the list to this office so that this memorandum that you have before you could be prepared.

The reason for this, is that the Chair is anxious--regardless of how the committees are appointed--the Chair is anxious to get started with that task.

I am convinced, personally, from talks with many of you, that probably the most important next thing to the delegate, is to find out what he's going to be doing here, and we want to get that on the road.

So, it's because of my request that they do that, and it was typed while they did consider the other matters, but it was not typed in advance, and it has, in fact, been typed since 3:00. So, that answers that.

Mr. Murray, did you have any other points to make?

**DELEGATE MURRAY:** Although it was not announced by anybody after this--the appointment of the temporary Rules Committee, the committee meeting was public. There were guests. Nobody did ask to speak.

And, as far as our consideration of the matter is concerned, we counseled extensively with Mr. Dale Harris. We reviewed the various books and documents that we had. All of us, I'm sure, have been through this several times on our own in advance of the committee meeting, and we also consulted, at length, with Mr. President.

I-with respect to the proposal of the public hearing, relative to the-the names of the substantive committees, let me say this. I-I feel, and

I think the committee feels, that we have covered all of the matters which might come forth during this Constitutional Convention under the titles of these committees as we have them now labeled. With perhaps one suggestion.

It occurs to me that most of the lands in the State of Montana that are public owned, relate in some way, shape or form to education, and it might be that that particular committee could be entitled "Education and Public Lands," if that meets with the consensus of the Convention itself. But I do really feel that there is little need, if any--in fact, none, as far as I'm concerned, to have a public hearing, or invite people other than delegates to address themselves to the issues of the names or titles of the substantive committees themselves.

Of course, all of those matters which will be considered by the Convention will be heard publicly, those substantive matters considered within each of the committees, and I submit that that probably is the time to have the public hearings, rather than at this date.

I, for one, am interested in the committee assignment that I will have and, frankly, I urge that you give consideration to the early adoption of this committee report and the committees as we now have them labeled.

**PRESIDENT GRAYBILL:** Grace Bates.

**DELEGATE BATES:** Grace Bates from District--am I on? Grace Bates from District 11. I was wondering; what about a preamble. Perhaps putting a preamble and the Bill of Rights together, Suffrage and Elections and Constitutional Amendments under another--oh, you can't hear it? There, is that better?

Grace Bates from District 11. I was wondering about a preamble, and perhaps preamble and Bill of Rights should be listed under one committee and Constitutional Amendments and Suffrage and Elections, perhaps, under another.

This is just a suggestion, but I wondered if you'd considered a preamble.

**PRESIDENT GRAYBILL:** Mr. Murray.

**DELEGATE MURRAY:** Yes, we did give this matter consideration, and we felt that the preamble could be considered, I believe, if my memory serves, with the Bill of Rights, Suffrage and Elections.

We feel that the Bill of Rights, Suffrage and Elections Committee pretty well--we would have to consider--well, I think--we think that the

three-the four things are kind of, you know, they're intermeshed.

The preamble, in a sense, is a statement of declaration of rights and, therefore, we probably could have entitled the committee "Preamble, Bill of Rights, Suffrage and Elections," but our efforts were spent towards reducing the titles of the committees as much as possible so that any reports and journal, and all of this other matter that has to come, wouldn't forever have these long titles, and that matter was given consideration, and we think it fits within that committee.

We also think Suffrage and Elections fits within the Declaration of Rights subject, and should not be separate from it. We also thought that because we wanted to give a considerable work load to that particular committee.

**DELEGATE BATES:** Then you feel that—

**PRESIDENT GRAYBILL:** Now just a minute Mrs. Bates. Okay.

**DELEGATE BATES:** Then you feel that Constitutional Amendments, then, should not be with Elections and Suffrage?

**DELEGATE MURRAY:** I really don't think that-no, that's what's right, I don't think that it needs to be there, and again, we've put that down with General Government, so that there is something of interest in that field in that committee, in an attempt not to have any committees not important enough, so that people will want to serve on every committee.

**PRESIDENT GRAYBILL:** Are there other -Mrs. Pemberton.

**DELEGATE PEMBERTON:** Mr. Chairman, I would like to move the adoption of the tentative committees proposed by the temporary Rules Committee.

Catherine Pemberton, District 1.

**DELEGATE MURRAY:** I second it.

**PRESIDENT GRAYBILL:** All right, we'll allow your motion to move the resolution and Mr. Murray to be a second.

Now, is there discussion-I don't want to cut off debate. Is there further discussion on adopting the temporary Committee's proposed procedural and substantive committees, with the clear understanding that at anytime we can-the Committee can-the Convention can either add or subtract from them? Mr. Skari.

**DELEGATE SKARI:** Chairman—Carman Skari, District 14. It seems to me from the reading I've done in our material, that the 10 committees might be possibly quite a number, and that we might be better off with perhaps a smaller number, more like eight or nine, or possibly even seven.

Often, too large a number of committees leads to a longer document. I think it would be a more unified document if we did try to hold these committees down, and possibly to combine some of them as Mrs. Bates suggested; Constitutional Amendment up here in the first committee and possibly, and I would suggest, General Government in with Local Government.

**PRESIDENT GRAYBILL:** All right, is there other discussion? Mr. Champoux.

**DELEGATE CHAMPOUX:** Rich Champoux from District 16. A question I would like, if it isn't out of order-two of them.

First of all, how many do they feel are going to be on-did the Rules Committee consider how many are on each committee?

**DELEGATE MURRAY:** May I answer that?

**PRESIDENT GRAYBILL:** Go ahead—

**DELEGATE MURRAY:** Our consideration in this respect was deferred until the president could have the desires and wishes relative to the committees you would like to serve on.

We know, at this time, that there are two or three committees upon which we should have many members, as opposed to some on which we should have fewer, and I think particularly of the Legislative and the Judiciary. Local Government is another in which there has been considerable concern expressed, and we thought, in all fairness to this Convention, that the expression from you people as to the committees you would like to serve on should help us in governing those numbers.

**PRESIDENT GRAYBILL:** Mr. Champoux.

**DELEGATE CHAMPOUX:** The second question I would like to put to the committee chairman is; did they consider whether they were-how they were going to split up, in terms of two committees per person, or did you consider this at all?

**PRESIDENT GRAYBILL:** The number of members, Mr. Murray.

**DELEGATE MURRAY:** It is the consensus of the committee, that each delegate should serve

on one substantive standing committee, and that is the next recommendation-

**PRESIDENT GRAYBILL:** And isn't it also understood that some of the delegates could then also serve on procedural committees, although maybe everybody wouldn't be assigned to a procedural committee? Is that correct?

**DELEGATE MURRAY:** We considered that there would probably be 99 of us serving on substantive committees, and we really thought that perhaps only the president would not serve on, or have a role, in any special substantive committee.

**PRESIDENT GRAYBILL:** Well, what my question, Mr. Murray, is that people can serve on two committees, if one's procedural and one's substantive? Isn't that right?

**DELEGATE MURRAY:** That's right.

**PRESIDENT GRAYBILL:** I think that was the intent of the original resolution. Does that answer your question, Mr. Champoux?

**DELEGATE CHAMPOUX:** Yes.

**PRESIDENT GRAYBILL:** All right. Mr. Choate.

**DELEGATE CHOATE:** I'm Lyman Choate, delegate from District 2. I would say, after listening to this discussion, that Mr. Murray and his committee have worked these committee divisions out in pretty good order. There appears to be good background for the recommendations they've come up with. I think that with 100 delegates, or 99 to serve, we can easily handle 10 committees.

I agree fully with the appointment of only one delegate to one substantive committee. I would join Mrs. Pemberton on her motion, and I would like to second the motion that we adopt this procedure.

**PRESIDENT GRAYBILL:** Is there other discussion? Mrs. Bugbee. Just talk—

**DELEGATE BUGBEE:** I'd like to ask Mr. Murray; have you considered a group of people, or a small group of people, who would do the integrating between these committees, whether it be a vice-president, or a couple of vice-presidents?

It seems to me, you said 99 people, minus the president, but shouldn't there be a small number of people—say three or four—who would do nothing but the integrated work between, for

instance, Finance and Taxation and Local Government? This is going to be one of the key things that is going to have to be integrated.

**DELEGATE MURRAY:** My statement is probably warped by my legislative experience, but it seems to me that at a given time, under the rules which we will propose, we will all serve in that capacity, and that as these matters are brought to this body—to the Committee of the Whole—or whatever that may be entitled, we should all have the opportunity to express our concern that it may conflict, or have some effect, on something that some other committee is handling, and then make an appropriate motion to take it out of discussion and to refer it to the other committee, or to consolidate those two things—get them in at that time.

However, I really think that the Style, Drafting and Transition Committee, through whom I envision, probably, that all of the completed sections or proposals would pass, at some time or other, would be also serving in that capacity.

**PRESIDENT GRAYBILL:** Is there other—go ahead, Mrs. Bugbee.

**DELEGATE BUGBEE:** I would just like to say that part of the problem with the Legislature is its lack of integration [inaudible sentence—two speaking at once followed by laughter].

**PRESIDENT GRAYBILL:** Is there other discussion?

**DELEGATE FURLONG:** All right, Mr. President. Furlong—

**PRESIDENT GRAYBILL:** Mr. Furlong.

**DELEGATE FURLONG:** I'd like to ask a question of Mr. Murray, if I might.

**PRESIDENT GRAYBILL:** Yes, sir.

**DELEGATE FURLONG:** Mr. Murray, in discussing Education and Natural Resources, you suggested that perhaps Education might include public lands, since the majority of the public lands are educational lands.

My question is, will this then become a change in your recommendation of the adoption of this committee report?

**DELEGATE MURRAY:** I have not so moved, but I make that suggestion, and if you

wish to make a substantive motion to that effect I would concur in it.

**DELEGATE FURLONG:** Mr. President.

**PRESIDENT GRAYBILL:** Yes, sir.

**DELEGATE FURLONG:** Is a motion to include public lands in with the Education Committee in order?

**PRESIDENT GRAYBILL:** I think a motion to amend the title of the Education Committee to be Education and Public Lands is in order. Do you wish to make such an amendment?

**DELEGATE FURLONG:** I so move, Mr. President.

**PRESIDENT GRAYBILL:** Motion's been made that the title of the Education Subcommittee in the resolutions proposed by the temporary Rules Committee be amended to include the word "and Public Lands," so that it now reads, "Education and Public Lands."

Is there any discussion on the amendment?

(No reply.)

Are you ready for the question?

**DELEGATES:** Question.

**PRESIDENT GRAYBILL:** All right. The Chair will open the vote, and all in favor of the motion to include Public Lands in Education vote Aye. All those opposed to putting Public Lands in Education vote Nay.

Have all the delegates voted? Does any delegate wish to change his vote? The Chair has closed the vote. Will the clerk tally the vote?

**SECRETARY MARSHALL:** Mr. President, 80 delegates have voted Aye, 16 delegates voted NO.

**PRESIDENT GRAYBILL:** By your vote, you have amended the title of the Education Committee to be "Education and Public Lands."

Is there further discussion of the proposed committees? Mr. Brazier.

**DELEGATE BRAZIER:** I'm Jeff Brazier from District 12. I just have a couple of questions with respect to this committee assignment blank.

Do I understand that when we vote on Mr. Murray's motion, that that closes discussion on the entire subject, or will I have a chance to ask a couple of questions?

**PRESIDENT GRAYBILL:** No, sir. We'll be

glad to discuss the blank with you, if we know what we're going to be—

**DELEGATE BRAZIER:** Fine. Thank you.

**PRESIDENT GRAYBILL:** Any further discussion? Mrs. Eck.

**DELEGATE ECK:** I'd like to comment that I think that during the campaign, we all discussed a good deal that our Constitution should be fundamental and not statutory. It appears to me that the inclusion of the section on Public Health, Welfare and Labor, Natural Resources and Agriculture, without any mention here of either industry or corporations which we have now, could open the door to a great deal of statutory material which really could better be omitted from the Constitution.

**PRESIDENT GRAYBILL:** Mr. Murray.

**DELEGATE MURRAY:** Mr. President, I'm not sure that that's—my comment was made by way of inquiry to me, but I will speak to it, anyway.

We feel, as the temporary Rules Committee, under the short time that we had to meet, that it is as important to delete from our present Constitution those matters which are obsolete, or which ought better be in the statutes and not in the Constitution, as it is to add things, and we don't believe that because we propose a committee to you, and something is proposed to that committee, or assigned to it as a duty, that you have to do something with it by way of enactment. We feel you can kill it.

**PRESIDENT GRAYBILL:** Or at least take it out. (Laughter)

All right. Is there any further discussion on the proposed substantive committees?

**DELEGATES:** Question.

**PRESIDENT GRAYBILL:** Are you ready for the question? Are you ready for the question?

**DELEGATES:** Question.

**PRESIDENT GRAYBILL:** All right. The Chair will put the resolution of the temporary Rules Committee that the procedural committees shown before you on the sheet, and the substantive committees, including the amendment, "Education and Public Lands," that these be the committee—that this be the committee structure of the Convention at this point. It's understood by

everyone that the body can add or subtract from these at a later date, but to allow assignment, this is the committee structure.

All those in favor of this committee structure signify so by voting Aye on the voting machines, and those opposed by voting No.

Have all the delegates voted? Have all the delegates voted? Does any delegate wish to change his vote? Okay, the Chair will close the vote. Mr. Clerk, will you tally the vote?

**SECRETARY MARSHALL:** Mr. President, 98 delegates have voted Aye, 1 delegate has voted NO.

**PRESIDENT GRAYBILL:** 98 delegates having voted Aye, and 1 delegate having voted No, you have adopted as your committee structure the procedural committees and substantive committees, as amended by the addition of the words "Public Lands," shown on the sheet before you.

Now, we are going to take up in a minute, if it's all right with you, how to appoint these committees, but to clear up the matter Mr. Brazier raised, it is the intention of the Chair, unless the Convention instructs him differently, to ask each of you to fill these out and put your name on them, and some of you have already expressed to me the fact that you want to meet as a delegation and see that you don't—that you get some spread among the delegation. And I would suggest that could be done immediately following our meeting, but the Chair would like to have these filled out this evening, so that whatever comes of how to appoint them, we could have them to work with, and the office could tally them and figure them out before tomorrow morning, so that we will have time early in the morning to start working on these committees.

Now, are there any questions about how to answer or fill out these blanks? Mr. Brazier.

**DELEGATE BRAZIER:** Mr. President, one question. One suggestion.

Do I understand that it's the recommendation of the committee that the delegates each indicate the order of preference on the substantive committees?

**PRESIDENT GRAYBILL:** I think we would consider the top line your first, the second line your second, and the third line your third preference, yes.

**DELEGATE BRAZIER:** Just a suggestion, it might be helpful for the committee on committees, if somewhere, on any available space, the

delegates indicate what there is in their background that may tend to qualify them for the committee.

**PRESIDENT GRAYBILL:** I'm sure we have no objection to doing that. The staff tells me they've got some biographical data on us that we can refer to, but you certainly may add any comments you want.

Are there any other questions about the questionnaire?

(No reply.)

If you will see that the questionnaires get either to the pages, or to someone in the office before you leave, so that we can take care of them overnight, we'd appreciate it.

Now, let's go on to the next matter. Does the temporary Rules Committee have any recommendations concerning how the committees should be appointed? Mr. Murray.

**DELEGATE MURRAY:** Mr. President, we further recommend the following rule regarding committee appointments:

"The president, after consultation with the vice-president(s)—because we may have more vice-presidents—shall appoint the committee members; that any appointment on the announcement, thereof, may be rejected by the majority of the members of the Convention prior to adjournment on January 19, 1972. Each member, except the president, will serve on one substantive standing committee."

This follows, very much, the Illinois proposal, as I understand it.

**PRESIDENT GRAYBILL:** If I understand the sense of the committee's recommendation, it is that the president appoint the committees, after consultation with the vice-president or presidents—

All right. "The president, after consultation with the vice-president or vice-presidents shall appoint the committee members, but any appointment, on the announcement thereof, may be rejected by a majority of the members of the Convention prior to adjournment on January 19, 1972. Each member, except the president, shall be on one substantive standing committee."

The Chair would also like to point out that if there are appointments that take place later than that, it's the Chair's intention to always give a member 2 days, at least—I think that's 2 days—to complain and have his assignment, even if it's late in the session, changed, if there is a new assignment. But, in other words, I take it, that January

19th is 2 days after we come back into session, is that right?

**DELEGATE MURRAY:** Two days-two days after we come back. That's right. It would be 3, I suppose. We come back the 17th...18th. The 19th would be the third day.

**PRESIDENT GRAYBILL:** Three days. Now, is there discussion?

**DELEGATE:** I move the adoption—

**PRESIDENT GRAYBILL:** The Chair has got a question, if nobody's got any discussion. Is it the intent of the committee that the Chair not serve at all, or that the Chair be *ex officio*?

**DELEGATE MURRAY:** We haven't gotten to the rules about you. (Laughter)

**PRESIDENT GRAYBILL:** Okay, but at the moment—

**DELEGATE MURRAY:** I guess we're going to see how you behave.

**PRESIDENT GRAYBILL:** I'm a little behind everybody at the moment.

All right. Now, is there any discussion? Miss Reichert—Mrs. Reichert.

**DELEGATE REICHERT:** Arlyne Reichert, District 13. I know that, as soon as we were elected, we were very pleased that we were to have this initial session at this particular time, so that we would have time to know what committee we would be serving on and we have an opportunity between now and January to do some thorough studying in our particular area.

Now, if we are not pleased with our committee assignment, if we are to wait until January to request another assignment with the consent of the majority of the Convention delegates, we would not have that opportunity to do this studying in the area in which we're interested, and my question is, since we're proceeding at such a beautiful pace today, why could we not handle this Wednesday, if we are dissatisfied with our initial committee assignment?

**PRESIDENT GRAYBILL:** Mr. Murray.

**DELEGATE MURRAY:** Mr. President, I'm not sure that I understand your inquiry. Shoot that by me again, will you please?

**DELEGATE REICHERT:** Well, if we are

not assigned to the committee in which we are particularly interested, and if we would like to request that the majority of the delegates to assist us in having our committee assignments changed, and if it must wait until January before this change could be made, we will not be able to study in our respective area.

**DELEGATE MURRAY:** You've gotten to me. You're making an assumption that this proposal and recommendation does not consider. We feel that you could do that any time after the appointment, but not later than January 19, 1972.

If these committee appointments are made tomorrow, as I trust they may be, (Delegate Reichert: Yes) or Wednesday at the latest, you should have the opportunity to object then.

**DELEGATE REICHERT:** Oh. Fine. Thank you very much.

**PRESIDENT GRAYBILL:** Other questions? Mr. Brazier.

**DELEGATE BRAZIER:** My apologies to Mr. Murray. I was writing feverishly my selections for committee when you stated your recommendation, or your motion, and as a result, it went over my head.

I'm not clear whether it's your recommendation that the Committee on Committees would be constituted of the President, or just exactly what you're getting at in that respect.

**PRESIDENT GRAYBILL:** Mr. Murray.

**DELEGATE MURRAY:** The recommendation of the committee is that the president, after consultation with the vice-president, and if the appointments of these committees should be made tonight it would be Mr. Toole, our vice-president, will make the appointment. We have no Committee on Committees. We didn't propose those either in the procedural committee list or under the substantive committee list, and we don't—we have not given consideration to that, as such. We feel as a committee, that the president should have the opportunity to appoint, in consultation with the vice-president—who is, in this particular instance, of another political party.

**DELEGATE BRAZIER:** So in other words, if I understand it correctly, you are dispensing with the committee on committees?

**DELEGATE MURRAY:** We don't have such a thing.

**PRESIDENT GRAYBILL:** Mr. Wilson, you were on your feet next.

**DELEGATE WILSON:** A question for information. Archie Wilson from District 6.

Would the members, or the delegates, be assigned to more than one committee-substantive committees?

**DELEGATE MURRAY:** Each delegate will be assigned to one substantive standing committee. I would imagine, that if your interests vary among the members in your district, that probably each of you will be on a different standing committee. And if you'll note that for the president, I'm sure he'll give that consideration. Or note it to Mr. Toole, who will be in consultation with the president.

**DELEGATE WILSON:** That answers my question.

**PRESIDENT GRAYBILL:** Other questions? Mr. Berg.

**DELEGATE BERG:** Mr. Murray, I understand that the president, with the advice and consultation of the vice-presidents, will make the committee assignments. My question is, will the committee chairman or co-chairman be appointed by the same committee, or are they to be elected by the committee members themselves? Has your committee considered that problem?

**DELEGATE MURRAY:** Our committee has not considered that at this time. I would presume we would give consideration to that before-well, perhaps sometime tomorrow, but at this stage, we felt the appointment of the members to the committee was of most urgency to most of us. And that's as far as we were able to get in the hour and a half that we had within which to meet.

**PRESIDENT GRAYBILL:** The Chair has been asking for questions, and I don't mean to stop you from making statements. I should be saying, is there further discussion? Mr. Brazier.

**DELEGATE BRAZIER:** Mr. President, I think what is suggested here has some profound implications, and maybe this is more properly classified procedurally as rising to a point of order, but I wonder if there is some way whether, whereby we could test a consensus of the delegates as to whether we ought to have an elected committee on committees, or bestow that power upon the president at this time-or officers, excuse me.

**PRESIDENT GRAYBILL:** We're certainly going to have an expression of that in a minute if we vote on this, but if you've got another way that you want to test it, the Chair would certainly be interested in hearing what it is.

**DELEGATE BRAZIER:** I'd like to hear—I'd like to test Walter Marshall's expertise on this procedural point.

**PRESIDENT GRAYBILL:** Well, there's a motion, now, that says that if you do it this way you wouldn't have a Committee on Committees. If you want a Committee on Committees, it would seem to me you would vote against this, or if you want to do that, there's another way that I can think of, and I could tell it to you if you want me to. In other words, you could make a substitute motion.

**DELEGATE BRAZIER:** I therefore make a substitute motion that we have a duly elected Committee on Committees, and I think I can go into more procedural depth, if such is necessary, but I think that will test the question I had in mind.

**PRESIDENT GRAYBILL:** Just a moment—Mr. Brazier, the parliamentarian would like you to say a little more. In other words, you want an elected Committee on Committees, is that it? By nominations from the floor? Or by appointment by the Chair? Or do you care how we get the Committee on Committees?

**DELEGATE BRAZIER:** If you'll all kindly bear with me, I'll see if I can compose one off the top of my head (inaudible) here.

I offer a substitute motion that a seven-member committee on committees be elected by nomination-be elected in its entirety by nominations from the floor, with the authority to designate one of its number as chairman, and to report back to the Convention its recommendations upon the make-up-size and make-up of committees. And for the purposes of electing such delegates I would further include in that motion that a legal ballot be one which does not include the names of more than seven nominees.

**PRESIDENT GRAYBILL:** You lost me again. What do you mean? You can't have more than seven nominees. Or are we going to have seven elected—

**DELEGATE BRAZIER:** My motion was based upon the assumption that there would be more than seven nominees-

**PRESIDENT GRAYBILL:** Oh, I see. You can only vote for seven.

**DELEGATE BRAZIER:** Yes.

**PRESIDENT GRAYBILL:** May the Chair ask Mr. Brazier a question? Now, I don't care, but I want to know the sense of your motion.

I understand that the Chair would have nothing to do with the committees if your motion prevailed, is that right? Okay. All right. Mr. Roeder.

**DELEGATE ROEDER:** Rich Roeder from District 11. I'd like to ask Mr. Brazier a question or two. I wonder if he has read the section in the manual here prepared by John Peale and sent to us, on pages 48 and 49, on the question of who assigns to committees?

**DELEGATE BRAZIER:** I read it, but I did not commit it to memory.

**DELEGATE ROEDER:** Well I suggest that you might look at it. It points out some of the dangers of the sort of thing that you're proposing, and I would also like to ask if you heard Mr. Whitwer last night talk about this very question?

**DELEGATE BRAZIER:** I heard him, and I also heard him say that the Illinois situation was not necessarily comparable to the Montana situation-

**DELEGATE ROEDER:** I think he was pretty emphatic on his point that his experience would apply, however. Thank you.

**PRESIDENT GRAYBILL:** Is there other discussion on this motion? Mr. Berg.

**DELEGATE BERG:** This is Ben Berg from District 11. Earlier, I took the opportunity to review the Memorandum 1 on Constitutional Convention Rules, and I found that in not one of the states was a committee on committees realized. In almost all instances, either the president, or the president with the consultation of vice-presidents, selected the committees. I think that might be a very worthy precedent for us to follow here.

**PRESIDENT GRAYBILL:** Is there other discussion of the motion? Mrs. Bowman.

**DELEGATE BOWMAN:** I'm Jean Bowman

from District 8. As I understand the proposal by the temporary Rules Committee, we are to elect three vice-presidents. I therefore feel that this committee, on the selection of committees, should not be made until the other two vice-presidents have been elected.

**PRESIDENT GRAYBILL:** I think the Chair would say, that assuming we can get to the business of whether or not to elect other vice-presidents tomorrow, the Chair would certainly hold up-if I had anything to do with it-putting it out until they'd had a chance to look at it. Now, if we get into late Wednesday, I-we might have a different situation, but I'd certainly reconsider that with you, Mrs. Bowman, tomorrow.

I would like the other chairmen, if we get them appointed-the other vice-presidents, if we get them elected tomorrow, to have a look at this. The Chair does not intend to hurry it out ahead of them, and I'll at least come back to you before I would do that, if I have anything to say about it.

Is there any other discussion on the motion? (No reply.)

Question-are you ready for the question?

**DELEGATES:** Question.

**PRESIDENT GRAYBILL:** All right, the voting is open on the machine. The voting is on Mr. Brazier's motion that a committee of seven members be elected, all nominated from the floor, with no more than seven to be voted for. And the committee, when it's elected, choose its own chairman, the committee to recommend to this body the status and makeup of all committees.

Have I fairly stated that, Mr. Brazier?

**DELEGATE BRAZIER:** (The delegate indicated in the affirmative.)

**PRESIDENT GRAYBILL:** All right. If you're in favor of Mr. Brazier's motion, vote Aye. If you're opposed to Mr. Brazier's motion, vote No.

Have all the delegates voted? Does any delegate wish to change his vote? If not, the Chair will close the ballot and have the clerk tally the ballot.

**SECRETARY MARSHALL:** Mr. President, 89 delegates have voted No, 1 delegates have voted Aye.

**PRESIDENT GRAYBILL:** 7 delegates have voted Aye, 89 have voted No. Mr. Brazier, your motion has failed.

We're now back on the issue of whether or not to support the resolution of the temporary Rules

Committee that the Chair, with the concurrence of the vice-presidents, nominate the members of the committees.

Is there further discussion on that proposal by the Rules Committee?

(No reply.)

**DELEGATES:** Question.

**PRESIDENT GRAYBILL:** Are you ready for the question-Mr. Clerk may I have that—haven't we got that written out somewhere?

Are you ready for the question?

**DELEGATES:** Question.

**PRESIDENT GRAYBILL:** All right. The question is on the temporary Rules Committee's proposal-or resolution, that the president, after consultation with the vice-presidents, shall appoint the committee members. That any appointment, on the announcement thereof, may be rejected by a majority of the members of the Convention prior to adjournment on January 19, 1972. Each member, except the president, shall be appointed to serve on only one substantive standing committee.

The Chair has further made the point that any appointments that happen to be made after that, there would be a 3-day opportunity to ask for a change, and the Chair has agreed with Mrs. Bowman that I will not appoint it with only the vice-one vice-chairman unless we don't get to that until Wednesday.

All those in favor of this resolution by the Rules Committee vote Aye, all opposed vote No. The ballot is open.

Have all the delegates voted? Does any delegate want to change his vote? Will the clerk close the ballot?

**SECRETARY MARSHALL:** No, that's your job. You close the ballot.

**PRESIDENT GRAYBILL:** Oh, all right, I'll close the ballot. Now-(laughter&you're going to keep me honest, Walter. All right. Walter, will you tally the ballot.

**SECRETARY MARSHALL:** Gladly so. 98 voted Aye, 2 voting No.

**PRESIDENT GRAYBILL:** 98 having voted Aye, and 2 voted No, the proposal of the temporary Rules Committee that the committees be selected and nominated in this manner is hereby approved.

Now, Mr. Blaylock had a motion-Mr. Cate, do you have a motion?

**DELEGATE CATE:** Mr. President, I would like to call it to the attention of the committee that there were 100 votes cast there, and there were only 99 people eligible to vote. The president did not vote, as I understand it—

**PRESIDENT GRAYBILL:** Well, I voted here-I think I'm eligible to vote yet. I hope I haven't lost that one yet. (Laughter) I did vote and Mr. Dahood is here, so I think there are 100 eligible to vote, seeing no vacant seats.

All right. Now, Mr. Blaylock, earlier you wished to make a motion?

**DELEGATE BLAYLOCK:** Mr. President, I'd like to ask a question of you, first, before I repeat that motion.

Do you have a desire that Mr. Toole should have a different seat to help on the floor?

**PRESIDENT GRAYBILL:** Well, I don't know. Let's let the Rules Committee finish this officer thing up tomorrow, but regardless of that, I'm sure we can make adjustments later for any odd seats, and I trust you're going to make that motion about alphabetical seating.

And the Chair would assume, unless he hears to the contrary, that if we adopt such a thing, and it later became necessary for floor managers, or for vice-presidents to sit in certain spots, that we would simply adjust for that one change.

Now, what is your motion?

**DELEGATE BLAYLOCK:** Mr. President, I move that this Convention remain seated in alphabetical order, as it is now.

**PRESIDENT GRAYBILL:** Mr. Blaylock has moved that we remain seated in alphabetical order.

**DELEGATE:** Mr. President.

**PRESIDENT GRAYBILL:** Mr. Berg.

**DELEGATE BERG:** Ben Berg from District 11. I want to join in that motion for a very personal reason. I find I occupy seat number 13, the same seat I had in 1957. I am most comfortable. (Laughter & Applause)

**PRESIDENT GRAYBILL:** Are there other delegates who wish to discuss the matter? Mr. Skari.

**DELEGATE SKARI:** Mr. Chairman, Carman Skari, District 14. I, too, would advise alphabetical seating. I think the state has gone to considerable expense here on the charts and all this. I think it also is an aid to bipartisanship, and I like the present arrangement. (More Laughter & Applause)

**PRESIDENT GRAYBILL:** The House having taken constitutional notice of your proposal, Mr. Skari, will be so advised.

Now, do other people want to discuss the alphabetical seating arrangement?

**DELEGATES:** Question.

**PRESIDENT GRAYBILL:** Mr. Joyce, you don't want to do anything except sit down, do you? Okay.

Are you ready for the question?

**DELEGATES:** Question.

**PRESIDENT GRAYBILL:** The ballot is now open. All those in favor of retaining, for the balance of the Convention, or at least until further order of this Convention, the alphabetical seating arrangement, please indicate so by voting Aye, and those opposed vote No.

Has every delegate voted? Somebody hasn't voted. Does any delegate wish to change his vote? All right, the Chair has closed the vote. Mr. Clerk, will you tally the vote?

**SECRETARY MARSHALL:** 99 delegates have voted Aye, and 1 person made a mistake and voted No.

**PRESIDENT GRAYBILL:** By your vote of 99 Ayes and 1 No, we will retain, at least until we make another such motion, the present alphabetical seating arrangement.

Now, we are not quite through. But the Chair would like to—I've been asked by the secretary, and I did not do it earlier, and I should have—but at least for this first tentative-first session, both she and I would appreciate it if you would stand and repeat your names so she can get it in the record. I'll try to repeat your name. Sometimes I get mixed up, but we want to try to do that for her.

Secondly, I've been asked to announce that there's a possibility—that there is a request that tomorrow at 3:00 p.m. all the women would have their photo taken to show how many women we have in the Constitutional Convention. Mrs. Cox will make further announcements as to place, and if the time has to be changed slightly, we'll do that,

but the women might like to know today that they might have-be in a picture tomorrow. (Snickers from the men)

Furthermore, the Chair would like to be advised as to the hour that the Governor has invited us to his home this evening, if anybody knows.

**DELEGATES:** 7:00.

**PRESIDENT GRAYBILL:** 7:00. All right.

Now, we have covered quite a bit of ground and I'm real proud of us. Is there any other business to come before our meeting today, or can we recess 'til tomorrow? Mr. Murray.

**DELEGATE MURRAY:** Mr. President, I would like to ask the members of the temporary Rules Committee to meet with me to the right of the convention hall immediately after our recess.

**PRESIDENT GRAYBILL:** Mr. Murray, there was another matter.

Mr. Nutting, do you want to make your further-your first suggestion in the form of a motion, directing the Rules Committee-temporary Rules Committee on the scope of the rules that they are to deal with between now and the end of the first session?

**DELEGATE NUTTING:** I think we're dealing with just the matters that I had in mind, and I'm very happy with it. Thank you.

**PRESIDENT GRAYBILL:** All right, then, we're not going to have a motion. Mr. Furlong.

**DELEGATE FURLONG:** Furlong, District 16. Mr. President, I would like to ask a question, if I may, and perhaps make a very short statement.

**PRESIDENT GRAYBILL:** Surely. Go ahead.

**DELEGATE FURLONG:** Is it permissible, having voted on the prevailing side on the committee appointments, to ask for reconsideration?

**PRESIDENT GRAYBILL:** Just a minute. I'll find out.

Parliamentarian says it doesn't make any difference, and you can move to reconsider.

**DELEGATE FURLONG:** Well, not at this moment, but I'm a little bit slow at this game, and it strikes me that we have given the body the ability to challenge any committee appointment for cause, which I have no objection to, but I'm not so sure that we have given the individual member the right to challenge the Chair to a committee appointment of his choice.

**PRESIDENT GRAYBILL:** Mr. Furlong, the Chair would interpret that to mean that any member may address the Chair and raise the issue, and then the body will have to decide whether or not his committee appointment is right. A majority of you have to agree before he could get it changed-he or she-but it would seem to me, and I will certainly recognize anyone that wants to object to them, and you can make your explanation to the body and the body can leave you or move you.

**DELEGATE FURLONG:** Thank you for the answer.

**PRESIDENT GRAYBILL:** Yes, Mr. Choate.

**DELEGATE CHOATE:** Yes-Lyman Choate, District 2. I would suggest that before we recess, that these questionnaire forms be picked up, so they don't get lost or thrown away.

**PRESIDENT GRAYBILL:** Those of you who have your questionnaire forms ready should give them to the pages, or, if you are holding them, leave them with the girls out in the office before you leave. And if you want to stay, some of you, and talk to your district members, why-just retain them and put them in the office before you leave. The pages are passing among you to pick them up.

Is there other business to come before the

House? If not, I would recognize the vice-president, Mr. Toole-Mr. Martin.

**DELEGATE MARTIN:** Fred Martin, District 11. I think we're off to a good start, and I think we should give a vote-or make a motion that we give a vote of appreciation to the excellent work of the Rules Committee.

**PRESIDENT GRAYBILL:** I think the Rules Committee can take that round of applause as a vote of approval so far.

Mr. Toole, unless someone else stands up with you, I'm going to recognize you to make a motion to recess until 11:00 tomorrow morning, and the reason it's 11:00 is so that the committees can be started to be worked on.

**DELEGATE TOOLE:** Mr. President, I make such a motion to recess until 11:00 tomorrow morning.

**PRESIDENT GRAYBILL:** Is there any objection-I guess we can't debate that.

All in favor say Aye.

**DELEGATES:** Aye.

**PRESIDENT GRAYBILL:** Opposed, No. (No reply.)

We will recess until tomorrow morning at 11:00 a.m.

(The Convention recessed at 5:30 p.m.)

Morning Session

November 30, 1971

11:10 a.m.

**PRESIDENT GRAYBILL:** Convention will please be in order.

Good morning, ladies and gentlemen. I would like to ask Harold Arbanas if he would give us an invocation from his chair-or seat-from his position, let's say.

**DELEGATE ARBANAS:** Our Father, we'd like to express thanks for the progress of our deliberations. We ask for the gift of wisdom, the grace of courage and an awareness of Your presence. Amen.

**PRESIDENT GRAYBILL:** The voting machine has been opened, and if you are present vote Aye, so that the clerk may tally the roll.

Has each delegate voted?

**SECRETARY MARSHALL:** No, sir, they have not.

**PRESIDENT GRAYBILL:** Do some of the delegates wish to leave? (Giggles) No lights?

**SECRETARY MARSHALL:** Mr. President.

**PRESIDENT GRAYBILL:** Yes, sir. Yes, Mr. Clerk.

**SECRETARY MARSHALL:** Mr. President, 98 delegates are present. A quorum is present.

**PRESIDENT GRAYBILL:** Very well, close the ballot. Just a moment.

The Convention should know that we are, this morning, on the orders of business of Mason's Manual. We are going to pass reading and approval of the journal of the previous day, since this seems hardly necessary until we get to the substantive session in January.

The next matter that I would like to take up are messages, and I would like to recognize Mrs. Babcock for a message.

**DELEGATE BABCOCK:** Mr. Chairman, honorable delegates, I'd like to read a telegram that I received this morning:

"Best wishes to you and your fellow delegates as you start deliberations on a new constitution. My conference here in Moscow, U.S.S.R., preclude my attending personally. I feel confident this important document will emerge as a model to guide Montanans to a great future," and you'll never guess who that's from. (Laughter and Applause)

**PRESIDENT GRAYBILL:** Thank you, Mrs. Babcock, and please express to him our gratification at having received it.

**SECRETARY MARSHALL:** Mr. President.

**PRESIDENT GRAYBILL:** Yes, sir.

**SECRETARY MARSHALL:** The other two delegates are present.

**PRESIDENT GRAYBILL:** So we are all here now?

**SECRETARY MARSHALL:** Yes, sir.

**PRESIDENT GRAYBILL:** Fine. I will show them all present on the roll, then.

Now, the next matter of business will be the reports of standing committees, or of special committees, which I presume includes the Rules Committee. If someone has something other than that, that is in order now, I would be glad to recognize you, but we do intend to go to the Rules Committee.

Did someone here have a motion they wanted to make, or an observation?

(No reply.)

Very well, the Chair will recognize Marshall Murray, the chairman of the temporary Rules Committee.

**DELEGATE MURRAY:** Mr. President, the Rules Committee has been meeting since 8:00 this morning. We have several recommendations to make.

One has to do with the election of two more vice-presidents, one from each congressional district, if you adopt the rule as we have it.

Another has to do with the election of a secretary, who shall be a delegate.

Another has to do with the appointment of an executive director of the Convention, who shall be appointed by the president and be primarily responsible for the Convention.

Another has to do with the appointment of such other employees as may be necessary.

And the last item that we discussed this morning, which will be considered, as I understand it, this afternoon, has to do with the appointment or designation of the chairman and vice-chairman of the respective committees.

I make particular mention of that last item because there is on your desk, ahead of the delivery to you of the recommendation of the Rules

Committee a substitute motion, and I'm sure that you have seen it, and are concerned about when that matter might be considered.

The president has advised me that he would like to consider these matters in this order today. He would like to have us consider the vice-presidential matter and the secretary matter, and then he would like to have a 15-minute recess. And then he would like to call for the election of those officers this morning,

He would like to work 'til about 12:30, unless we are able to get done with this business earlier than that, and then come back this afternoon, 3 or 4 o'clock, depending on what our workload looks like, and go into the other matters that we haven't considered in this committee report. And by that time, hopefully, the committee will also have a rule on lobbyists, and an amended order of business.

**PRESIDENT GRAYBILL:** Mr. Murray, we are having the pages distribute the first two or three of those matters you're taking up, so every-one'll have them before them.

**DELEGATE MURRAY:** Thank you, Mr. President.

The first matter of business is this: "Two additional vice-presidents shall be elected, one from each congressional district of the State of Montana. Their duties shall be assigned by the president and neither shall have the right of succession."

Let me explain this briefly. We feel, in the temporary Rules Committee, that the additional vice-presidents-and we don't call them second vice-president, or third vice-president-as such—will be basically honorary positions. We feel that you will treat them as such. We do believe that their election should be as we have specified, from each congressional district of the State of Montana, one residing in each.

We feel that their primary responsibilities in the interim will be in the publicrelations capacity, and therefore, we would like to have it in each district. We do not believe that in case of some tragedy and we should lose the president and the present vice-president of this Convention, that these people should be considered in line of succession. Therefore, we have added the language that neither shall have the right of succession. It is our opinion that the Convention would want to convene and have a new election and reorganize itself in that event.

Mr. President, I move that this Convention

adopt the rule as I have stated it, and as it is written and being delivered to the desks.

**PRESIDENT GRAYBILL:** All right, the motion has been made by the Rules Committee chairman that we adopt a resolution that there be two additional vice-presidents elected, one from each congressional district, that their duties be assigned by the president, and neither have the right of succession.

Is there any discussion on this resolution? Mr. Harlow.

**DELEGATE HARLOW:** I am in accord, to a certain extent, with this remark. I was thinking, primarily, of trying to spread these vice-presidents, along with our present president and vice-president, geographically over the state rather evenly.

At the present time, our first vice-president is from the west—from the western area. We realize—or I realize, that our president is from the—one congressional district, and our present vice-president is from another congressional district, but my thinking was geographic—a little better geographic distribution, so that one of these vice-presidents would be elected from sort of the southeast quarter of the state, and the other vice-president more from the northeast part of the state, to give us a little better geographic distribution, so that we would have a better public relations position from our various administrative officers, and that's the only thought that I have in mind.

If we elect them from those two areas—in other words, from the southeast and northeast, we would get them both from the eastern congressional district.

I'm not going to suggest that we change this resolution to take out the one from each congressional district, I merely want to put that out here for you to think about and consider, and if you think it's a good idea, then maybe we should change this around so that we would meet with that resolution, if you feel it is necessary to change the wording.

**PRESIDENT GRAYBILL:** Is there further discussion?

**DELEGATE MURRAY:** Mr. President, with respect to this matter, the committee did consider where these people should be elected from, and whether they should be a woman or a man, and it was our consensus after discussing this thing at length, that this is the best that we could

arrive at, and that the delegates themselves should have the prerogative, in each district, who they would like to elect and whether it should be a man or a woman, or Independent, or a Republican, or a Democrat.

**PRESIDENT GRAYBILL:** Very well. Is there further discussion on the resolution? Mr. Felt.

**DELEGATE FELT:** This is going to happen, and I'm not particularly opposed to it, as I suspect that it's unimportant and about the same decision that's been made.

I hadn't thought, until the very last few words I heard that perhaps the-if I heard them correctly-that only part of us would vote on this election of one of the vice-presidents, and the other part vote in selecting one from the congressional district, only if we happen to reside in that district, but maybe I misunderstood those remarks.

**PRESIDENT GRAYBILL:** Mr. Murray—

**DELEGATE FELT:** Frankly, I'm glad if one would be a man and one would be a woman, but I think that we should base this on merit, (inaudible) and I think the same principle applies to our geography.

I think that our president represents the entire state, and I think that our vice-president and all other officers should represent the entire state, and that we shouldn't vote on these by geographical lines, any more than on the lines of sex, age, or any other qualification or disability.

Only for that reason, do I frankly prefer to say that the delegation elect an additional two vice-presidents, the duties to be assigned-(inaudible) anyone could be elected by all the delegates.

**PRESIDENT GRAYBILL:** Is there further discussion?

**DELEGATE MURRAY:** Mr. President, we feel that the entire Convention should be entitled to vote, and I think we have already settled this issue on the floor of this Convention, but we feel the entire Convention should be entitled to vote for each proposed vice-president. And we felt that the only fair way to do this, would be to have one from each congressional district, if we had any restrictions at all, and whatever the Convention would like to do in this respect is fine; however, our deliberations were as the rule is proposed.

**PRESIDENT GRAYBILL:** Is there further discussion on this first proposal? Mr. Dahood.

**DELEGATE DAHOOD:** Mr. President, I'd like to rise to support the suggestion of the committee report. As I understand it, from my inquiry, the reason for having vice-presidents is for the purpose of assisting the work of this Convention being adopted by the citizenry of the State of Montana. So consequently, it seems to me, it would be more workable and more practical if we had a vice-president in each of the congressional districts, so that his travel arrangements could more easily be put together, and he could serve our purposes with less expense and less inconvenience to himself.

So, as a consequence, I think we should adopt the suggestion that has been made, and elect a vice-president from each congressional district.

**PRESIDENT GRAYBILL:** Further discussion on the resolution? Are you ready for the question?

**DELEGATES:** Question.

**PRESIDENT GRAYBILL:** Now, the clerk informs me that we should be taking roll call votes on these things. So I think what we will do is; I'll open the ballot, and then I'll ask you to vote, and when I close the ballot I'll ask the clerk to make the machine take its roll call. So-is-was that right, Walter?

Well, wait a minute. There's no sheets for the machine until tomorrow. Maybe we ought to just start taking roll call votes tomorrow. It'd take us a long time, though.

Let's-would the Convention be agreeable to taking the roll call vote after we get the paper, and for these procedural matters, let's dispense with the roll call vote? Unless I hear to the contrary, we will do that, then. I thought the machine was ready.

All right. So now the ballot is open on the resolution of the Rules Committee that there be "two additional vice-presidents elected, one from each congressional district in the State of Montana. Duties to be assigned by the president, neither to have the right of succession."

Please understand that if you adopt this rule, and the following one, or whatever you do with the following one, then we will take a short recess. We'll talk it over, and then we'll go ahead and ballot on these matters before we recess for lunch.

Now, all those in favor say-vote Aye, those opposed vote No.

Have all the delegates voted? Does any delegate wish to change his vote? If not, the ballot is closed. Will the clerk please tally the vote.

**SECRETARY MARSHALL:** Mr. President.

**PRESIDENT GRAYBILL:** Yes, sir.

**SECRETARY MARSHALL:** 96 delegates have voted Aye, 4 delegates have voted No.

**PRESIDENT GRAYBILL:** 96 having voted Aye, 4 having voted No, the resolution has passed. May I inquire of the clerk, that isn't a roll call vote?

**SECRETARY MARSHALL:** The names aren't on it.

**PRESIDENT GRAYBILL:** The names aren't on it. I see. We got them all down but not the right names. Okay.

Now, we'll go back to the chairman of the Rules Committee. Do you have another resolution? Do you want to give power to the chairman?

**DELEGATE MURRAY:** Mr. President.

**PRESIDENT GRAYBILL:** Yes.

**DELEGATE MURRAY:** Let me read the next proposal:

"A secretary shall be elected who shall have custody and preserve all proposals, resolutions, committee reports, and all other records, books, documents and papers of the Convention, and shall not permit them to be taken out of his custody, except in the regular course of the business of the Convention.

After consultation with the president, the secretary may delegate part of the duties to the executive director, or another employee designated by the president. The secretary may not, however, delegate the duty of certifying the revision or alteration of, or amendment to, the Constitution approved by the Convention for submission to the electorate."

It is the consensus of the committee that we should have an executive director of the Convention, and that we should have a secretary who would be primarily responsible for overseeing the duties of the executive director, and who would be the-according to the rules, the person in charge of those items stated in this rule.

I think, frankly, that this matter is self-explanatory, and at this time, I move the adoption of the committee recommendation.

**PRESIDENT GRAYBILL:** All right, you heard the resolution, is there discussion on the resolution? Mrs. Warden.

**DELEGATE WARDEN:** Mr. President, as a

member of the Rules Committee, I thought I'd gotten all the "he's" and "she's" out of this resolution, but it turned out that I didn't. It says "his custody." I would like to amend that to say "the custody of the secretary."

**DELEGATE MURRAY:** Mr. President, in deference to Mrs. Warden, and I defer to her wisdom in this respect, somehow in my handwritten notes, the word "the" was omitted.

**PRESIDENT GRAYBILL:** She just wants to get the word "his" out of there, and that's the point, I think.

**DELEGATE MURRAY:** I tried to strike the word "his" and add the word "the."

**PRESIDENT GRAYBILL:** May we consider it amended?

**DELEGATE MURRAY:** I would ask that it be considered amended.

**PRESIDENT GRAYBILL:** I do hope that—I'm glad you raised the point, Mrs. Warden—but I think we ought to have a basic understanding that if, in the syntax of English, we slip a "his" or a "her" in the rest of this Convention, it really doesn't mean that. (Laughter)

Recognize the delegate from-Mr. Champoux.

**DELEGATE CHAMPOUX:** I'm a Montanan from the Flathead, rather than just Kalispell.

The question I'd like to submit to the chairman of the Rules Committee is the-what about this certifying? What exactly did you mean by that? Could you put in a little more detail? You said something about certifying therevision. How did you—what's—

**DELEGATE MURRAY:** We're just talking about certifying the revision.

**DELEGATE CHAMPOUX:** What's the reason for that?

**DELEGATE MURRAY:** What's the reason for that? The reason for that, is because The Enabling Act specifies that the president or the secretary shall sign those.

**PRESIDENT GRAYBILL:** Is that clear, Mr. Champoux?

**DELEGATE CHAMPOUX:** Yes.

**PRESIDENT GRAYBILL:** In other words,

it's a matter of official signing. She can't delegate the duty of signing the papers.

DELEGATE CHAMPOUX: What I was concerned about, was what they meant by it, and I understand by those clarifications. Thank you.

PRESIDENT GRAYBILL: Is there other discussion of the-all right, Mr. Habedank.

DELEGATE HABEDANK: I would like to-this is Otto Habedank from District 3. I would like to direct a question to the chairman of the Rules Committee, as to whether or not, in their discussion relating to this, if it was determined by them that a non-delegate secretary and executive director could perform both of these functions?

DELEGATE MURRAY: Inresponse to that, the matter was considered. It was my proposal to the committee because of the language of The Enabling Act, and because of my personal opinion, that the secretary should be a delegate, and the committee agreed, after discussing this matter yesterday and today, that we should elect a secretary from the members of this Convention, and that the executive directorship should go to an employee, and this meets with Mr. Harris's approval, too.

PRESIDENT GRAYBILL: Further discussion on the resolution?

(No ieply.)

Are you ready for the question?

DELEGATES: Question.

PRESIDENT GRAYBILL: All right, the question is on the Rules Committee's resolution that a secretary be elected-and although the resolution before you doesn't say that, it's to be from within this body-who will have custody of and preserve all the proposals, resolutions, et cetera. And after consultation with the president, the secretary may delegate part of the duties to the executive director, or other employees, which means that the actual keeping of the records may be done by the clerks, but the secretary may not delegate the duty of certifying the records and revisions, and so forth, the work of the Constitutional Convention.

Now, those-I've opened the ballot, and those in favor of that resolution please vote Aye, and those opposed please vote No.

Have you all voted? Does anyone wish to change his vote? All right, we'll close it quickly. Mr. Clerk, can you tell us what that vote was?

SECRETARY MARSHALL: Yes, sir. Mr. President.

PRESIDENT GRAYBILL: Yes, sir.

SECRETARY MARSHALL: 100 delegates have voted Aye, none voting No.

PRESIDENT GRAYBILL: Since you have unanimously voted Aye, that resolution is adopted.

The Chair will now recognize Mr. Marshall Murray again.

DELEGATE MURRAY: Mr. President, I move that this Convention recess for 15 minutes, or until, by the clock—

SECRETARY MARSHALL: The new clock, sir.

DELEGATE MURRAY: -the new clock, 11:50, November 30, 1971.

PRESIDENT GRAYBILL: All those in favor say Aye.

DELEGATES: Aye.

PRESIDENT GRAYBILL: —opposed—  
(No reply.)

We're in recess until 11:50, at which time we will take up election of these officers, so that's what the recess is for.

(The Convention recessed until 11:50 a.m.)

PRESIDENT GRAYBILL: The Convention will be in order.

The Convention will now proceed with the elections, and the Chair would like to suggest that in the event there are more than two candidates nominated for any of these offices that we are going to vote on, we'll take the preliminary vote, at least, orally, so that we'll just go around the room and shout out the name of the one we're voting for. And then if there's less than two, we can do it on the voting machine.

Secondly, if there are many people nominated, it is my intention to knock off either the last one, or the last two, depending on how many are nominated, until a majority is reached by some candidate. That doesn't mean that we're down to two, but until a majority is reached by some candidate. Is there-is there-anyone objects to ~~these~~ground rules for the election?

All right. Now, Mrs. Bates, you had a matter?

**DELEGATE BATES:** Mr. Chairman, I wondered if there would be any objection to taking the secretary-the office of secretary-the election of secretary before the vice-presidents. I would like to have—

**PRESIDENT GRAYBILL:** You want to vote on secretary before the vice-presidents?

**DELEGATE BATES:** Yes.

**PRESIDENT GRAYBILL:** Mrs. Bates has made a suggestion that the Convention vote on the office of secretary before the vice-presidents.

**DELEGATE:** Why?

**PRESIDENT GRAYBILL:** Mrs. Bates, they want to know why.

**DELEGATE BATES:** Because I have a candidate in mind that is interested in this position, and it may make a difference, then, in the vice-president selection, also.

**PRESIDENT GRAYBILL:** NOW, the Chair's position is this: Does anyone object to this? If no one objects, we could go ahead and do it, but if anyone objects, let's do it in the reverse order.

Pardon? Does someone care to stand and make an objection? All right, Mrs. Bugbee's objected, so the Chair takes it-the Chair is going to rule, unless you raise a point of order for the parliamentarian, that we'll go ahead and elect the vice-presidents first, Mrs. Bates, and the secretary second.

Now, I trust you wouldn't mind if the Chair ruled that we vote on the vice-president from the east before the vice-president from the west (laughter), or do you want to vote on that issue? Let's vote on the east one first and the west one second.

Mrs. Bugbee.

**DELEGATE BUGBEE:** Mr. President, I object again. I'm sorry. Let's take one first and then two.

**PRESIDENT GRAYBILL:** Is the west one?

**SECRETARY MARSHALL:** Oh, yes.

**PRESIDENT GRAYBILL:** Oh, well pardon me. (Laughter)  
Mr. Champoux.

**DELEGATE CHAMPOUX:** I object. I think it should be done by a toss of the coin, please.

**PRESIDENT GRAYBILL:** Call it, Mr. Champoux.

**DELEGATE CHAMPOUX:** Heads.

**PRESIDENT GRAYBILL:** You're right. Which district do you want?

**DELEGATE CHAMPOUX:** East. (Laughter)

**PRESIDENT GRAYBILL:** Mrs. Bugbee, you've been had.

All right, we're going to vote. Nominations are now in order for vice-president of this Convention from the eastern congressional district. Mr. Choate.

**DELEGATE CHOATE:** Mr. President, I'm Lyman Choate from District 2. Well, I'd like very much to place in nomination the name of a man that I think commands the respect and a good deal of admiration, I think, on the part of most all the delegates here in this room.

He's a man, an Independent from the eastern district, a constituent of mine, and it would please me very much to place in nomination the name of Bruce Brown.

**PRESIDENT GRAYBILL:** Bruce Brown has been nominated for eastern congressional district vice-president.

Let's see. Mr. Davis.

**DELEGATE DAVIS:** Mr. President, Carl Davis, delegate from District 21. I would like to second that nomination. Bruce is an outstanding practicing lawyer in the eastern part of Montana, and I think he could do a great deal to help pass whatever constitution that may develop from this Convention.

I have a further reason, too, which I should share with the Convention, perhaps. When my wife found out I didn't vote for Bruce, my old long-time classmate and friend, yesterday, she left and returned to Dillon, so this may avoid a big alienation of affection suit. So I heartily recommend Mr. Brown.

**PRESIDENT GRAYBILL:** Are there further nominations? The Chair recognizes Mark Etchart.

**DELEGATE ETCHART:** Mr. Chairman, I would like to place in nomination as vice-president from the eastern district, the name of Mags Aasheim.

Mags is no stranger to this body. He was candidate for president. He's a four-term legislator, and I think that in order to get some balance in our officers, that we should recognize an important segment of the state, which is agriculture, and Mags is a farmer and a rancher.

He's from the very eastern part of the eastern district. He would be representative of a great part of the state, and I think that he'd make a very fine vice-president.

**PRESIDENT GRAYBILL:** Now, the Chair rules that we don't need seconds, but if there is a second, I want to get in before the next nomination. Mr. Hanson.

**DELEGATE HANSON:** Mr. Chairman, I rise to second the nomination of Mags Aasheim.

Although I have nothing against attorneys, believe me, they're a necessary evil at times and at other times they're necessary, I do think that we have two attorneys so far, that we should look at the agricultural segment of our state because, believe me, Montana is still primarily an agricultural state and I believe that Mags Aasheim would well represent that interest in this Convention.

**PRESIDENT GRAYBILL:** All right, are there further nominations? Mrs. Mansfield.

**DELEGATE MANSFIELD:** Rachel1 Mansfield of District 14. I would also like to go along with Mr. Hanson on Mags Aasheim.

**PRESIDENT GRAYBILL:** All right, are there further nominations?

**DELEGATE DAVIS:** Mr. President, a question, please.

**PRESIDENT GRAYBILL:** All right, a question.

**DELEGATE DAVIS:** When you referred to two attorneys, to whom are you referring, Mr. Hanson?

**DELEGATE HANSON:** Well, I believe that Mr. Graybill is an attorney, and I believe that Mr. Toole is an attorney.

**PRESIDENT GRAYBILL:** Mr. Toole will appreciate that honorary law degree, I'm sure.

**DELEGATE HANSON:** I'm sorry, Mr. Toole—I had you in the wrong camp.

**PRESIDENT GRAYBILL:** Mr. Toole, you just had a very high compliment paid you.

Are there other nominations for-Mr. Foster.

**DELEGATE FOSTER:** Mr. President, Don Foster, delegate from District 10. I rise to second the nomination of Bruce Brown.

I was not going to get on my feet and belabor the time of this Convention, but when the question of farmers and lawyers was raised, I felt that we might all consider another consideration, and that being the question of an Independent. And in spite of the fact that I'm the first one that wants to see partisan politics taken out of this Convention, I think it's important to note that Bruce Brown is an Independent. Thank you.

**PRESIDENT GRAYBILL:** That's no political party, though. All right, now-Mr. Harbaugh.

**DELEGATE HARBAUGH:** I thought we got rid of the partisan issue yesterday, but apparently we didn't.

**PRESIDENT GRAYBILL:** Except for Mr. Harbaugh, we're not serious today. Go ahead.

**DELEGATE HARBAUGH:** I think that we ought to vote on these men on the terms of their qualifications, and I believe that Mr. Aasheim is very well qualified to represent the east district, and I would speak in his behalf.

**PRESIDENT GRAYBILL:** Are there other nominations? Mrs. Pemberton.

**DELEGATE PEMBERTON:** Mr. Chairman, I seconded the nomination for Bruce Brown yesterday and gave quite a bit of information on his family background, and this included information about one of the oldest ranches in the state of Montana. Thank you.

**PRESIDENT GRAYBILL:** Are there other nominations? Are there other nominations for vice-president from the eastern congressional district?

(No reply.)

If not, the Chair will entertain a motion that nominations be closed. Mr. Drum.

**DELEGATE DRUM:** Mr. President, Dave Drum from District 8. I, too, would like to rise in support of the nomination of Bruce Brown.

I would like to make a point that I think may be pertinent, at this point, in the consideration of these two candidates.

The point is this, that the ratification of our final product is probably, as we go along here, going to be the most important one factor on the minds of all of us, and I would feel that Bruce would do an excellent job-a superior job-in presenting the final product to the electorate for ratification. He is such a well respected gentleman in the eastern part of Montana.

I say this, probably, with a bit of partiality, as I grew up with the man in Miles City. I've known him for about 50 years, and he is held in reverence by the people that have known him and by people of both political parties, and I feel that his opinion, when presented at a later time, is going to be taken by many, many people as gospel. And I think we should consider this at this time. Thank you.

**PRESIDENT GRAYBILL:** The Chair would entertain a motion to close the nominations-Mrs. Bates, is that what you want to do?

**DELEGATE BATES:** No, I was going to make another seconding.

**PRESIDENT GRAYBILL:** All right. I don't know what the count is now, but the Chair would like to suggest that we don't need any more seconds.

Yes, sir, Mr. Campbell.

**DELEGATE CAMPBELL:** I would like to move that the nominations for vice-president from the eastern congressional district be closed.

**PRESIDENT GRAYBILL:** All right. All in favor say Aye...

**DELEGATES:** Aye.

**PRESIDENT GRAYBILL:** Opposed, No.

(No reply.)

All right, the nominations are closed.

Now, the clerk has suggested that the easiest way to do this, is: he will call the roll and you will please state your choice, either Aasheim or Brown, alphabetically.

Are you ready?

**SECRETARY MARSHALL:** Yes, sir.

**PRESIDENT GRAYBILL:** Please call the roll for vice-president from the eastern congressional district.

**SECRETARY MARSHALL:**

Aasheim	,	Aasheim.
Anderson,	John..	Brown.
Anderson,	Oscar	Aasheim.

Arbanas .....	Brown.
Arness .....	Aasheim.
Aronow .....	Aasheim.
Artz .....	Aasheim.
Ask .....	Brown.
Babcock .....	Brown.
Barnard .....	Aasheim.
Bates .....	Aasheim.
Belcher .....	Brown.
Berg .....	Brown.
Berthelson .....	Brown.
Blaylock .....	Aasheim.
Blend .....	Aasheim.
Bowman, .....	Brown.
Brazier .....	Brown.
Brown .....	Brown.
Bugbee .....	Brown.
Burkhardt .....	Brown.
Cain. ....	Aasheim.
Campbell .....	Brown.
Cate .....	Brown.
Champoux .....	Aasheim.
Choate .....	Brown.
Conover .....	Brown.
Cross .....	Aasheim.
Dahood .....	Brown.
Davis .....	Brown.
Delaney .....	Brown.
Driscoll .....	Brown.
Drum .....	Brown.
Eck .....	Brown.
Erdmann .....	Brown.
Eskildsen .....	Aasheim.
Etchart .....	Aasheim.
Felt .....	Brown.
Foster .....	Brown.
Furlong. ....	Aasheim.
Garlington .....	Brown.
Graybill .....	Aasheim.
Gysler .....	Brown.
Habedank .....	Aasheim.
Hanson, R.S. ....	Brown.
Hanson, Rod .....	Aasheim.
Harbaugh .....	Aasheim.
Harlow .....	Aasheim.
Harper .....	Brown.
Harrington .....	Aasheim.
Heliker .....	Brown.
Holland .....	Aasheim.
Jacobsen .....	Brown.
James .....	Brown.
Johnson .....	Brown.
Joyce .....	Aasheim.
Kamhoot .....	Brown.
Kelleher .....	Brown.

Leuthold .....	Brown.
Loendorf .....	Brown.
Lore110 .....	Aasheim.
Mahoney .....	Brown.
Mansfield .....	Aasheim.
Martin. ....	Aasheim.
McCarvel .....	Aasheim.
McDonough .....	Brown.
McKeon .....	Aasheim.
McNeil .....	Brown.
Melvin. ....	Aasheim.
Monroe .....	Brown.
Murray .....	Brown.
Noble .....	Brown.
Nutting .....	Brown.
Payne .....	Brown.
Pemberton .....	Brown.
Rebal .....	Aasheim.
Reichert .....	Brown.
Robinson .....	Brown.
Roeder .....	Aasheim.
Rollins. ....	Brown.
Romney .....	Aasheim.
Rygg .....	Aasheim.
Scanlin .....	Brown.
Schiltz .....	Brown.
Siderius. ....	Aasheim.
Simon .....	Brown.
Skari .....	Aasheim.
Sparks .....	Brown.
Speer .....	Brown.
Studer .....	Brown.
Sullivan .....	Aasheim.
Swanberg .....	Aasheim.
Toole .....	Brown.
Van Buskirk .....	Aasheim.
Vermillion .....	Aasheim.
Wagner .....	Aasheim.
Ward .....	Aasheim.
Warden .....	Aasheim.
Wilson .....	Brown.
Woodmansey .....	Aasheim.

**PRESIDENT GRAYBILL:** Will the clerk announce the tally?

**SECRETARY MARSHALL:** Mr. President, 57 delegates have voted for candidate Brown, 43 delegates have voted for candidate Aasheim. (Applause)

**PRESIDENT GRAYBILL:** Mr. Brown, if you'll remain in your seat 'til we get the other vice-president, I will have you escorted. I'm not overlooking it.

We'll now entertain nominations for vice-

president of this Convention from the western congressional district. Mr. Dahood.

Mr. Dahood, pardon me a moment. The Chair would like to suggest, in the interest of the noon hour, that we limit the seconds to one apiece. That's a little different rule than in the east, but I think the west can work with that rule. (Chuckles)

Go ahead, Mr. Dahood.

**DELEGATE DAHOOD:** Thank you, Mr. President. I think Delegate Dave Drum highlighted the need of having someone serve in the vice-presidential capacity that is articulate and persuasive and can go out among the citizens and convince those citizens that the work that we have done here deserves their recommendation and their approval for the progress of the State of Montana.

We have such a person in the western district who can do exactly that. This particular person has served our cause, the cause of the people of the State of Montana, with superb efficiency already. In fact, that Referendum 67 passed, and we are now in session. She was one of the members of the executive committee that had as its task the dissemination of information throughout the State of Montana so that there would be a favorable vote with respect to Referendum 67. As an original member of the Constitutional Revision Commission, one of our real concerns, was whether or not the citizens of this state would pass Referendum 67.

This woman has served as president of the League of Women Voters of the State of Montana. She is from Gallatin County. I'm personally acquainted with her and her family. She has served with respect to youth activity, and has served the University System on a bipartisan basis.

I might say this, that her efforts have been so exemplary in her area, that although I understand that it's a highly Republican area, as a Democrat, she ran first, and consequently proved that she is articulate and persuasive and can serve this Convention in the type of capacity that we will require to have the new Constitution passed by the citizens.

It is my privilege and pleasure to place in nomination, at this time, Dorothy Eck from Gallatin County.

**PRESIDENT GRAYBILL:** Is there a second for Mrs. Eck? Mr. Berg.

**DELEGATE BERG:** Ben Berg from District 11. I join with Wade Dahood in highly recom-

mending my fellow delegate, Dorothy Eck. And may I say, that I consider her not only a worthy delegate and an immense vote getter, but a delightful lady.

**PRESIDENT GRAYBILL:** All right, are there other nominations-Mr. Toole.

**DELEGATE TOOLE:** I have heard a good deal of eloquence about Mrs. Eck, all of which is highly deserved, and I would consider it a privilege to second her nomination.

**PRESIDENT GRAYBILL:** All right, are there other nominations for the western district? Mr. McCarvel.

**DELEGATE McCARVEL:** Mr. President, Joseph McCarvel from District 19. After hearing all the eloquent accomplishments of Mrs. Eck, I feel a little remiss, but we, too, in Butte, have a woman that I think would meet the challenge of selling this Constitution. She has been national past-president of the Rotana Club and national past-president of the National Council of Catholic Women. So, at this time, I would like to place in nomination the name of Veronica Sullivan.

**PRESIDENT GRAYBILL:** Veronica Sullivan has been nominated, is there a second? Mr. Blaylock.

**DELEGATE BLAYLOCK:** Mr. Chairman, may I place another name in nomination at this time?

**PRESIDENT GRAYBILL:** Is there a second to Mrs. Sullivan? We don't need seconds. Mr. Holland.

**DELEGATE HOLLAND:** Dave Holland. I wish to recommend Mrs. Sullivan as a fine woman, a fine candidate, and someone who will serve this Convention very ably if she is so elected.

**PRESIDENT GRAYBILL:** Now, Mr. Blaylock.

**DELEGATE BLAYLOCK:** Mr. Chairman, one of the qualifications that has been repeatedly stated here is the business of being able to sell this Constitution in their area, and I should like to place this person's name in nomination because I believe that she has these qualifications: charm, the ability to speak to people, a good vote getter, a great understanding of Montana, and I should like to place in nomination the name of the former First Lady of Montana, Betty Babcock.

**PRESIDENT GRAYBILL:** Mrs. Babcock has been nominated. Now, are there seconds for Mrs. Babcock's nomination? We don't need seconds.

All right. Now, other nominations? Mr. Jacobsen.

**DELEGATE JACOBSEN:** Mr. President, I wish to place in nomination a man who has been a representative to the State Legislature for four terms. He was chairman of the Long Range Building Commission here. He was vice-chairman of the Appropriations Committee. He is chairman of the Appropriations Subcommittee of the University and Institution Systems. He is a successful businessman, an honest, civic-minded man with the integrity we need to help lead us to a successful conclusion to this Convention. I place in nomination, Sterling Rygg of Whitefish and Kalispell, District 16.

**PRESIDENT GRAYBILL:** Sterling Rygg has been placed in nomination. Is there a second for Sterling Rygg?

**DELEGATE CHAMPOUX:** I would like to address myself to that nomination, please, Mr. Chairman.

**PRESIDENT GRAYBILL:** All right, Mr. Champoux.

**DELEGATE CHAMPOUX:** I've known Sterling Rygg ever since I've been in the Flathead. I've found him a fine gentleman, a humble man, and even at times, a statesman.

Throughout the campaign, he was always looked upon as a fair person, and even though he's an automobile dealer, he's the kind of a guy I'd buy a used car from. (Laughter)

**PRESIDENT GRAYBILL:** All right, the Chair will entertain further nominations. Mr. Siderius.

**DELEGATE SIDERIUS:** I would also like to second the nomination of Sterling Rygg. I think he'll do us a very fine job.

**PRESIDENT GRAYBILL:** All right, now the Chair will entertain further nominations. Mr. Aasheim.

**DELEGATE AASHEIM:** Mr. Chairman, I would like to put in nomination the name of Grace Bates. This is a tremendous worker, and would add considerable to the beauty of the rostrum.

**PRESIDENT GRAYBILL:** All right, the name of Grace Bates has been added to the list running for vice-president from the western congressional district. Is there a second for Mrs. Bates? Mr. Belcher.

**DELEGATE BELCHER:** Mr. Chairman, I have only met Grace Bates in the last 3 or 4 days we have been here in Helena, but I find her to be a very independent thinking lady, and I think she would be good for the office of vice-president. Thank you.

**PRESIDENT GRAYBILL:** Are there other nominations for vice-president from the western congressional district? Mr. Roeder.

**DELEGATE ROEDER:** Mr. President, would a motion to close the nominations be in order?

**PRESIDENT GRAYBILL:** Not unless—not if anybody else wants to stand up. Mrs. Babcock.

**DELEGATE BABCOCK:** Mr. Chairman, I would like to withdraw my name as a candidate. I feel that any one of these other candidates would be better qualified for this position than I would. Thank you.

**PRESIDENT GRAYBILL:** Mr. Blaylock, is that all right with you? Mrs. Babcock has asked that her name be withdrawn from the list, and it will so be done. Now, are there other nominations for western district vice-president?

(No reply.)

If not, Mr. Roeder, now we will entertain that motion.

**DELEGATE ROEDER:** Mr. Chairman, I move that the nominations be closed.

**PRESIDENT GRAYBILL:** All right, all in favor say Aye...

**DELEGATES:** Aye.

**PRESIDENT GRAYBILL:** Opposed...

(No reply.)

All right, the nominations are closed. Now, the clerk will call the roll, and this time you will have to stand—have to—you'll have to announce the name of the five-oh, pardon me, Mrs. Sullivan.

**DELEGATE SULLIVAN:** Mr. President and fellow delegates and my two constituents who

thought I should be nominated today. I thank you most sincerely, but I would like to decline.

**PRESIDENT GRAYBILL:** All right, we've got to ask your two constituents. Now, Mr. Holland and Mr. McCarvel, may they—may she withdraw?

**DELEGATE HOLLAND:** Yes.

**DELEGATE McCARVEL:** Yes.

**PRESIDENT GRAYBILL:** Very well, we'll take Mrs. Sullivan's name off.

All right. Now, we're voting on Dorothy Eck, Sterling Rygg and Grace Bates.

Dorothy Eck—Dorothy, stand up, please. Some people may not know everybody. Sterling Rygg, stand up, please and Grace Bates, stand up, please.

Okay. The clerk will call the roll to elect the vice-president from the western congressional district.

#### SECRETARY MARSHALL:

Aasheim .....	Bates.
Anderson, John .....	Eck.
Anderson, Oscar L. ....	Eck.
Arbanas .....	Eck.
Arness .....	Bates.
Aronow .....	Bates.
Artz .....	Bates.
Ask .....	Bates.
Babcock .....	Rygg.
Barnard .....	Bates.
Bates .....	Bates.
Belcher.. .....	Bates.
Berg .....	Eck.
Berthelson .....	Rygg.
Blaylock .....	Bates.
Blend .....	Bates.
Bowman .....	Eck.
Brazier .....	Eck.
Brown .....	Bates.
Bugbee .....	Eck.
Burkhardt .....	Eck.
Cain .....	Rygg.
Campbell .....	Eck.
Cate .....	Bates.
Champoux .....	Rygg.
Choate .....	Eck.
Conover .....	Bates.
Cross .....	Bates.
Dahood .....	Eck.
Davis .....	Eck.
Delaney .....	Eck.

Driscoll .....	Eck.
Drum .....	Eck.
Eck .....	Eck.
Erdmann .....	Rygg.
Eskildsen .....	Bates.
Etchart .....	Rygg.
Felt .....	Eck.
Foster .....	Eck.
Furlong .....	Rygg.
Garlington .....	Rygg.
Graybill .....	Bates.
Gysler .....	Rygg.
Habedank .....	Eck.
Hanson, R.S. ....	Rygg.
Hanson, Rod .....	Bates.
Harbaugh .....	Eck.
Harlow .....	Rygg.
Harper .....	Eck.
Harrington .....	Bates.
Heliker .....	Eck.
Holland .....	Bates.
Jacobsen .....	Rygg.
James .....	Bates.
Johnson .....	Eck.
Joyce .....	Bates.
Kamhoot .....	Bates.
Kelleher .....	Bates.
Leuthold .....	Rygg.
Loendorf .....	Eck.
Lorello .....	Eck.
Mahoney .....	Bates.
Mansfield .....	Rygg.
Martin .....	Eck.
McCarvel .....	Bates.
McDonough .....	Bates.
McKeon .....	Bates.
McNeil .....	Eck.
Melvin .....	Eck.
Monroe .....	Eck.
Murray.. .....	Rygg.
Noble .....	Rygg.
Nutting .....	Rygg.
Payne .....	Rygg.
Pemberton .....	Rygg.
Rebal .....	Rygg.
Reichert .....	Eck.
Robinson .....	Eck.
Roeder .....	Eck.
Rollins .....	Eck.
Romney .....	Bates.
Rygg .....	Rygg.
Scanlin .....	Rygg.
Schiltz .....	Bates.
Siderius .....	Rygg.
Simon .....	Eck.

Skari .....	Eck.
Sparks .....	Bates.
Speer .....	Eck.
Studer .....	Rygg.
Sullivan .....	Bates.
Swanberg .....	Rygg.
Toole .....	Eck.
Van .....	Buskirk
Vermillion .....	Eck.
Wagner .....	Rygg.
Ward .....	Rygg.
Warden .....	Bates.
Wilson .....	Rygg.
Woodmansey .....	Rygg.

**PRESIDENT GRAYBILL:** Mr. Marshall. The Chair would observe that if you intend to understand the Japanese, you'd better get your set tuned.

**SECRETARY MARSHALL:** Well, I'll take my chances then.

**PRESIDENT GRAYBILL:** Mr. Clerk, will you announce the ballot?

**SECRETARY MARSHALL:** Mr. President, the following vote: Candidate Eck, 39, candidate Bates, 32, candidate Rygg, 29.

**PRESIDENT GRAYBILL:** All right, no majority having been attained, the name of Sterling Rygg will be dropped, and will you please read the roll call and we will ballot again.

Now, this time, may I suggest that it's Dorothy Eck and Grace Bates, and maybe it will be easier to distinguish. Mr. Harbaugh.

**DELEGATE HARBAUGH:** Gene Harbaugh, District 4. Would it be possible to vote using the mikes? Can all the mikes be opened? Maybe this would help.

**SECRETARY MARSHALL:** No, just plain English language. It has nothing to do with the mikes.

**PRESIDENT GRAYBILL:** We'll just say "Grace Bates" or "Dorothy Eck," and I think he can get Grace and Dorothy.

Mr. Marshall, are you ready to read?

**SECRETARY MARSHALL:** Yes.

**PRESIDENT GRAYBILL:** Very well.

**SECRETARY MARSHALL:**

Aasheim	Grace	Bates.
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Anderson, John	Dorothy Eck.	Kamhoot .....	Grace Bates.
Anderson, Oscar L.	Dorothy Eck.	Kelleher .....	Grace Bates.
Arbanas .....	Dorothy Eck.	Leuthold .....	Dorothy Eck.
Arness .....	Grace Bates.	Loendorf .....	Dorothy Eck.
Aronow	Grace	Lorello .....	Dorothy Eck.
Artz .....	Grace Bates.	Mahoney .....	Grace Bates.
Ask .....	Grace Bates.	Mansfield .....	Grace Bates.
Babcock .....	Grace Bates.	Martin, .....	Dorothy Eck.
Barnard .....	Grace Bates.	McCarvel .....	Grace Bates.
Bates .....	Grace Bates.	McDonough .....	Grace Bates.
Belcher .....	Grace Bates.	McKeon .....	Grace Bates.
Berg .....	Dorothy Eck.	McNeil .....	Dorothy Eck.
Berthelson .....	Dorothy Eck.	Melvin .....	Dorothy Eck.
Blaylock .....	Grace Bates.	Monroe .....	Dorothy Eck.
Blend .....	Grace Bates.	Murray .....	Grace Bates.
Bowman .....	Dorothy Eck.	Noble .....	Grace Bates.
Brazier .....	Dorothy Eck.	Nutting .....	Dorothy Eck.
Brown .....	Dorothy Eck.	Payne .....	Dorothy Eck.
Bugbee .....	Dorothy Eck.	Pemberton .....	Dorothy Eck.
Burkhardt .....	Dorothy Eck.	Rebal .....	Grace Bates.
Cain .....	Grace Bates.	Reichert .....	Dorothy Eck.
Campbell .....	Dorothy Eck.	Robinson .....	Dorothy Eck.
Cate .....	Grace Bates.	Roeder .....	Dorothy Eck.
Champoux .....	Grace Bates.	Rollins .....	Dorothy Eck.
Choate.	Dorothy	Romney .....	Grace Bates.
Conover .....	Grace Bates.	Rygg .....	Grace Bates.
Cross .....	Grace Bates.	Scanlin .....	Dorothy Eck.
Dahood .....	Dorothy Eck.	Schiltz .....	Grace Bates.
Davis .....	Dorothy Eck.	Siderius .....	Grace Bates.
Delaney .....	Dorothy Eck.	Simon .....	Dorothy Eck.
Driscoll .....	Dorothy Eck.	Skari .....	Dorothy Eck.
Drum .....	Dorothy Eck.	Sparks .....	Grace Bates.
Eck .....	Dorothy Eck.	Speer .....	Dorothy Eck.
Erdmann .....	Grace Bates.	Studer .....	Dorothy Eck.
Eskildsen .....	Grace Bates.	Sullivan .....	Grace Bates.
Etchart .....	Dorothy Eck.	Swanberg .....	Grace Bates.
Felt .....	Dorothy Eck.	Toole .....	Dorothy Eck.
Foster .....	Dorothy Eck.	Van Buskirk .....	Dorothy Eck.
Furlong .....	Grace Bates.	Vermillion .....	Dorothy Eck.
Garlington .....	Dorothy Eck.	Wagner .....	Grace Bates.
Graybill .....	Grace Bates.	Ward .....	Grace Bates.
Gysler .....	Grace Bates.	Warden .....	Grace Bates.
Habedank .....	Dorothy Eck.	Wilson .....	Grace Bates.
Hanson, R.S. ....	Grace Bates.	Woodmansey .....	Dorothy Eck.
Hanson, Rod .....	Grace Bates.		
Harbaugh .....	Dorothy Eck.		
Harlow .....	Grace Bates.		
Harper .....	Dorothy Eck.		
Harrington .....	Grace Bates.		
Heliker .....	Dorothy Eck.		
Holland .....	Grace Bates.		
Jacobsen .....	Grace Bates.		
James .....	Grace Bates.		
Johnson .....	Dorothy Eck.		
Joyce .....	Grace Bates.		

**PRESIDENT GRAYBILL:** The house will be in order. The clerk will announce the vote.

**SECRETARY MARSHALL:** Mr. President, 50 delegates have voted for Dorothy Eck and 50 delegates have voted for Grace Bates. (Laughter and Applause)

**PRESIDENT GRAYBILL:** Just a moment. The Chair has polled the two candidates, and it's the preponderance of their opinion, if you can

figure that one out, that we postpone another vote until after lunch, in the interest of time, so I'll recognize Mr. Murray.

**DELEGATE HARPER:** May I ask a question on the vote?

**PRESIDENT GRAYBILL:** Well, let's-all right. We'll take a question on the vote, Mr. Harper. At least we'll hear it.

**DELEGATE HARPER:** Just to clear it in my own mind, how is this vote being counted? Who keeps track of this as we go along?

**PRESIDENT GRAYBILL:** Well, we've got about three people keeping track and, in fact, the parliamentarian kept track, so we had four people and they all agreed it was 50-50.

**DELEGATE HARPER:** All right. Thank you.

**DELEGATE MURRAY:** Mr. President.

**PRESIDENT GRAYBILL:** Mr. Murray.

**DELEGATE MURRAY:** I move that the Convention recess until 3:30 p.m., November 30, 1971.

**PRESIDENT GRAYBILL:** Now, if we do that, we will at that time, as the first order of business, vote again on this. And we'll secondly vote on the secretaryship, and then we will take up three other little items from the Rules Committee at that time.

All in favor of the motion to recess until 3:30 say Aye...

**DELEGATES:** Aye.

**PRESIDENT GRAYBILL:** Opposed...  
(No reply.)  
We're in recess.  
(The Convention recessed at 12:40 p.m.)

Afternoon Session

November 30, 1971

3:35 p.m.

PRESIDENT GRAYBILL: The Convention will be in order.

The Chair is of the opinion that the first order of business is to reballot on the vice-president for the western district, and the candidates are Dorothy Eck and Grace Bates.

Is the clerk ready to call the roll?

SECRETARY MARSHALL: Yes, sir.

PRESIDENT GRAYBILL: All right, the clerk will again call the roll, and he's asked that you please use the first names, if you can—Dorothy Eck and Grace Bates—and speak out loud and clear, and we'll see what happens.

SECRETARY MARSHALL:

Aasheim .....	Grace Bates.
Anderson, John .....	Grace Bates.
Anderson, Oscar L. ....	Dorothy Eck.
Arbanas .....	Dorothy Eck.
Arness .....	Grace Bates.
Aronow .....	Grace Bates.
Artz .....	Grace Bates.
Ask .....	Dorothy Eck.
Babcock .....	Dorothy Eck.
Barnard .....	Grace Bates.
Bates .....	Grace Bates.
Belcher .....	Grace Bates.
Berg .....	Dorothy Eck.
Berthelson .....	Dorothy Eck.
Blaylock .....	Grace Bates.
Blend .....	Grace Bates.
Bowman .....	Dorothy Eck.
Brazier .....	Dorothy Eck.
Brown .....	Dorothy Eck.
Bugbee .....	Dorothy Eck.
Burkhardt .....	Dorothy Eck.
Cain .....	Grace Bates.
Campbell .....	Dorothy Eck.
Cate .....	Dorothy Eck.
Champoux .....	Dorothy Eck.
Choate .....	Dorothy Eck.
Conover .....	Grace Bates.
Cross .....	Grace Bates.
Dahood .....	Dorothy Eck.
Davis. ....	Dorothy Eck.
Delaney .....	Grace Bates.
Driscoll .....	Dorothy Eck.
Drum .....	Dorothy Eck.
Eck .....	Dorothy Eck.
Erdmann .....	Grace Bates.
Eskildsen .....	Grace Bates.

Etchart .....	Dorothy Eck.
Felt .....	Dorothy Eck.
Foster .....	Dorothy Eck.
Furlong .....	Grace Bates.
Garlington .....	Dorothy Eck.
Graybill .....	Grace Bates.
Gysler .....	Grace Bates.
Habedank .....	Dorothy Eck.
Hanson, R. S. ....	Grace Bates.
Hanson, Rod .....	Grace Bates.
Harbaugh .....	Dorothy Eck.
Harlow .....	Grace Bates.
Harper .....	Dorothy Eck.
Harrington .....	Grace Bates.
Heliker .....	Dorothy Eck.
Holland .....	Grace Bates.
Jacobsen .....	Dorothy Eck.
James .....	Grace Bates.
Johnson .....	Dorothy Eck.
Joyce .....	Grace Bates.
Kamhoot .....	Dorothy Eck.
Kelleher .....	Grace Bates.
Leuthold .....	Dorothy Eck.
Loendorf .....	Dorothy Eck.
Lorello .....	Dorothy Eck.
Mahoney .....	Grace Bates.
Mansfield .....	Grace Bates.
Martin .....	Dorothy Eck.
McCarvel .....	Dorothy Eck.
McDonough .....	Dorothy Eck.
McKeon .....	Grace Bates.
McNeil .....	Dorothy Eck.
Melvin .....	Dorothy Eck.
Monroe .....	Dorothy Eck.
Murray .....	Grace Bates.
Noble .....	Grace Bates.
Nutting .....	Dorothy Eck.
Payne .....	Dorothy Eck.
Pemberton .....	Grace Bates.
Rebal .....	Grace Bates.
Reichert .....	Dorothy Eck.
Robinson .....	Dorothy Eck.
Roeder .....	Dorothy Eck.
Rollins .....	Dorothy Eck.
Romney .....	Grace Bates.
Rygg .....	Dorothy Eck.
Scanlin .....	Dorothy Eck.
Schiltz .....	Dorothy Eck.
Siderius .....	Grace Bates.
Simon .....	Dorothy Eck.
Skari .....	Dorothy Eck.
Sparks .....	Grace Bates.

Speer	Dorothy	Eck.
Studer	Dorothy	Eck.
Sullivan	Grace	Bates.
Swanberg..	Grace	Bates.
Toole	Dorothy	Eck.
Van Buskirk	Dorothy	Eck.
Vermillion	Grace	Bates.
Wagner	Grace	Bates.
Ward ..	Dorothy	Eck.
Warden	Grace	Bates.
Wilson..	Dorothy	Eck.
Woodmansey .. ..	Dorothy	Eck.

**PRESIDENT GRAYBILL:** Will the clerk announce the tally?

**SECRETARY MARSHALL:** Mr. President, 58 delegates have voted for Dorothy Eck, 42 delegates have voted for Grace Bates.

**PRESIDENT GRAYBILL:** That elects Dorothy Eck for western vice-president of this Constitutional Convention. (Applause)

Now, I wonder if Mr. Eskildsen would escort Dorothy Eck and I wonder if Jean Bowman would escort Bruce Brown to the podium so that we may have them presented.

**DELEGATE BATES:** Mr. Chairman.

**PRESIDENT GRAYBILL:** Mrs. Bates.

**DELEGATE BATES:** Grace Bates from District 11. I would like to have this a unanimous ballot. Could we pass a unanimous ballot for Dorothy Eck?

**PRESIDENT GRAYBILL:** All those in favor of casting a unanimous ballot for Dorothy Eck say Aye...

**DELEGATES:** Aye.

**PRESIDENT GRAYBILL:** Those opposed.. (No reply.)  
You've just won unanimously, Dorothy.

**SECRETARY MARSHALL:** There has been a unanimous ballot cast for Dorothy Eck for vice president from the western district.

**PRESIDENT GRAYBILL:** I want to present to you your new western district vice-president and eastern district vice-president, who have now been elected and will serve in these capacities throughout this Convention.

The Chair now presumes we will vote on the

office of secretary-we will nominate for the office of secretary.

Now, you will remember, we approved a resolution this morning that a secretary was to be elected to have the custody, and so forth, of the books, and so forth, and that the duties of the secretary can be delegated to the executive director or other employees, except that the duties of certifying the revisions or alterations or amendments to the Constitution cannot be certified.

The Chair will now recognize people for nominations for secretary. Mr. Monroe.

**DELEGATE MONROE:** Mr. President, it's my honor to rise to nominate a friend of mine for about 10 years. He's a friend from my home community. He is a great organization man. He is a great workman. He's a great friend of youth and others.

He wants to serve in the capacity of secretary of the Constitutional Convention. He's a man that not only wants to serve in an honorary way, but would also like to do many of the things that his talents lend to him, such as organization, and abilities that he has.

His name is Harold Arbanas. I place his name in nomination at this time.

**PRESIDENT GRAYBILL:** The name of Harold Arbanas has been placed in nomination. Is there one second for Harold Arbanas?

**DELEGATE:** Mr. President, my name is William Swanberg from District 13.

**PRESIDENT GRAYBILL:** Mr. Swanberg.

**DELEGATE SWANBERG:** I would like to heartily second the motion just made by Lyle Monroe. Harold Arbanas is known in Great Falls as a distinguished worker, a hard worker, and I think he will do a good job for this Convention.

**PRESIDENT GRAYBILL:** All right. Now, the Chair will recognize someone for other nominations for the office of secretary. Mrs. Bates.

**DELEGATE BATES:** Mr. Chairman, Grace Bates from District 11. I would like to place in nomination the name of a woman who has been a civic worker for many years. She has been secretary and curator of the museum in Glendive for 13 years. She's been active in many organizations, serving as county president in the Women's Club, and at this time, I nominate Louise Cross from Glendive.

**PRESIDENT GRAYBILL:** The name of Louise Cross has been nominated for secretary of this Convention. Is there a second for Mrs. Cross? Mr. Jacobsen.

**DELEGATE JACOBSEN:** Arnold Jacobson, District 3. I have known Louise Cross for approximately 17 years, and during this time she's served in various capacities of responsibility. Each time when-and I wish to emphasize the two words "each time"-she has done her job excellently, conscientiously, and each time the job has been well done.

**DELEGATE:** Mr. President.

**PRESIDENT GRAYBILL:** Mr. Rollins.

**DELEGATE ROLLINS:** I'm George Rollins from District 8. I wish to place in nomination the name of a person who has been an active and articulate proponent of constitutional revision, who has been a leader in the activities of the League of Women Voters, who has been active in civic and community affairs, one who is a housewife and mother, one who has the ability to be an effective and competent secretary. I wish to nominate Jean Bowman.

**PRESIDENT GRAYBILL:** The name of Jean Bowman has been placed in nomination. Mr. Cate.

**DELEGATE CATE:** Jerry Cate from District 8. I rise to second the nomination of Mrs. Jean Bowman for secretary. Jean Bowman is what I call a beautiful person. She is bipartisan, she's gracious, kind, generous and fair, and extremely competent to perform any task which might be assigned to her as secretary.

She has been active in our community in the League of Women Voters, in various other civic efforts, and she's the type of person who throws her whole heart and soul into everything that she does.

There is also another thing. Jean Bowman received 12,475 votes for the office of delegate, which was the second highest number of votes cast in the State of Montana for a delegate, and I feel that she really does represent a lot of people, and I would like to submit her-or second her nomination.

**PRESIDENT GRAYBILL:** All right, Jean Bowman's name has been placed in nomination. Are there other nominations? Mr. Arness.

**DELEGATE ARNESS:** Mr. President, Frank Arness, District 23. I wish to place in nomination the name of a man who is qualified both by virtue of his scholarship and his experience for the job of secretary. I move the nomination of Paul Harlow from Thompson Falls.

Paul has been five terms in the Montana Legislature, and he has been active for almost 30 years in local community affairs, in county affairs and in statewide affairs. I move his nomination for secretary.

**PRESIDENT GRAYBILL:** All right, Paul Harlow has been nominated. A second for Paul Harlow? Mr. Driscoll.

**DELEGATE DRISCOLL:** Mr. President, I would like to second the nomination of Paul Harlow. He's probably the most conscientious man I've ever known. In his activity as a legislator, he's been more a friend of the people, and I'm very proud to second the nomination of Paul Harlow.

**PRESIDENT GRAYBILL:** All right, his name has been added to those. Are there other nominations? Mr. James.

**DELEGATE JAMES:** George James, District 23. I just wanted to second Paul Harlow's nomination.

**PRESIDENT GRAYBILL:** All right, are there other nominations? Are there other nominations?

(No reply.)

If not, the Chair will entertain a motion to close the nominations. Mr. Harbaugh—

**DELEGATE DRUM:** Drum from District 8.

**PRESIDENT GRAYBILL:** Oh, excuse me. I'm a row too far. Mr. Drum.

**DELEGATE DRUM:** Have you imposed a rule of one second in this—

**PRESIDENT GRAYBILL:** Well, I haven't imposed it, but I've suggested it.

**DELEGATE DRUM:** Oh, you've suggested it.

I move the nominations be closed.

**PRESIDENT GRAYBILL:** All right, there's a motion that the nominations be closed. All in favor say Aye...

**DELEGATES:** Aye.

**PRESIDENT GRAYBILL:** Opposed...

(No reply.)

All right, the nominations are closed.

Now, we have four to vote for, and the rules, to review them, that we're going to operate under, are that if anyone receives a majority, that's it. If not, we will knock off the last name and vote again. And we'll call the roll and you'll call out the name.

Harold Arbanas-let's have these people stand. Harold Arbanas, please stand; Louise Cross, please stand; Jean Bowman, please stand; Paul Harlow, please stand.

Very well. Mr. Clerk, will you call the roll?

**SECRETARY MARSHALL:**

Aasheim .....	Cross.
Anderson, John .....	Bowman.
Anderson, Oscar L. ....	Cross.
Arbanas .....	Arbanas.
Arness .....	Harlow.
Aronow .....	Harlow.
Artz .....	Arbanas.
Ask .....	Bowman.
Babcock .....	Bowman.
Barnard.. ..	Cross.
Bates .....	Cross.
Belcher .....	Pass.
Berg .....	Bowman.
Berthelson .....	Bowman.
Blaylock .....	Cross.
Blend .....	Bowman.
Bowman .....	Bowman.
Brazier .....	Bowman.
Brown .....	Bowman.
Bugbee .....	Arbanas.
Burkhardt .....	Bowman.
Cain .....	Harlow.
Campbell .....	Bowman.
Cate .....	Bowman.
Champoux .....	Bowman.
Choate .....	Bowman.
Conover .....	Bowman.
Cross.. ..	cross.
Dahood .....	Harlow.
Davis .....	Harlow.
Delaney .....	Harlow.
Driscoll .....	Harlow.
Drum .....	Bowman.
Eck .....	Bowman.
Erdmann .....	Bowman.
Eskildsen .....	
Etchart .....	Bowman.

Foster .....	Bowman.
Furlong .....	Arbanas.
Garlington .....	Bowman.
Graybill .....	Cross.
Gysler .....	Bowman.
Habedank .....	Cross.
Hanson, R. S. ....	Bowman.
Hanson, Rod .....	Harlow.
Harbaugh .....	Cross.
Harlow .....	Harlow.
Harper .....	Bowman.
Harrington .....	Arbanas.
Heliker .....	Bowman.
Holland. ....	Arbanas.
Jacobsen .....	Bowman.
James .....	Harlow.
Johnson .....	Bowman.
Joyce .....	Harlow.
Kamhoot .....	Bowman.
Kelleher .....	Bowman.
Leuthold .....	Bowman.
Loendorf .....	Bowman.
Lorello .....	Arbanas.
Mahoney .....	Bowman.
Mansfield .....	Arbanas.
Martin .....	Bowman.
McCarvel .....	Arbanas.
McDonough .....	Cross.
McKeon .....	Arbanas.
McNeil .....	Bowman.
Melvin .....	Bowman.
Monroe .....	Arbanas.
Murray.. ..	Harlow.
Noble .....	Arbanas.
Nutting .....	Bowman.
Payne .....	Bowman.
Pemberton .....	Bowman.
Rebal .....	Arbanas.
Reichert .....	Bowman.
Robinson .....	Bowman.
Roeder .....	Arbanas.
Rollins .....	Bowman.
Romney .....	Harlow.
Rygg .....	Harlow.
Scanlin .....	Bowman.
Schiltz .....	Bowman.
Siderius .....	Arbanas.
Simon .....	Bowman.
Skari .....	Arbanas.
Sparks .....	Bowman.
Speer .....	Bowman.
Studer .....	Bowman.
Sullivan .....	Arbanas.

Toole		Bowman.
Van	Buskirk..	Arbanas.
Vermillion		Arbanas.
Wagner..		Arbanas.
Ward		Bowman.
Warden..		Arbanas.
Wilson		Bowman.
Woodmansey	.. ..	Arbanas.

Does the gentleman from the great highline wish to vote?

**DELEGATE ESKILDSEN:** I'll vote for the winner, Jean Bowman. (Laughter)

**SECRETARY MARSHALL:** Mr. Eskildsen is now present and votes for Bowman.

Does Mr. Belcher still wish to pass? Mr. Belcher?

**DELEGATE BELCHER:** Pass.

**SECRETARY MARSHALL:** You still pass. All right.

Mr. President, candidate Bowman, 52 votes; candidate Arbanas, 23 votes; candidate Harlow, 14 votes; candidate Cross, 10 votes.

**PRESIDENT GRAYBILL:** By your vote, you have elected Jean Bowman secretary of this Convention. (Applause)

Would Vice-President Brown be good enough to return the honors to Mrs. Bowman? (Laughter)

Ladies and gentlemen, I present to you Mrs. Bowman, who has been elected the secretary of this Constitutional Convention. Congratulations. (Applause)

**DELEGATE CHAMPOUX:** Mr. Chairman.

**PRESIDENT GRAYBILL:** Mr. Champoux.

**DELEGATE CHAMPOUX:** We just added up those totals. Could you give us the totals again, please?

**SECRETARY MARSHALL:** For the gentleman from Boston, sir, 1 passed, 52 and 10 is 62, 62 and 23 and 14-66, 76.

**PRESIDENT GRAYBILL:** 99.

**SECRETARY MARSHALL:** Any time, sir.

**DELEGATE HARLOW:** Mr. President.

**PRESIDENT GRAYBILL:** Mr. Harlow.

**DELEGATE HARLOW:** I realize I can't

speak for the other candidates, but I would move now that we cast a unanimous ballot for Jean Bowman as our secretary.

**PRESIDENT GRAYBILL:** Mr. Arbanas, do you want to second that motion?

**DELEGATE ARBANAS:** Yes.

**PRESIDENT GRAYBILL:** And Mrs. Cross, do you want to third that motion?

**DELEGATE CROSS:** I certainly do.

**PRESIDENT GRAYBILL:** All right, all those in favor say Aye...

**DELEGATES:** Aye.

**PRESIDENT GRAYBILL:** Opposed... (No reply.)

We have now cast a unanimous ballot in your favor, Jean. (Applause)

**SECRETARY MARSHALL:** As temporary secretary of the Montana Constitutional Convention, I cast a unanimous ballot for Mrs. Bowman for secretary of the Montana Constitutional Convention.

**PRESIDENT GRAYBILL:** All right. Mr. Marshall Murray, the Rules Committee, the Chair will recognize you to discuss the matter of the Committee on Administration.

**DELEGATE MURRAY:** Mr. President, are we to discuss the matter of the executive director? That's the one I have next on my list.

**PRESIDENT GRAYBILL:** All right, I beg your pardon. We'll take the executive director next.

**DELEGATE MURRAY:** I move that the Convention adopt the following temporary rule:

"There shall be an executive director of the Convention who shall be appointed by the president. He shall be primarily responsible for the administration of the Convention under the authority and supervision of the president. He shall be subject to removal by the Convention."

The thinking on this particular matter, was that the executive director should be appointed by the President, since we have rather already created the precedent of having him make the appointments, at least to the committees. We feel, since it would be too great a task to place this responsibility with the secretary, that he should be a

salaried employee and thus we created this separate position, as I previously explained to you.

We feel that the matter of his removal should rest with the delegates residing on the floor and, therefore, the last sentence was added to the proposal as I read it.

**PRESIDENT GRAYBILL:** You have heard the chairman of the Rules Committee resolve that there shall be an executive director of the Convention, who will be appointed by the president. He is subject to the removal of the Convention.

I would like to say, while you debate this, that if the Chair is allowed to appoint this person, he would also ask him to sit with, but not serve on, the Committee on Administration, so that he would have full information. I would think nobody but the members of the House should serve on, but I think he should sit with, and be appraised of, what the Committee on Administration does.

Now, with that in mind, is there discussion on the resolution? Mr. Mahoney.

**DELEGATE MAHONEY:** Mahoney from District 12. Could we have any idea about what's going to be the salary of the executive director? I mean, this is highly irregular under the legislative procedure. You know the secretary, the senator, the sergeant-at-arms, or the chief clerk of the House is drawing about the same salary as the members. Now, have we got any idea what that's going to be costing us? Do you have any information on that?

**PRESIDENT GRAYBILL:** I have-the Chair has no idea. I know of no one else that has an idea.

It's the Chair's opinion that if the next matter we're going to take up, which is the Committee on Administration, on appointing employees, that it would become the province of the Committee on Administration to recommend a salary to this body.

I think the Committee on Administration, which is going to be asked next, that it be given power to hire, and would probably have that duty, Mr. Mahoney, but I have no idea, and I know of no one else that does.

**DELEGATE MAHONEY:** Well, all that I'd like to know, I'd like to see it submitted back to this body to at least tell them what is going to be the salary schedule, so we could vote on it, for all the

**PRESIDENT GRAYBILL:** I think the minutes could reflect that you would like the Administration Committee, if it does do this, to refer the matter of salaries to this body, and I presume that would be done, or at least you'd be notified and given a chance if it wasn't done.

Now, Mr. Murray did you want to comment on that?

**DELEGATE MURRAY:** No.

**PRESIDENT GRAYBILL:** All right. Is there other discussion on this proposal-this resolution? Mrs.-Payne.

**DELEGATE PAYNE:** Mrs. Payne from District 18. I was just wondering about the advice and consent of the Convention, or do you want this power alone?

**PRESIDENT GRAYBILL:** I don't want it alone, particularly. I didn't draw the regulation. Let's see.

It would be perfectly agreeable with me, as we have done in the past, to add that I would nominate rather than that I would appoint. I would like to suggest to the Rules Committee that we make that amendment. Does the Rules Committee object to that? Did you discuss that, Mr. Murray?

**DELEGATE MURRAY:** We didn't even discuss it. We thought that this matter was probably already settled and that Dale Harris would be so appointed, and that it wouldn't make much difference in that respect; however, if that's the inclination of the president and the members, why, I certainly would be agreeable to that amendment, speaking as the chairman of the committee.

**PRESIDENT GRAYBILL:** Unless there is objection from other members of the Rules Committee, we will strike the word "appoint" and write in the words "shall be nominated by the president".

I would like to announce for the benefit of the Convention, that as far as I know, no arrangements have yet been made with Mr. Harris or anyone else. If I am allowed to nominate, I will. But I am going to do it, if I'm allowed to, after consultation with the Committee on Administration and after I have had their advice, I will be glad to nominate, if I'm allowed to.

So, that's the way it's going to work if this motion passes. If you want to do something else,

that's fine. Mr. Davis.

**DELEGATE DAVIS:** Mr. President, Davis from District 21. I'm not sure I understood that. In reference to Mr. Harris, as to-I wonder if we could have the benefit of your thinking as to whether you are going to continue with the staff, or if you might have something else in mind?

**PRESIDENT GRAYBILL:** I have not made any decisions. It is my intention to consult with the entire Committee on Administration, which we are prepared to appoint that committee before we recess today, and before I make any statement about who should be anything, I'm going to consult with them.

Now, if I'm given the nominating power, they might not all agree. But I might agree with some of them, and I'll be glad to nominate, but I have not decided, and I don't intend to decide 'til after I've talked to them on this, or any other staff position. And as far as I know, the staff positions-the only thing I've ever said, and I think others have said, is that all the staff are going to be considered and some of the staff are going to be used, and whether it's all or not depends on what we want to do.

Mr. Murray.

**DELEGATE MURRAY:** I'll withdraw my motion and make another motion. I have put some additional language in this now.

"There shall be an executive director of the Convention who shall be nominated by the president. He shall be primarily responsible for the administration of the Convention under the authority and supervision of the President. His nomination shall be ratified by the Convention and he shall be subject to removal by the Convention."

**PRESIDENT GRAYBILL:** So we have now added the idea that after the President nominates, it would be ratified by the Convention and, of course, subject to removal by the Convention?

**DELEGATE MURRAY:** Yes.

**PRESIDENT GRAYBILL:** Now, that's the amended resolution before the body. Is there further discussion? Mr. James.

**DELEGATE JAMES:** I wish to second Marshall Mm-ray's proposal.

**PRESIDENT GRAYBILL:** Is there any further discussion of the problem of the proposal, or the resolution, concerning executive director of the Convention?

(No reply.)

The Chair hearing none, the Chair then will prepare the vote and we will open the ballot. There has been a resolution by the Rules Committee that there be an executive director of the Convention who would be nominated by the president. He shall be primarily responsible for the administration of the Convention under the authority and supervision of the president. His nomination shall be ratified by the Convention and he shall be subject to removal by the Convention. And the Chair added the suggestion that he would ask-the Chair would ask him to sit with, but not upon, the Administration Committee.

Are you ready for the question?

**DELEGATES:** Question.

**PRESIDENT GRAYBILL:** All right, all those in favor vote Aye, and those opposed vote Nay.

Have all the delegates voted? Does any delegate wish to change his vote? The Chair has now closed the vote. Mr. Clerk will you tally the vote, please?

**SECRETARY MARSHALL:** Mr. President, 98 delegates have voted Aye, none voting No.

**PRESIDENT GRAYBILL:** By your vote of 98 Ayes and 0 No's, we have now disposed of the resolution setting up an executive directorship to be nominated by the president and ratified by the Convention, et cetera.

Now, Mr. Murray, can we consider the matter of what the Committee on Administration might do?

**DELEGATE MURRAY:** Mr. President, I move the adoption of the following committee report:

"The Committee on Administration, after consultation with the president, shall appoint such employees as may be necessary for the effective operation of the Convention."

And it is our thinking in proposing this, that something should be done on this matter in the interim-before we meet again-and we think that properly that duty rests with the Committee on Administration, after consultation with the president. And we think that the various officers, themselves, or employees which may be chosen, and the names to be given them, should be left to the committee and to the president.

**PRESIDENT GRAYBILL:** All right. The Rules Committee has placed before you a

resolution that “the Committee on Administration”—which, as I said, will be appointed this afternoon—after consultation with the president, shall appoint such employees as may be necessary for the effective operation of the Convention.”

Is there any discussion on the motion—or on the resolution? Does everyone understand the resolution?

(No reply.)

All right, if you're ready, then we will vote on the resolution. If you're in favor of the resolution giving the Committee on Administration the power, after consultation with the president, to appoint and employ such persons as are necessary vote Aye, if you're opposed vote Nay.

Have all the delegates voted? Does any delegate want to change his vote? We'll close the ballot. Mr. Clerk, will you announce the ballot?

**SECRETARY MARSHALL:** Mr. President, 99 delegates voted Aye, none voted No.

**PRESIDENT GRAYBILL:** By your vote of 99 Ayes and no Nays, you have approved the Rules Committee proposal that the Committee on Administration have the power to appoint employees, after consultation with the president.

Now, Mr. Murray, does the Rules Committee have a proposal concerning lobbyists?

**DELEGATE MURRAY:** Lobbyists? Yes, sir.

Mr. President, I move the adoption of the following proposal:

“Section 15 of the Constitutional Convention Enabling Act regulating lobbying during the Constitutional Convention is adopted by this Convention. Lobbying on the floor and foyer of the convention hall is prohibited ½ hour prior to the commencement of the session, during the session and within ½ hour after recess or adjournment.”

This matter has been considered by the committee. It is our opinion that we should speak on the subject, although certainly there isn't any apparent problem existing at this time. Rather, this is an indication to those who may be interested in lobbying, that we are concerned that there may be a problem, and that we are willing, early, to act upon it.

By the convention hall we mean this room, and when we talk about the foyer, we mean the room immediately to the north of this room. And I

“Convention Hall” for this purpose, and the Rules Committee, if it's within its province to make that decision, will consider it in the morning.

**PRESIDENT GRAYBILL:** Before we debate this matter, I would like to ask the clerk to read Section 15 of the Constitutional Convention Enabling Act. Mr. Clerk.

**SECRETARY MARSHALL:** Section 15. Licensing of Lobbyists.

“Section 15. (1) Sections 43-801 to 43-808, R.C.M. 1947, providing for the licensing of legislative lobbyists, shall apply to lobbying at the Constitutional Convention.

(2) Licensed lobbyists shall file with the secretary of state a report on February 1, 1972; February 15, 1972; March 1, 1972; March 15, 1972; April 1, 1972; and June 15, 1972. The report, under oath, must include all expenditures made by him relative to the promoting or opposing constitutional provision. On the 5th day a report is delinquent, the secretary of state shall suspend the license of any licensed lobbyist who fails to file a report until such report is filed. The suspension shall be entered on the docket, and the president of the Convention notified.

(3) Reports must be filed even though no expenditure has been made.

(4) Reports need not include:

- (a) reasonable internal expenditures such as office expenses, mailing and routine research, and
- (b) reasonable expenditures for his personal food, lodging and travel.

(5) Expenditures of \$25 or less may be reported in total amounts rather than in detail.

(6) A lobbyist who terminates his duties shall give the secretary of state, within 30 days after the date of such termination, written notice, and shall include a report of his expenditures covering the period of time since his last report. Such reports shall be final.

(7) The secretary of state shall provide forms and shall keep such reports on file for 3 years. All records are to be open to the public.

(8) Failure to file reports, or the filing of incomplete information, is a violation of Section 43-808, R.C.M. 1947.

The Enabling Act provides for the registration, licensing and report of expenditures of Convention lobbyists. This section provides that the current statutes regulating and licensing legis-

forth in Appendix I). Current statutes provide regulations for lobbying during legislative sessions by any person, corporation or association, any board, department, commission or agency of the state, and any county or municipal corporation. In addition, this section provides that lobbyists submit semi-monthly financial reports on all expenditures to promote or oppose constitutional provisions. On the 5th day a report is delinquent, the secretary of state shall suspend the license of the lobbyist until report is filed."

**PRESIDENT GRAYBILL:** Thank you, Mr. Clerk.

The Chair would like to point out that this resolution will accomplish the purpose as adopting as our practice The Enabling Act language, plus it will establish immediate rules concerning the 30-minute rule. It does not forestall later matters concerning lobbyists in the second session or the session in January.

Now, with that background, is there discussion on the resolution? Mr. Drum.

**DELEGATE DRUM:** Dave Drum from District 8. A point of clarification. I believe there is a fee charged, now, for lobbyists during the legislature. What is that fee, do you know?

**SECRETARY MARSHALL:** Ten dollars.

**DELEGATE DRUM:** Ten dollars? I thought it was more. Are you sure?

**SECRETARY MARSHALL:** It depends on what you want.

**PRESIDENT GRAYBILL:** Ten dollars. Is there other discussion? Mr. Harlow.

**DELEGATE HARLOW:** Mr. President, I am in complete accord with this resolution, except the 30-minute period.

Past experience of people working this hall, trying to accomplish things, have proven to them that the 30-minute period is too short. The last legislature moved that up to an hour, and I wish to make an amendment to that resolution, merely changing the word "30-minutes"?—

**DELEGATE MURRAY:** Half hour.

**DELEGATE HARLOW:** —"½ hour" to "1 hour", both before and after.

I think you will find, as time goes along, this is the only place where you can come to work and confer with your fellow delegates, and various

things, and ½ hour time before you start and ½ an hour time afterwards, you will find is much, much too short.

So, if that has to be-1 move that we amend the resolution by inserting the word "1 hour" in place of the "½ hour."

**PRESIDENT GRAYBILL:** All right, Mr. Harlow has made an amendment-proposed amendment that it be "1 hour" instead of "½ hour." Mrs. Mansfield.

**DELEGATE MANSFIELD:** District 14. I second the motion.

**DELEGATE MURRAY:** Mr. President.

**PRESIDENT GRAYBILL:** Mr. Murray.

**DELEGATE MURRAY:** As I'm sure all of the past legislators are well aware, the language in the proposed rule, as I read it and as you have it before you, is a change from the existing Legislative Rule.

I think that the committee's opinion was somewhat different in this respect than the opinion of Mr. Harlow, in that we haven't had the benefit of meeting as a Constitutional Convention recently in Montana. We don't know how much of a problem or how much time we would be spending, on the floor of this hall in meetings.

We feel that in the early stage-1 felt, and I think the others did-that in the early stages of the Convention, this is probably an adequate rule, that much, much of the work will be done in the committees, where you will not have this problem, the committee rooms not being here.

And that if-and we recognize that it may be a problem, but we're not-we haven't been looking for witches or spooks. And we feel, really, that,—we felt, really, in proposing this rule, that the ½ hour time period at the commencement-subject of course to change if it becomes a problem-is an adequate period of time.

We realize, of course, that it is imperative that we go to the people and ask for the adoption of this. Lobbyists take varying forms, and certainly we don't want to be in the position of antagonizing anybody who may be a lobbyist in any form and, therefore, we gave that consideration.

**DELEGATE CATE:** Mr. President.

**PRESIDENT GRAYBILL:** Mr. Cate.

**DELEGATE CATE:** Mr. Murray, would your committee consider extending the definition

of foyer a little further back past the coffee shop, so that if a delegate wants to go out for a cup of coffee, he doesn't have to fight three or four lobbyists on the way?

That wouldn't limit them from using the coffee shop for coffee, or whatever they might need, but it would prohibit them from lobbying in that area, and would permit the delegate to go off the floor and get a cup of coffee or a package of cigarettes, that type of thing, without being approached by these people. And, as you know, as a former legislator, that is what happens. And I was wondering if your committee would consider that? Thank you.

**PRESIDENT GRAYBILL:** Mr. Murray.

**DELEGATE MURRAY:** Mr. President, may I speak to that in this fashion?

I can't draw on any personal experience from which to answer that remark. I know not what facilities might be available for the lobbyists. It occurred to me, that perhaps the senate chamber could be wired for sound, so that they could be seated-they and others interested-could be seated in that Chamber.

Perhaps if there were another facility for them to obtain-them and others because there will be guests, of course, of ours, who will also be concerned with this-if there were another facility, I think that I would agree that maybe that is a proper thing, and that we should extend it.

At this moment, not knowing what might arise in that respect, and not knowing how available these things will be, I really submit the proposed rule as it is.

**PRESIDENT GRAYBILL:** Mr. Brazier.

**DELEGATE BRAZIER:** I offer a second substitute motion with respect to the motion on—

**PRESIDENT GRAYBILL:** Wait a minute. A substitution on the whole motion, or just the amendment? Whole motion?—

**DELEGATE BRAZIER:** Actually, it's the second sentence of the whole motion. I don't recall exactly what Mr. Harlow's language was.

**PRESIDENT GRAYBILL:** I think that you're a little premature. Let me hear it, and then we'll decide where to go.

**DELEGATE BRAZIER:** That the second

follows: "Lobbying on the third floor west of the convention hall is prohibited, with the exception that lobbyists may appear at committee hearings and by invitation of delegates."

**PRESIDENT GRAYBILL:** Before you debate that, let me ask the parliamentarian something.

Mr. Brazier, are you amending it with the ½ hour still left in, or with the hour left in?

**DELEGATE BRAZIER:** The thrust of my motion is that they are excluded—

**PRESIDENT GRAYBILL:** How long?

**DELEGATE BRAZIER:** Permanently, unless invited or when we have a committee meeting on the third floor west.

**PRESIDENT GRAYBILL:** All right, so yours is an amendment to the entire thing, and we don't need any time limits, just the third floor west?

**DELEGATE BRAZIER:** That's right. That's the intention of my motion.

**PRESIDENT GRAYBILL:** Now, with that understanding-if I am not right, correct me parliamentarian-we could then vote on this amendment first and then, if we have to, we'll vote on the other amendment.

Mr. Marshall Murray.

**DELEGATE MURRAY:** Let me speak to this a minute.

Walter Marshall has just pointed out that we have a concessionaire involved with the selling of the goodies outside that is licensed, and that perhaps before this matter is given any further consideration as to the restriction of people to that concession stand, we ought to just take a look at what his license provides, so that we don't create a problem or bring ourselves into some type of litigation.

Also, I might make one other suggestion. I know not how people are commonly going to find their way into the balcony if they can't come into the west wing of the building on the third floor.

**PRESIDENT GRAYBILL:** Mrs. Warden.

**DELEGATE WARDEN:** Margaret Warden, District 13. I would just like to say, are we trying to keep people away from this Convention, or are we trying to get them here to hear what they have to

When I think about a lobbyist, I don't think about a dirty word. I think about someone who has something to offer.

We are asking the citizens of Montana to come here, to talk to us, to tell us what they would like to see in the Constitution. I think they are-should have the right to come in and talk to us. I do think that we need the foyer a short time after and before session, free of any other people except those that are invited. But I do feel we would be remiss if we said we'll shut these off, so we can't have people come to us. We are not in ivory towers.

**PRESIDENT GRAYBILL:** Mr. Loendorf.

**DELEGATE LOENDORF:** Mr. Chairman, Jerry Loendorf, District 12. I agree with Mrs. Warden. I think to eliminate the entire west wing, here, of the third floor from lobbyists, is an unreasonable restriction. It's almost a restriction on freedom of speech and expression.

These people are Montanans. Also, they're here to express the views of Montanans, and I think we ought to hear them. After all, they are going to vote on what we do.

**PRESIDENT GRAYBILL:** Mr. Mahoney.

**DELEGATE MAHONEY:** Mr. President, I think that in regard to the hour and the ½ hour—that is, as I understand it, is what we're talking about?

**PRESIDENT GRAYBILL:** We are not—

**DELEGATE MAHONEY:** Isn't that the amendment they're discussing?

**PRESIDENT GRAYBILL:** No sir, we are not. We are discussing the amendment to limit lobbyists from the west wing. No time involved.

Mr. Champoux-excuse me, I didn't mean to take it away from you, but if you don't want to discuss that, I'll come back to you.

**DELEGATE MAHONEY:** While we are on this point, I would have to oppose that, very much. I agree with Mrs. Warden, that we're wanting people to come up here and see what's going on.

Secondly, I would hope that we will make everything available to them in a courteous manner. Now, I always have an awful time trying to define a lobbyist. The law is very vague. When does a person become a lobbyist, and when isn't he a lobbyist?

I think these are discussions that we have to take up in this thing. It's a very important

question to decide at this particular time. If we only have registered lobbyists, when does he have to register? What can he handle two things or three things or four things of the Constitution, which is different than the law has been?

Are we going to come out and say you can only register-if you take the law and interpret it now, you'd be limited, I think, to two sections. This I would hesitate-maybe they might be in all sections, and then if the person gets above that, he's a lobbyist.

Now, these are the things-this is a very different legislative session. I think we must realize this. I can't see all the bug-a-boo of lobbyists. I agree with Mrs. Warden.

**PRESIDENT GRAYBILL:** Mr. Champoux.

**DELEGATE CHAMPOUX:** The thing I would like to speak to is similar to Mr. Mahoney, is this business of identification.

For instance, if one of my fellow Montanans—I was going to say constituents-came to me and began to ask me certain things, or subject me to some information in the lobbying sense, am I to turn it off?

Also, how are we going to identify these lobbyists? Do we have plans to have some kind of badges, and so forth? The official ones, are they going to have badges?

**PRESIDENT GRAYBILL:** Mr. Murray.

**DELEGATE MURRAY:** Mr. President, maybe we were a little ahead of ourselves here, but I don't think so.

The intent of the committee, was to speak to the subject to let people who intend to be lobbyists, to let those-let people who will be hired-or who will come over without fees to present their views to this Convention-know that we're concerned about the problem, but at the same time to let them know that we're not as concerned as the legislative session might be about the problem, because we have reduced the period of time when we suggest they should be prohibited from the hall itself. And the permanent Rules Committee, I am advised, will consider this matter at length.

There are other matters which must go into the permanent rule because they have been specifically written into The Enabling Act, and I suggest, if I might, that we adopt this rule as it is—as it's proposed and as it is-and rest with that. And if we do have problems, when we have a meeting of the permanent Rules Committee, we

will call for a public hearing, and people, lobbyists and others can appear and express their opinion to the permanent Rules Committee at that time.

**PRESIDENT GRAYBILL:** Other discussion? I'll get to you, Mr. Brazier.  
Mr. Aasheim.

**DELEGATE AASHEIM:** From District 4. I concur with Mr. Murray. I think we are unduly alarmed about this matter of lobbyists, and if we find that they are causing a disruption here, that we can always change our rules, if the occasion arises. So I would recommend that we go along with the recommendations of the Committee.

**PRESIDENT GRAYBILL:** Any other discussion before I let Mr. Brazier close on his motion? Mr. Felt.

**DELEGATE FELT:** I rise with somewhat mixed emotions, in the hope that it might be something for the delegates to consider. I'm going to, when I'm finished speaking here, make a motion that the question of this resolution-or committee report-be referred back to the temporary Committee on Rules, and ask them to bring out a report at the first opportunity tomorrow.

I want to point out that-and it may clarify some of these questions that have been raised—first of all, lobbying has been defined, and so has the term lobbyist; and it means the lobbyist is a person who has been hired to influence the decision of members of this deliberative body, and lobbying is the act of doing that.

By their registration, people declare themselves to be lobbyists. Those who have not registered are, in effect, not lobbyists, in the sense that they are here without being paid, or else they're simply not familiar with the law-and this occasionally happens in good faith.

One reason that I know something about this question is that I did participate, in the early efforts, to make the statute regulating lobbyists—and we have always regulated them by rules-and I did draft the bill which Senator Kraft later introduced, and it became the first statute in Montana to regulate lobbyists. I'm also familiar with it because, rather unexpectedly, I became a lobbyist on the very touchy subject of trading stamps. So I have been on both sides.

The only thing that lobbyists really care about is that there be some definite rules, so that

the rules are. (Inaudible--) And also that these rules be enforced, so that those who comply, are not placing themselves at a disadvantage, as compared to those who do not comply.

The area question is one in which we all have an interest, and until we have lived with it, we may not be able to make our final decision. This seems to be known and recognized by all of us, and it's been pointed out, that our decisions now do not have to be final.

Personally, I know that I would not like this third floor west-it leaves me a little chilly because I don't know exactly where that plan is drawing [drawn], and the matters of access to the galley.

I feel sure that it's proper for us to discuss this subject now, to let it be known here that we're interested in it, but as to whether or not it's time to make the decision, I'm not so sure.

I would hope, and suggest, that the committee consider defining this little area south of the Senate Chamber as an area where access is limited to delegates of the Convention and, if they found it was possible, to provide coffee service in that area, and if there is access to it by women delegates-I know how the men can get there-then it might serve as rather an escape hatch for all of us, and we could get coffee without being crowded.

And, I assure you, that the crowded condition does not occur by reason of those lobbyists who are hired. There aren't that many of them, and they're not going to block your access. They are interested people, and they should receive their coffee, and they shouldn't have to show a badge in order to get in and get a cup of coffee.

We really don't know the essence of any of this, and it may be appropriate to make something. But if we do, I would certainly support the delegate who moved to first amend the motion to enlarge the time period to 1 hour before and 1 hour after.

I think that our decision on this could be affected by whether or not we have office space available to each of us. If we do have that, I can assure you that any good lobbyist would much prefer to meet you in some place like that, rather than on the floor or at the coffee bar where you're going to be jostled and have many interruptions. He would much prefer to go someplace where it's quiet.

I would hope that somehow we could express the fact that we appreciate the importance and value of the third house, and that we are not trying to regulate them out of business, but only to make

activities might interfere with us in carrying out our own work.

And also, to express that it is not meant that lobbyist is a dirty word or that lobbying is bad or in any way affecting people in general when we talk about lobbying. But if we keep the word lobbying from being further abused--and we should make it clear about that, and I'm sure that the press is perfectly capable of handling it properly--but not only that, we, ourselves, when we are speaking about this subject, should make it clear we are not in any way trying to prevent people from coming here to express their opinions, whether it's before a committee, or before all of us, or any place.

So, with those comments, and partly in view of the interest that's been shown in it, and the time of day, I now move as a substitute for all motions pending, that the question of the adoption of this resolution--or motion, or report, whatever it is designated--be referred back to our temporary Rules Committee on Organization.

**PRESIDENT GRAYBILL:** All right. Mr. Felt has moved that we refer it back to the temporary Committee. I'd like to hear from the--just a moment, is that debatable?

All right. I guess the committee should be allowed a chance to answer on that matter, and then we'll vote on that issue.

This motion--his motion takes precedence over yours, unless it fails. But the committee gets a chance to explain its position, and then we'll vote on Mr. Felt's motion. And then if there's anything left of yours, we'll come back to you, Jeff.

**DELEGATE MURRAY:** Mr. President, I'd like to know if there's anybody that has an opinion that has not had an opportunity to express it today on this subject.

**DELEGATE BRAZIER:** I didn't.

**DELEGATE MURRAY:** You must have. You made a motion, didn't you?

**DELEGATE BRAZIER:** I didn't get to argue it.

**DELEGATE MURRAY:** Well, I submit that this is a fair proposal. The committee thought so, and I submit that rather than take it back, we should settle it today on the floor. And I also submit and suggest that if there's somebody that hasn't said something, let's hear it now, rather

than hear it again in committee and back again on the floor.

**PRESIDENT GRAYBILL:** Alright, but we can't hear it 'til we've voted on the motion. (Applause)

All right. Now, the Chair--the motion is nondebatable, except for response by the committee, and so the Chair is now going to put Mr. Felt's motion to you.

His motion is; to resubmit the lobbying resolution to the Rules Committee. We're going to vote by Ayes and Nays. You want to vote on the board, I guess. Everybody's up there.

All right. I'll open the ballot, then. All those in favor of recommitting the resolution to the Rules Committee vote Aye, and all those opposed to recommitting it vote No.

Has everyone voted? Do any delegates wish to change their vote? The Chair has now closed the vote. Would you please tally the vote?

**SECRETARY MARSHALL:** Mr. President, 4 delegates have voted Aye, 93 delegates have voted No.

**PRESIDENT GRAYBILL:** By your vote of 93--

**SECRETARY MARSHALL:** 4 delegates have voted Aye, and 93 delegates have voted No.

**PRESIDENT GRAYBILL:** -93 votes against resubmitting, 4 votes in favor of resubmitting. The motion failed.

Now, Mr. Brazier, I'm going to let you close on your motion, but I'm not sure that Mr. James doesn't want to debate it. He was up.

**DELEGATE JAMES:** Mr. Graybill, I just wanted to speak in support of Mr. Murray's motion. I felt that this is--we've spent enough time on this. It's well thought out. We don't want to violate--the Constitutional Convention doesn't want to violate anyone's constitutional rights, so I think this is a pretty good motion.

**PRESIDENT GRAYBILL:** All right. Now, Mrs. Pemberton, you were up. Do you have anything to say?

**DELEGATE PEMBERTON:** Mr. President, is there a motion in order, or is it off the floor, or what?

**PRESIDENT GRAYBILL:** What we're doing is, we defeated Mr. Felt's motion to resubmit

it, so the whole proposition is still on the floor, and it's subject to Mr. Brazier's amendment that the whole third floor west be off limits to lobbying.

**DELEGATE PEMBERTON:** Thank you. That isn't what I had in mind.

**PRESIDENT GRAYBILL:** All right, is there any discussion on Mr. Brazier's amendment that we limit lobbying in the third floor west? Otherwise, it's much as stated by the Rules Committee. Mr. Brazier.

**DELEGATE BRAZIER:** Thank you, Mr. President.

My respects to Mr. Felt for stating the essence of my motion. Again, like some of my other motions, there's no particular magic in any particular geographic area, but I wanted to set aside a large enough area where we would be free to meet in small groups, from time to time, to exchange thought before making a decision.

Now, one of the reasons I raise this point at this point in time is, we're not clear what "temporary" means in this case, and I wanted to get it to your attention before it is too late.

Point number two I want to make is, everyone is worrying what a lobbyist is. Mr. Felt pointed out that a lobbyist is that person who is defined as a lobbyist in the act. Now, I don't agree with those that claim we're depriving anybody of the freedom of speech. The rest of my motion expressly recognizes that lobbyists have an opportunity to communicate with us. It does not restrict them from being anywhere that anybody else in the State of Montana can be. It expressly provides for them to come and talk to us at our convenience, where we will not be distracted, and where they can make their points without interference.

Another point I want to make is, it seems to me not to be a compelling argument to be worried about the location of a concession stand. Certainly, if there's a problem with respect to concessions, the concession stand can be moved. But we aren't here to keep anybody in business.

You might be surprised that I bounced this idea off of a good number of lobbyists in and around Helena, and there wasn't a one of them who disapproved of it.

Another point I want to make, is I'm slowly getting my campaign promises made. Finally, I want to thank you. I was getting worried. I haven't voted wrong all day, and it's against my nature to

**PRESIDENT GRAYBILL:** All right, we're ready to vote.

Just a minute. Mr. Wilson, I was going to let him close, but if you want to debate it, we certainly don't want you cut off, if you want to say something. Go ahead.

**DELEGATE WILSON:** Mr. Chairman, Wilson from District 6. I rise in support of the chairman on temporary Rules. I think that his proposal was reasonable. I think that if we get too restrictive with the people in the lunchcounter area, that it is an alienation of people's rights, and I think we are a little bit too restrictive when we block off such a large area.

**PRESIDENT GRAYBILL:** Thank you.

Mr. Brazier, is there anything you want to respond to that?

(Delegate Brazier indicated in the negative.)

All right, now we're ready to vote on the motion to amend the Rules Committee's resolution. The amendment, in substance, is that we do adopt The Enabling Act lobbying things, but then we limit lobbying on the third floor west. We eliminate lobbying from the third floor west, in this part of the building.

All those in favor of the amendment which would eliminate lobbying on this third floor west vote Aye, all those opposed to that—well, now wait a minute. Hold up. Mr. Brazier is on his feet.

Yes, sir. Have I stated it right?

**DELEGATE BRAZIER:** Mr. President, you left out a part. With the exception that "lobbyists may appear at any committee hearings on the third floor west, or by invitation of a delegate."

**PRESIDENT GRAYBILL:** All right. Now, we've heard the other amendment. They can certainly appear at committee hearings here, and they can appear upon the invitation—and I expect you mean the immediate invitation, not a general invitation from one of us to the world.

All right. Now, with that understanding, those in favor of the amendment which limits lobbying in this area vote Aye, and those opposing it vote No.

Have all the delegates voted? Does any delegate wish to change his vote? The Chair will close the ballot. Please tally the ballot.

**SECRETARY MARSHALL:** Mr. President, 11 delegates have voted Aye, 87 delegates have

**PRESIDENT GRAYBILL:** By your vote of 87 Noes and 11 Ayes, the motion has failed.

We're now back on the amendment to the original motion, which is Mr. Harlow's amendment that we change it from "30 minutes" to "1 hour." Is there any further discussion?

(No reply.)

Are you ready for the question?

**DELEGATES:** Question.

**PRESIDENT GRAYBILL:** All right, on this motion, then, we're voting for changing the Rules Committee proposal to "1 hour."

The ballot is open. Those in favor of changing it to "1 hour" vote Aye, those opposing it-and in other words, voting for "30 minutes"-vote Nay.

Have all the delegates voted? Does any delegate want to change his vote? I now close the ballot. Will you tally the vote?

**SECRETARY MARSHALL:** Mr. President, 30 delegates have voted Aye, 69 delegates have voted No.

**PRESIDENT GRAYBILL:** By your action of 69 voting No, and 30 voting Aye, you have defeated the amendment by Mr. Harlow, and the 30-minute rule is now back in the basic resolution, and the "1 hour" has been defeated.

Now, we are ready to vote, or at least to further discuss, the Rules Committee's rule. Mr. Drum.

**DELEGATE DRUM:** Dave Drum, District 8. I move that Mr. Murray's motion be amended to include the lobby area south of the senate chambers, so it would read "this area, the foyer, and the lobby area south of the senate chambers."

**PRESIDENT GRAYBILL:** Mr. Murray, do you understand that? I think he means the lobby area north—

**DELEGATE DRUM:** No, south of the senate chambers.

**DELEGATE MURRAY:** I'm not sure of your direction. Do you mean to the west—

**PRESIDENT GRAYBILL:** You mean west of the senate chambers, don't you, Mr. Drum?

**DELEGATE MURRAY:** This side of the senate chambers? South?

**DELEGATE DRUM:** The senate chambers is east-west. South of the senate chambers is a little room that is known as the lobby to the senate

chambers, and that's the area I would like to see included with the foyer here.

**DELEGATE MURRAY:** That's the little area the Senate has reserved to itself, and to which no lobbyist is ever admitted?

**DELEGATE DRUM:** True. On the other side of the senate foyer room.

**DELEGATE MURRAY:** Right. What's that called?

**PRESIDENT GRAYBILL:** It's the fire exit to the Senate, and it is not the north lobby, it's the south lobby. Now we're all together.

**DELEGATE MURRAY:** South lobby-I concur in that, and I'll go for that amendment.

**PRESIDENT GRAYBILL:** All right, the Chair-the chairman of the committee has acceded to Mr. Drum's amendment, unless somebody else wants to now amend the resolution, which now says "lobbying is prevented on the floor and the foyer of the Convention in a ½ hour period," and that includes the little foyer south-not north-south of the Senate. That's an area closed off, that's always been off limits to lobbyists.

Now, is there discussion on this matter, or is there further discussion on the Rules Committee's resolution?

(No reply.)

Hearing none, the Chair will put the matter to a vote. The ballot is now open. Those in favor of the committee's resolution concerning lobbying, as amended, vote Aye, those opposed to the committee's resolution vote Nay.

Have all the delegates voted? Any delegate want to change his vote? The ballot's now closed. Will you please tally the vote, clerk.

**SECRETARY MARSHALL:** Mr. President, 99 delegates have voted Aye, 1 delegate has voted NO.

**PRESIDENT GRAYBILL:** By your action of 99 of you voting Aye to the resolution of the Rules Committee, it is adopted, as amended, and is now taken care of.

Now, the Chair will recognize Mr. Murray again, this time to discuss the resolution-the proposed resolution which I think you've been handed, about appointment of committee chairmen and vice-chairmen.

Mr. Murray

**DELEGATE MURRAY:** Mr. President, for the purpose of the journal, I am assuming that Mr. Drum's motion was made in the form of a substitute motion, so that we don't have any problem with amendments. Is that true?

**SECRETARY MARSHALL:** We never make a mistake in this rostrum, sir.

**PRESIDENT GRAYBILL:** We never make a mistake in the journal, you mean. (Laughter)

**DELEGATE MURRAY:** Mr. President, I move the adoption of the following proposed temporary rule:

"The president, after consultation with the vice-presidents, shall designate the chairman and vice-chairman of every committee, and his designees shall be subject to the approval by a majority of the members of the Convention. In the case of a vacancy or the prolonged absence of the chairman or vice-chairman, the president of the Convention shall appoint a chairman to act until the chairman or vice-chairman shall return."

Now, may I speak to the motion?

**PRESIDENT GRAYBILL:** Yes, sir.

**DELEGATE MURRAY:** This is the second half of the Illinois rule having to do with the appointment of the members of the committee proposition.

Yesterday, because of the time limit, we did not get into the matter of the designation of the chairman and vice-chairman, and today we had the opportunity to do so.

I believe, that for all intents and purposes, the matter that we handled yesterday, with respect to the appointment of the members of the committee by the president, is Rule 16 of the Illinois Convention and this, with the respect to one or two word changes, is Rule 18.

**PRESIDENT GRAYBILL:** All right. Mr. Vermillion, just a moment.

I have an amend-

A proposed substitute motion has been given me, and I understand you may be one of the authors, and maybe Mr. Cate. I don't see Mr. Cate here.

Are you an author of this, or a sponsor, Mr. Vermillion?

**DELEGATE VERMILLION:** Yes.

**PRESIDENT GRAYBILL:** All right, then I

**DELEGATE VERMILLION:** I would like to have the delegates to consider this substitute motion:

I move that all committee chairmen be selected by the members of that committee on a merit basis.

And my thinking on this, is this; That we can get more of the appearance of a bipartisanry, than or nonpartisan effort on this.

I am convinced that the chairman that would be selected under the Rules Committee's proposal would be on a fair basis, and that there is one objection to my proposal that has come up, and that is there is a possibility, in fact, that we could get a very unbalanced appearance. We could conceivably get 10 committees, 8 chaired by one party and maybe only 2 by the other, and there was some concern that this would give an unbalanced look to the Convention.

But I would like to think that we could get away, now, from some of these party matters, and that on a strictly nonpartisan basis, if each committee would select that, it might be that one party or another might get more of the chairmanships. But I don't think that would be all that important.

I'm convinced that each committee would have an opportunity to hear from any of its members who would like to try for the chairmanship of that committee, would be able to hear his views, hear his ideas, and hear his background, and select a capable chairman in that respect.

And I would assume, actually, too, that these committees would look to the presidency and other officers for some advice on the selection of their committee chairman. I would ask the Convention to consider that proposal-that motion.

**PRESIDENT GRAYBILL:** All right. At this point, so that everybody is with us, we have the resolution of the Rules Committee that the Chair designate, subject to the approval of the majority. We now have a substitute motion that the committee chairmen be selected by the members of the committees on a merit basis.

**DELEGATE:** Mr. President.  
(Inaudible-both talking at once)

**PRESIDENT GRAYBILL:** Wait a minute. Hold it. I want to recognize, because we have more here, Mr. Campbell.

**DELEGATE CAMPBELL:** Bob Campbell,

to enter a substitute motion for all motions pending, and with your permission, have it distributed by the page for consideration.

**PRESIDENT GRAYBILL:** Well, go ahead.

**DELEGATE CAMPBELL:** Okay. If you would hand them out to the delegates, please.

I move that the president, with the consent of the vice-presidents, shall appoint the temporary chairman of each committee, who will preside at the first committee meeting before the adjournment of this organizational session. At such committee meeting, the temporary chairman shall call for the election of the permanent committee chairman and vice-chairman.

I feel that there are four distinct advantages of this substitute motion. First of all, the committee members will be appointed by the president and the vice-president, and the temporary chairman will, of course, be appointed by the same, based on the information in the questionnaires and the background information that the officers already have.

Second of all, this substitute motion would insure that there would be a first meeting of all committees before this organizational meeting ends.

Third, if anyone at this committee meeting feels that they would like their qualifications for committee chairman considered by the committee, they could present this to the committee for their determination and decision at that time. If he or she wanted to be considered for a chairman or a vice-chairman, that decision could be made then.

Fourthly, before returning home to our home districts, we would all know what committee we would be on, we would all know who the permanent chairman and the vice-chairman is.

I feel this is a fair substitute motion, and would present it for consideration.

**PRESIDENT GRAYBILL:** Thank you.

Now, so that we all understand, we have the committee's motion, we have this one substitute motion, a second substitute motion. No other substitute motions are amend-no other substitute motions are in order.

We're going to debate these in that order. And I'm going to—we're going to debate this last one first, the one about letting the president appoint a temporary chairman, and then the committee meet and appoint it's own chairman, and I'm going to recognize Mr. Roeder.

**DELEGATE ROEDER:** Mr. President, would I be out of order if I were to debate the whole package? (Chuckles)

**PRESIDENT GRAYBILL:** I beg your pardon?

Yes, the parliamentarian points out to me that... in effect, the whole package is open for discussion.

**DELEGATE ROEDER:** That's what I was asking—

**PRESIDENT GRAYBILL:** Because they all really amend each other, but after we debate, we've got to vote on the last one first.

**DELEGATE ROEDER:** Okay. Well, I'd like to speak in opposition to both substitute motions, and in support of Mr. Murray's motion.

In the first place, both substitute motions fly in the face of the practice of the other conventions, and of the brunt of experience in other states. I'm referring to page 50 of the Constitutional Convention Manual.

Also, I cursorily examined the rules that have been sent out by the Constitutional Convention Commission, and overwhelmingly, the practice is to allow what has been suggested by the Rules Committee. I think it's the essence of conservatism to rely on experience of other people, that has proved to be profitable, rather than (inaudible word) flying in the face of it.

Also, I can't agree with the implied suspicion of the Chair. I think this isn't necessary. We have no evidence to distrust.

Thank you.

**PRESIDENT GRAYBILL:** Mr. Toole.

**DELEGATE TOOLE:** Mr. Chairman, I rise in support of the member of the Rules Committee's proposal. I think that it's absolutely essential that you, Mr. President, consult with the vice-presidents, as the motion calls for, at every step of the way, and I trust you to do that, and I think you will do it. I think all parties or factions of this Convention will be represented if you do that.

And, on that basis, I think the proposal of the Rules Committee should be supported.

**PRESIDENT GRAYBILL:** Mr. Aronow.

**DELEGATE ARONOW:** Mr. President, I rise, also, in support of the motion of the Rules Committee.

I would like to point out to the delegates, that

the Rules Committee proposal has the following language after "the president": "With consultation with the vice-presidents, designates the chairman and vice-chairman of every committee, and that his designees shall be subject to the approval by a majority of the members of the Convention."

Neither one of the two substitute motions contains any provision for approval of the designation of the Committee chairman and vice-chairman by the committees by the whole Convention, and I think the provision for approval by the whole Convention is a terrific safeguard to all of us. And it requires the president and the vice-presidents to be absolutely fair, absolutely impartial, and requires them to make those appointments on ability and merit. And we certainly have the power in this Convention, if the president does not make such appointments in such a manner, to overthrow his recommendations. And I rise in support of the Rules Committee.

**PRESIDENT GRAYBILL:** Mrs. Robinson.

**DELEGATE ROBINSON:** I rise to speak to the second substitute motion offered by Mr. Campbell of Missoula. This motion in no way reflects any distrust or suspicion of the president or the vice-presidents of this Convention.

I would also like to say, that the impetus has been given that since other constitutional conventions have relied on the method of appointing by the presidency, that Montana should automatically do so. I believe that consistency is sometimes a hobgoblin of little minds. I think that now is the time for us to maybe do something a little bit innovative, and to make these committees real committees.

I believe that the chairmen of these committees are going to be the spokesmen of these committees and, as so, they should reflect the makeup of that committee, and should be the choice of that committee. This motion gives the president the opportunity to appoint a temporary chairman, and, in the event of the selection by the members of the committee, the temporary chairman may be the permanent chairman. But I at least think that we are not above trying something a little bit different in Montana.

**PRESIDENT GRAYBILL:** Mrs. Bowman.

Jean Bowman, from District 8. I would like to rise in support of the two substitute motions.

First, I feel that now that the Convention has begun, that we should make every effort to work harmoniously, so that this effort will be evident to the people of the State. And I do feel that the people on a committee should have the right to select the chairman of the committee on which they will be expected to work for the next 2 to 3 months.

**PRESIDENT GRAYBILL:** Mr. Foster.

**DELEGATE FOSTER:** Mr. President, Don Foster, delegate from District 10. I rise in support of the substitute motion of Mr. Campbell.

I feel that we have established excellent precedent. Yesterday, we received the report of the temporary Rules Committee by a chairman who was selected by that committee, which was selected and appointed by our president. I fully endorse the chairman of the temporary Rules Committee. I think we have all seen the excellent judgment that this group showed.

Secondly, the advantage of the president being able to make the initial appointment, is that he can express his preference, and I submit that this will be the permanent chairman in most, if not all, of the cases. But I also submit that any question of suspicion, any question of the fact that the committee chairman is, in fact, the consensus spokesman of that group, should be dispelled. And I submit that the substitute motion of Mr. Campbell will accomplish that fact.

And, finally, I submit that ratification—ratification by the entire body of all of the chairmen of the committees, at best, would be cumbersome, and at worst, could be devious. And I support the substitute motion of Mr. Campbell.

**PRESIDENT GRAYBILL:** Mr. Harbaugh-Harbaugh, were you on your feet last time? All right, you're off. Mr. Skari.

**DELEGATE SKARI:** Carman Skari, District 14. I rise to concur with Mr. Foster in support of the substitute motion by Mr. Campbell.

I also want to state, there's no implied suspicion of the Chair here, at all. I think it's merely a procedural matter, and I think it's an attempt to make this, perhaps, a bit more democratic, in the sense that we were also elected.

This Convention elected its president in this manner, and we would simply apply the same

ship from among their own members, and people that they would want to lead them.

I feel we've balanced our leadership with party-between party, and according to geography, and according to sex-in many different ways at the officer level. I think now, at the committee level, we should be able to dispense with any further artificial attempts to perfectly balance all segments of this Convention.

I think that the time has now come to move from a bipartisan convention to a nonpartisan convention, and that we simply select people strictly from merit within the committees.

**PRESIDENT GRAYBILL:** Mr. Dahood.

**DELEGATE DAHOOD:** I rise in opposition to the substitute motions, and I speak first as a Montanan, and second as a Republican. I think the president, in accordance with the motion that has been submitted, should be given the opportunity to make the appointments. I think the vice-presidents that have been carefully selected, who will confer with the president, are going to give us the type of appointments that are going to mean progress for the Convention.

Insofar as my colleagues, who have taken the microphone to support the substitute motions, I think they indicate to us nothing more than 10 campaigns being waged outside of these chambers for chairmanship of the 10 committees. I think this is divisive, and I think it's going to cause problems that can best be solved by reposing our faith and trust in the four officers who we have elected, who, to me, represent all of the factions, all of the interest, that are represented by the 100 delegates.

Consequently, I think, to move this along so that we can get down to the real business of this Convention, for which we were elected by the citizens of Montana, we should stop playing around. We should let the president and the vice-presidents appoint the committees and their chairmen, and get down to the real work of this Convention. I support the original motion. (Applause).

**PRESIDENT GRAYBILL:** Mr. Scanlin.

**DELEGATE SCANLIN:** Mr. President, Don Scanlin, District 8. I would like to address my question to my distinguished colleague.

I don't want to take the time on the floor to discuss it, but I'd like to make an appointment, in private, to discuss it. Shall we listen to and heed

the voice of having experience, or rather choose a dangerous detour of experimentation?

Thank you.

**PRESIDENT GRAYBILL:** Mr. Schiltz.

**DELEGATE SCHILTZ:** Mr. President, I'm struck by the fact that all proponents of the substitute motion are very young. At the ripe age of 52, I shall never have another and a better chance to join them, and I support their motion as a progressive idea that needs to be heard, and needs to have attention paid to it. (Applause)

Thank you.

**PRESIDENT GRAYBILL:** Mr. Studer.

**DELEGATE STUDER:** I'd like to rise in opposition to the substitute motion. I would like to rise in support of the Rules Committee report, and in order to make my talk brief, I would like to say that Mr. Aronow expressed my thoughts in full.

**PRESIDENT GRAYBILL:** I'm going to let you have a chance, but I want the rest of them to, Mr. Murray.

Mr. Brazier.

**DELEGATE BRAZIER:** Mr. President, I take issue with those who suggest ulterior motives on behalf of anybody who has offered a substitute amendment, or those who suggest that anybody in this chamber does not have balanced and intelligent judgment. This is supposed to be a people's constitution, and I think it should continue to appear to be one throughout these proceedings.

Further, as a matter of procedure, I think it's a hollow safeguard to say that somebody can challenge the appointment made, because we all know that everybody here is meritorious, and nobody's got enough stomach, or inclination, to stand up and look him in the eye and say, "I challenge you." There simply is not going to be a challenge. And for those reasons, and for the reasons that I fancy myself as a younger person, I support the substitute motions.

**PRESIDENT GRAYBILL:** Mr. Burkhardt.

**DELEGATE BURKHARDT:** Bill Burkhardt from District 12. It seems the quick way to say you're not yet over the hill, is to be for these substitute motions, (laughter) and I am rising to speak on behalf of this substitute motion.

The reason being, I think there's an issue of trust that is now a two-edged possibility. We have-1 have found a growing trust for our presi-

dent as I've watched him function, and he has a sense of humor that I appreciate. He has a fairness in all things and, for my part, I would be willing to look at the option of the vice-presidents concurring with him in his appointments.

But-I also know, that people have responsibilities that come from the past to each other, and I'm terribly concerned that, as we look at the future, we do not have too much obligation to those things which have gone before. I think they need a solid awareness of our heritage, but we've got to have a sense of the next century, too.

So, these young people are not simply making a play for power. They are saying that when you get ready to value things in this society, look at the new as well as the old. And I would like to say that the possibility of following up on the proposal of either of these substitute motions is attractive to me, not because it takes responsibility from the president. I think he could work well with any person in this body who was so elected, and I think we're all committed to work together for that purpose; however, there is the chance that old debts might have to be paid, and I think we'd just like to be ready to feel that, if it were true.

Thank you.

**PRESIDENT GRAYBILL:** Well, let's see. That's Mr. Harrington.

**DELEGATE HARRINGTON:** Dan Harrington, District 20. I would like to rise in opposition to the substitute motions. I feel that this is not a young issue or an old issue. I feel that we have to show our support to the Rules Committee on this, I think we follow them. We've come a long way in the last few days, and I feel that we should continue to do so.

Thank you.

**PRESIDENT GRAYBILL:** All right, Mr. Gysler.

**DELEGATE GYSLER:** Erv Gysler, District 14. I rise to pretty much second what Mr. Dahood has said before me. I think, in the interest of good organization, harmonious working throughout the Convention, that we do not support the substitute motions. I think we will all get along a lot better as our Convention goes on, and I would like to commend the Chair and the Rules Committee for what I think, so far, has been a very excellent job, and I trust that it will continue so.

**DELEGATE:** Siderius.

**PRESIDENT GRAYBILL:** Oh. Pardon me. Mr. Siderius.

**DELEGATE SIDERIUS:** I think we can work very well with the substitute motion, and I'm in favor of it.

**PRESIDENT GRAYBILL:** Mr. Harper.

**DELEGATE HARPER:** George Harper, District 12. It's been implied that we don't trust the leadership who appoints the committees, possibly. That is the substitute motion which I support. I would just like to suggest that maybe we take a look at the other angle. We don't want to imply that we don't trust the committees, either.

All of us were elected, equally, to come and be a part of this. The 10 people that sit down in a room together, having agreed that they want to work on that particular subject, have a chance to talk over with each other, find out if so and so wants to run for this, what are his qualifications, why does he want to be chairman, how would he handle it, and so forth.

And as they discuss the philosophy of working together, maybe, after an hour or so, they would arrive, possibly-and as someone suggested, probably-the temporary chairman, in some cases, will be accepted as the chairman of that committee. But otherwise, the committee then goes along with the idea of working 2, or 3, or however many months we have together, with the chairman, and with the procedure that the committee itself selects.

**PRESIDENT GRAYBILL:** Mr. Eskildsen.

**DELEGATE ESKILDSEN:** Mr. President and delegates to this Convention. I would just like to point out one thing; that, not because of our own problems, so much, but because of the voters, we did end up with 58 on one side and 36 on the other and 6 Independents. I point this out, that the committee makeup, no matter how hard the leadership tries, will still be in that proportion, and I want you to all think about the position that you put the leadership in each of the various committees. The makeup will be more Democrats on, I would say, all the committees, probably, or maybe there would be one that would be different. But in that light, I'd like you to think what could happen.

A committee sits down to vote. The chairman

of the opposite party, and he is voted out. The repercussions from this can be quite serious. It could work the other way, and seriousness would develop.

I feel that we're placing more—we're talking about being nonpartisan and bipartisan and all that. I think we're getting in a position where we'll be partisan on this thing. It could be partisan very easily, or the outcome could look like it was. I think this way, where we would have a real diversified president and vice-presidents, I would vote on their judgment. (Applause)

**PRESIDENT GRAYBILL:** Mr. Heliker.

**DELEGATE HELIKER:** Mr. President, George Heliker, District 18. I rise in support of the substitute motion.

When I first read it, my reaction was negative because I thought that we might wind up with a lot of elected chairmen-elected without sufficient consideration. I'm persuaded by the argument here today that that is very unlikely, and that most of the chairmen appointed by the president, with the consent of the vice-presidents, would indeed be the permanent chairmen.

Responding to Mr. Eskildsen's comment, I think we have demonstrated here this afternoon, that from here on out, this Convention is to be a nonpartisan Convention. (Applause)

**PRESIDENT GRAYBILL:** Mr. Monroe.

**DELEGATE MONROE:** I just stand to-in favor of the substitute motion by Bob Campbell.

**PRESIDENT GRAYBILL:** Mr. Furlong.

**DELEGATE FURLONG:** Furlong, District 16. I would like to address a question to the Chair, if I might.

**PRESIDENT GRAYBILL:** Very well. Go ahead.

**DELEGATE FURLONG:** In the substitute motion Number 2, it suggests that the committee assignments will be known before the adjournment of this organizational session.

Is it the intent of the Chair, through the vice-presidents, to make the appointments known by tomorrow, or before adjournment, under the Temporary Rules proposal?

**PRESIDENT GRAYBILL:** If you'll promise to vote on this before you go out in the hall, you'll find that all the procedural committees are

posted in the hall, or the procedural committee nominations or designations on which you will have to let's explain this to everyone.

The motion yesterday said that on the committees, the chairman could nominate, or could appoint the committees, and you people then have until the 19th, I think it is, of January to change, or ask changes, of this body. So, the procedural committees are already posted out there. This doesn't make now I don't want you to look at them and then come back, Jerry. At least, I'd rather you didn't. Now, you go ahead and do as you please. I posted them so that they could be there when we go out. I don't want that to enter the discussion here.

So they are posted, the procedural ones. Whether I can get the other ones done by tomorrow night, or any time, I do not know, but the procedural ones are out there.

Now, as to what was the second part of your question?

**DELEGATE FURLONG:** That was it, thank you.

**PRESIDENT GRAYBILL:** The procedural ones are out there, and we are working on the other ones, as far as the committees. Now, the things on the board out there have nothing to do with chairman and vice-chairman. I haven't designated any of them because I don't have any power to.

All right. Mrs. Bates.

**DELEGATE BATES:** Grace Bates from District 11. I rise in support of the original motion, for the reason that I feel we have elected a chairman—a president of this body who is responsible to all of us, and I'm certain he will appoint, with our consent, the chairmen he feels that he can be responsible for, and that will be responsible to him. And for the best organization and followup, I feel that this should be his prerogative, and I rise in support, then, of the original motion.

**PRESIDENT GRAYBILL:** Mr. Choate.

**DELEGATE CHOATE:** Lyman Choate from District 2. I rise in support of the substitute motion, for the reason that I'm ornery enough to believe, that in spite of what some of the things that have been said here, the committees will not evolve into a bunch of people who will let partisanship enter into the selection of a chairman.

It might very well be that in a discussion among themselves that they would find someone

who would better serve on the committee as the chairman, or vice-chairman, than the one appointed by the president. Very likely, this isn't going to happen very often; however, if we're going to get into nonpartisan thinking, or bipartisan thinking, we need to start, and we have done so. We've made good progress and great strides in that direction in the last couple of days.

I have every faith and confidence in the Chair-in the president and the vice-presidents whom we've elected, but I think, though, that the committees themselves could decide how the work can better be done by picking their own chairman afterwards, and so I support the substitute motion.

**PRESIDENT GRAYBILL:** Very well. Mr. Hanson.

**DELEGATE HANSON:** Mr. Chairman, when I first heard of this move, I had mixed emotions about it, and I have every confidence in our chairmanship and our vice-chairmen, and I would have been completely satisfied with the appointments that they would have made; however, after the discussion that I have listened to here on the floor this afternoon, I believe that in harmony, that we should support the substitute motion. I think that we will find that we will have a more harmonious Convention by doing that at this point, with the understanding that this is definitely not any discredit or reflection on the Executive Committee.

**PRESIDENT GRAYBILL:** All right. Is there any other discussion? Mr. Cate.

**DELEGATE CATE:** Mr. President, a point of clarification. I note that Mr. Eskildsen, Mrs. Bates, Mr. Holland, and Mr. McKeon are the first names listed on four of the procedural committees. Was that a designation of chairmanship?

I note from referring to other rules of other committees, of other conventions, that the first person named is the chairman of the committee. Was it your intention that those people were to be the chairmen of those committees?

**PRESIDENT GRAYBILL:** Mr. Cate, had you taken my admonition-orrequest that you not go out there, you would have heard me say from the floor, that I have not designated any chairmen or vice-chairmen, yet.

**DELEGATE CATE:** Thank you

**DELEGATE HARBAUGH:** Gene Harbaugh from District 4. I'd like to call for the question.

**PRESIDENT GRAYBILL:** We're not going to have the question 'til everybody's had their say. Mr. Jacobsen.

**DELEGATE JACOBSEN:** Mr. President, how do you, yourself, feel about making these appointments with the vice-presidents?

**PRESIDENT GRAYBILL:** I beg your pardon?

**DELEGATE JACOBSEN:** How do you, Mr. President, feel about making these appointments, with the advice of your vice-presidents?

**PRESIDENT GRAYBILL:** Since there is so much discussion, when discussion is completed, I will relinquish the Chair and make a statement.

Now, does anybody else want to discuss the motions? We're on Mr. Campbell's substitute motion. Mr. Drum.

**DELEGATE DRUM:** Dave Drum, District 8. I am not ready to run a foot race with the younger generation, but I'm sure not ready to be accused of being one of the older generation here, so I guess I fit somewhere in the middle.

When the substitute motions were passed around, I did a little doctoring on them and thought that they were a real good idea. Reflecting in my past memory of some of the things we've done, being a past legislator, thinking of some of the problems of committees, I reflect back to one committee where the chairman wanted to express himself on every single subject.

He looked great the first day-2 or 3 days, and I think if he'd been picked on merit, he would have been the one that was elected, selected, but we got so tired of listening to that guy. So, "we will now have three bills to consider, today. Here's what I think about the first one," and then if a person would express themselves he would say, "well, you're wrong and here's why," and it just about drove everybody out of the room.

Another chairman, who happens to be sitting back here, was one of the greatest committee chairman there ever was, and he didn't open his mouth until everyone had expressed themselves, and he would never have been the first choice of anyone in there the first week.

and sometimes merit is easy to ascertain the first week, and sometimes that merit can get very tire-some down the line. So I think that in order to do the business of this Convention, we should consider the judgment of the leadership that has been selected, allow him to go ahead and appoint these committee chairmen, because if they select their own committee chairmen, and the product of this Convention is not satisfactory, this Constitutional Convention will make the sales tax look like a wreath of lillies around you-know-whose neck up there, and he doesn't want that any worse than you do. So I believe we should go ahead with the committee report, select it, endorse it, and move on to other business. (Applause)

**PRESIDENT GRAYBILL:** Mr. Delaney.

**DELEGATE DELANEY:** After reading this substitute motion of the original motion, I see that the word "temporary" is in the substitute motions.

Personally, I kind of believe that this is an unnecessary word, and I believe the whole crux of this boils down to whether the chairmen will be approved by the committee or by the Convention of the whole, and I believe the committee is the one who should approve it.

**PRESIDENT GRAYBILL:** Mr. Swanberg.

**DELEGATE SWANBERG:** Mr. Swanberg from District 13. I think there are some attractive features to both substitute motions, but I also believe that there is real danger of divisiveness, if we go along with it. Mr. Drum's comments about inexperienced chairmen, I think, should be taken up, also.

The president and his advisors, the vice-presidents, will presumably make it their business to acquaint themselves with the qualifications of each and every member here, and when they take up the problem of appointing chairmanships they will, I'm sure, appoint the most competent person available for the job. This might not occur if the chairmen, or if the committees themselves made that choice, so I think that is a very real point to consider.

I think Mr. Eskildsen's idea there, also about the party predominance here, could also come up. And that, as I say, there are attractive features to both the substitute motions, I think the weight of preference is for the original motion, and I am speaking in support of it.

**PRESIDENT GRAYBILL:** Mr.-now. if

you've been up once, you ought to let somebody else get up, till everybody's been up once.

Mr. Romney.

**DELEGATE ROMNEY:** Mr. President, Romney of District 22. I did not intend to discuss this matter, but in view of the fact that I am a member of the Rules Committee, and we discussed this quite thoroughly, I feel that I should give my support to the Rules Committee's version and oppose the substitutes, both of them.

I think that there is merit in turning democracy loose and providing it with full play. I would hate to see it shackled, but I notice that this substitute-the second substitute motion, provides that at such committee meeting, the temporary chairman shall call for the election of a permanent committee chairman and vice-chairman. It indicates a view, that this appointment and meeting will take place tomorrow.

Tomorrow, as I understand it, will be the last day of this organizational session. In a few minutes after appointment tomorrow morning, these various committees would meet with the chairman as appointed by the leadership, which is of both parties. And the chairman would call the meeting to order and the membership of the committee would evaluate that leadership in 6 or 7 minutes, and then, perhaps, dispense with it and elect somebody else, a person who they may not have known for more than 3 or 4 days. I submit that this is hogwash, and as the youngest member of the assembly, I reject it.

**PRESIDENT GRAYBILL:** The Convention will be in order. Mr. Foster.

**DELEGATE FOSTER:** Don Foster, delegate from District 10. Mr. Swanberg has alluded to the fact that some of us delegates might have more experience than others. I submit that we all have equal experience as Constitutional Convention delegates. (Applause)

Thank you.

**PRESIDENT GRAYBILL:** Mr. Brazier.

**DELEGATE BRAZIER:** I yield to Mr. Burkhardt.

**PRESIDENT GRAYBILL:** All right, Mr. Burkhardt.

**DELEGATE BURKHARDT:** Bill Burkhardt, District 12. I don't really want to hear the sound of my voice too long, and I'll try to be brief,

but it seems to me that a couple of things could be put into this, that would make it a little more palatable.

**PRESIDENT GRAYBILL:** Mr. Burkhardt, the Chair wants to remind you that these are two amendments, now. We can't amend them. If one of them fails, we can come back and start again.

**DELEGATE BURKHARDT:** All right, just as a matter of information, it would seem to be possible that the committee might meet a little longer than 6 or 7 minutes before they made a selection, since they do have this prerogative.

The issue at stake, it seems to me, is the trust for the delegates, and I think we've established a growing trust in our president and vicepresidents, and now it's time to trust the delegates.

**PRESIDENT GRAYBILL:** Mr. Ask.

**DELEGATE ASK:** Mr. President, Tom Ask, District 9. As a member of the Rules Committee, I rise to support our original motion, and I would like to not belabor the point and take time, but I'd like to tell my fellow delegates, our committee, having the advantage of having our president before us a number of times when we met, and through this meeting, we have questioned him on the appointment of committees and chairmen and vice-chairmen, and I think it was the consensus of the committee, that we have a feeling that we're going to trust his judgment and the judgment of the vice-presidents that we have elected, and we have had that advantage that he has not spoken of today. Thank you.

**PRESIDENT GRAYBILL:** Mr. Johnson.

**DELEGATE JOHNSON:** Mr. President, I'm Torrey Johnson from District No. 1. I'd like to rise in support of the resolution from the Rules Committee, and I would like to add a sentence in view of all the arguments here.

If the chairman or the vicechairman proves to be inadequate to handle the responsibility in the view of this committee, he may be removed by a vote of that committee and replaced.

**PRESIDENT GRAYBILL:** Mr. Johnson, we'll—we'll note your motion, but we will not amend it, yet, unless we get there.

**DELEGATE BOWMAN:** Mr. President,

**PRESIDENT GRAYBILL:** Mrs. Bowman, yes.

**DELEGATE BOWMAN:** I would like to take issue with Mr. Romney's statement that we would be forced to select a chairman of the committee after knowing him possibly only 2 or 3 minutes. I should hope that we probably know more of the delegates now, better than we knew them on the day which we selected our chairman, and I personally am very happy with the selection of our chairman, and I feel that we showed competence in that area. I feel that we can show the same competence when we select the chairmen of the individual committees, if we are allowed to do that.

**PRESIDENT GRAYBILL:** All right, Mrs. cross.

**DELEGATE CROSS:** Cross, District 3. I have been listening to the debate in a rather neutral position, but I think my feeling on it has begun to gel a little bit. It would seem that everybody seeking—

**SECRETARY MARSHALL:** Hold the microphone up a little closer to your mouth, Mrs. cross.

**DELEGATE CROSS:** Shall I repeat what I've said?

**SECRETARY MARSHALL:** Yes.

**DELEGATE CROSS:** I've been listening to the debate in a rather neutral position, but I think now my feelings on the question are beginning to gel. It is my feeling that many of the delegates would like the position of chairmanship, and I can't help but think everybody wants to be a chief, and that you're not going to have any Indians to do the work.

I would favor, I believe, the motion from the committee. I'll be very happy to be one of the Indians.

**PRESIDENT GRAYBILL:** Mrs. Erdmann.

**DELEGATE ERDMANN:** Marian Erdmann from District 13. I rise in wholehearted support of the original motion from the Rules Committee. I believe that this body has selected their leader—their president and their three vice presidents, with deliberation. You have chosen them as your leaders, and now give them a chance to do some leading.

**PRESIDENT GRAYBILL:** Mr. Harbaugh.

**DELEGATE HARBAUGH:** Gene Harbaugh, District 4. I believe, also, with Mrs. Cross, that the opinions have begun to gel. I think we have allowed ample time, and I believe I am in order. I would like to move the question.

**PRESIDENT GRAYBILL:** Well, you might be in order, but I'd like to let everybody talk. And then I'm going to be last, so don't move it before I talk.

Mr. Arbanas.

**DELEGATE ARBANAS:** Harold Arbanas, District 13. I rise in support of the substitute motion. It seems to me, that we're saying that one person can select 10 chairmen better than 10 people can select one chairman.

**PRESIDENT GRAYBILL:** Is there other—  
Mr. Monroe.

**DELEGATE MONROE:** Mr. Chairman, did you mention earlier that an amendment is not in order at this time?

**PRESIDENT GRAYBILL:** No, we have three separate substitute motions, and if one of them fails, then we might have a chance to redo things. We've got to stop somewhere in the rules, too.

All right, Mr. Campbell, I would give you a chance to respond after I speak, but if you want to speak now, you can.

(Delegate Campbell indicated in the negative.)

All right, is there other discussion?

(No reply.)

Hearing none, I'd ask Mr. Aasheim to take the Chair.

**PRESIDENT AASHEIM:** Mr. Graybill.

**DELEGATE GRAYBILL:** First of all, I'd like to say that I certainly have no—I'm not mad at anybody for any of the motions, and that's fine with me.

I'd like to discuss them, frankly, with you for just a moment, and I'm talking now only to Mr. Campbell's substitute motion—the last—the third substitute motion by Mr. Campbell.

First of all, it says that I move that the president, with the consent of the vice-presidents—now, I doubt if that's really what they mean. Do I have to have the unanimous consent of all three of these vice-presidents before I can even

make a temporary appointment? I don't think they mean that. They probably mean with the advice of them, and I would still have the right to make it, but it is a little misleading. I merely point out that it wouldn't work if I had to get them all to agree—we might not agree.

And the second point that I would like to make is this: If I am asked to do—if this motion prevails, I would presume that you would like your committees to appoint their own chairmen, in which case, I will appoint the first person on each committee whose name—the first alphabetical name, as the temporary chairman, because I certainly am not going to presume, point the finger at, or help, anybody in his election to chairman on that commission. So I'm not going to express any opinion at all, if you let the committees choose it. I'm only going to express the opinion of having picked number "A", or the first alphabetical name on the committee, as the temporary chairman, and he can do the rest.

Third, I would, of course, express to you the feeling that I would like the right to pick them because apparently I'm going to have to be working with them an awful lot during the rest of the Convention.

Thank you.

**PRESIDENT GRAYBILL:** Mr. Campbell.

**DELEGATE CAMPBELL:** Bob Campbell, District 18. I certainly would, if there was a question on the word "consent", change it to "consultation."

I would like to point out, that there is no dissatisfaction with the officers. We certainly are in support of them. We certainly don't mean to place any false suspicions. I think we have a tremendous slate of officers, and that we are looking forward to a tremendous Convention; however, I think there has been a lot of strong issues raised in this.

The substitute motion, in effect, I feel, would still draw upon the wisdom of the president and the vice-presidents in selecting this temporary chairman. Now, that—he's at the disposal of the president and of the officers, not of other committee members; however, I feel that the ratification of this could be better done by that committee, who will have to work with the committee chairman for the next 3 months, rather than all of us going through and trying to ratify the appointment of every single committee chairman.

I think that, of course, the person who is

appointed would have a tremendous advantage, and I think that we are entitled, and I hope we would get, an appointment of someone that the president feels is qualified on these committees.

I might point out again that this literature, when you went home, you'd know what committee you're on. You'd know that you had one meeting, and you'd know who the chairman and the vice chairman of that committee is. I think this is essential, if we are going to prepare for the important work next January 17th, but (inaudible few words) if there are no committee meetings at all, I feel that a lot of work may not be done that could otherwise be done.

Thank you very much, Mr. President.

PRESIDENT GRAYBILL: Thank you.

Now, the committee-or the sponsor of the amendment has spoken, and the Chair has spoken, and the original resolution to which it's a substitute is of the Resolutions Committee, and I'll recognize Mr. Murray, if he wants to say anything.

DELEGATE MURRAY: Mr. President, I probably brought this upon myself, because after the first substitute motion was printed and delivered to the desks of this convention hall, prior to the time that the committee proposed a rule was fully considered and distributed, we did call Mr. Vermillion to our committee room and did hear what he had to say about the first substitute motion.

Thereafter, we suggested to him and to Mr. Foster, that if they were serious in their contentions, that they propose and draft something in line with the second substitute motion, as you have it before you.

We, as the committee, felt that we probably are now discussing the most important question, since the election of the president, to come before this Convention. We unanimously decided to stay with our original proposal after hearing Mr. Vermillion and Mr. Foster, and we appreciate the discussion, and we hope that we get on with the vote.

DELEGATES: Question.

PRESIDENT GRAYBILL: Are you ready for the question?

DELEGATES: Question.

PRESIDENT GRAYBILL: All right, the

question is on the substitute motion. The substitute motion is:

"I move that the president, with the consent of the vice-presidents, shall appoint the temporary chairman of each committee who will preside at the first meeting-first committee meeting before the adjournment of the organizational session. At such committee meeting, the temporary chairman shall call for the election of the permanent committee chairman and vicechairman."

All those in favor of this substitute motion vote Aye-the balloting is open-all those opposed, vote No.

Has everyone voted? Does anyone want to change his vote? If not, the vote is closed.

SECRETARY MARSHALL: Mr. President, 30 delegates have voted Aye, 68 delegates have voted No.

PRESIDENT GRAYBILL: By voting 30 votes Aye and 60 votes No, this substitute motion fails.

SECRETARY MARSHALL: 68, sir.

PRESIDENT GRAYBILL: All right, 68 voting No, this substitute motion fails.

The question is now on the first substitute motion of Mr. Vermillion's, that he moves:

"That all committee chairmen be selected by the members of the committee on a merit basis."

Now, Mr. Harrington.

DELEGATE HARRINGTON: Dan Harrington from District 20. On that particular vote, my voting machine didn't work on that, but I did vote and I voted Nay.

PRESIDENT GRAYBILL: Nay?

DELEGATE HARRINGTON: Yes. Just so my position is clear.

SECRETARY MARSHALL: I'll report it (inaudible)-please report if it doesn't work next time.

PRESIDENT GRAYBILL: All right.

Now, we're on the substitute motion of Mr. Vermillion, and it's up for discussion.

DELEGATES: Question.

(Small inaudible discussion in the chair)

PRESIDENT GRAYBILL: All right, we're

going to vote on the substitute motion. The motion is:

"I move that all committee chairmen be selected by the members of the committee on a merit basis."

I'm going to open the ballot. All those in favor of the proposition, vote Aye, all those opposed to the proposition vote No.

Has everyone voted? Is your light on, Mr. Harrington?

DELEGATE HARRINGTON: Yes.

PRESIDENT GRAYBILL: Okay. Does anybody want to change the vote? The ballot is closed. Will you tally the vote, Mr. Clerk?

SECRETARY MARSHALL: Mr. President, 19 delegates have voted Aye, 81 delegates have voted No.

PRESIDENT GRAYBILL: All right, the Noes 81 and the Ayes are 19, and therefore, that motion fails.

We are now on the original resolution of the Rules Committee:

"That the president, after consultation with the vice-presidents, shall designate the chairmen and vice-chairmen of every committee and his designees shall be subject to the approval by a majority of the members of the Convention. In case of a vacancy or a prolonged absence of the chairman or vice-chairman, the president of the Convention shall appoint a chairman to act until the chairman or vice-chairman shall return."

Mr. Habedank.

DELEGATE HABEDANK: Otto Habedank, District 3. I would like to propose an amendment to the committee motion, and change the word "Convention," to "majority of the members of the committee." I think the committee is much more able to approve the designation by the president, than are the members of the Convention as a whole. I also think that approval by the members of the committee will keep the peace and harmony that Mr. Campbell is trying to achieve.

PRESIDENT GRAYBILL: All right, there's been an amendment to the Rules Committee's resolution. The sense of the amendment, is to change the approval of the designees of the president from the majority of the Convention, to the majority of the committee. Is there any discussion on the amendment? Mr. Aronow.

DELEGATE ARONOW: Mr. President, Aronow from District 15. May I ask Mr. Habedank a question?

PRESIDENT GRAYBILL: Yes, sir.

DELEGATE ARONOW: I'm not rising in support or opposition of your amendment, but the procedural question enters my mind. When is that approval to be given? Is it to be given tomorrow, or will it be given on the 17th of January, or 18th of January?

The reason I ask that, is that there may hardly be time to have the committees meet tomorrow, prior to adjournment, and prior to time we leave for our respective homes.

DELEGATE HABEDANK: Mr. Aronow, I think you've raised a very good point, and I would be happy to amend it further by "the majority of the members of the committee by January 19th."

PRESIDENT GRAYBILL: 1972?

DELEGATE HABEDANK: Yes.

PRESIDENT GRAYBILL: Now, we are still debating, and we're open for debate on this motion-on this amendment, and I'll recognize Mr. Johnson.

DELEGATE JOHNSON: Torrey Johnson from District Number 1. I had a motion in there to start with, on this particular argument. Is that out of order, a while ago?

PRESIDENT GRAYBILL: What did you do?

DELEGATE JOHNSON: The amendment to this original motion that I made a while ago, and you said we had to wait to see what the outcome of the other—

PRESIDENT GRAYBILL: Oh, well—let's-what was your amendment? Let me see—just a minute. Was that to have removal by the committee? Instead-in other words, before Mr. Habedank's-well, let's do it now. Why don't you-do you want to-I'll see that you get it in. Do you want to make it now, or do you want to wait until we take care of Mr. Habedank?

DELEGATE JOHNSON: I'll wait. Excuse me.

PRESIDENT GRAYBILL: Okay, Mr. Johnson, I did slip up.

Okay, we're on Mr. Habedank's amendment to make the approval by the majority of the committee by January 19, 1972. Is there any discussion on that? Mr. Campbell.

**DELEGATE CAMPBELL:** Bob Campbell, District 18. I would fully support this amendment. I think that it will provide gist of what we were trying to do in the substitute motion, and I think that this is fine. I would support it. Thank you.

**PRESIDENT GRAYBILL:** Mr. Davis.

**DELEGATE DAVIS:** Mr. President, Carl Davis, District 21. I would like to inquire of the Chair, would the Chair have any reservations, or would the Chair care to speak to this question of whether there would be any real significant difference to when-as to whether the approval were by the Convention of the whole, or by the committee?

**PRESIDENT GRAYBILL:** The Chair hasn't any very strong opinion. I was concerned if there wasn't a deadline in it, that any time the chairman got out of face with the committee, he would get kicked out. But I take it that can't happen anymore, after the 19th of January.

I suppose that the sense of the motion is, that if the committee kicks the chairman out, but then the president gets to nominate a new one, is that right, Mr. Habedank?

**DELEGATE HABEDANK:** That would be my thought, Mr. President. We could word these motions so long, to take care of all the whereases, and we would never get it done.

**PRESIDENT GRAYBILL:** Yeah, but we'd better take care of them today, and not next March.

All right. I haven't any strong feelings either way. I'm going to support the Rules Committee if I get to vote, but I'm not concerned.

**DELEGATE DAVIS:** Mr. President, the original motion of the Rules Committee says it has to be subject to the approval of the majority of the members of the Convention. This change to a majority of the members of the committee would not be a major change, and probably might go a long way to reuniting everybody after these long talks, and maybe make it easier for the Chair, rather than more difficult, in the long run.

**PRESIDENT GRAYBILL:** Mr. Furlong.

**DELEGATE FURLONG:** Mr. President, Furlong, District 16. I object to the amendment. I consider it a disenfranchisement of my right to vote.

**PRESIDENT GRAYBILL:** All right, is there further discussion? Mr. Eskildsen.

**DELEGATE ESKILDSEN:** Mr. President, Leslie Eskildsen, District 5. As a member of the Rules Committee, I feel that this may be one of the ways we can answer the question that's been before us, and I think on this point, that we probably could support it.

**PRESIDENT GRAYBILL:** Mrs. Robinson.

**DELEGATE ROBINSON:** I'd like to speak in favor of the Rules Committee recommendation. While I don't feel it's quite as good as the substitute motion, I think it's a real good motion, and I think that everyone could work real well with the amendment as proposed by Mr. Habedank.

**PRESIDENT GRAYBILL:** Mr. Barnard, were you on your feet?

**DELEGATE BARNARD:** I'd just like to point out to the members of this Convention that, by this motion, we're getting right back into the second substitute motion we had a while ago. It's very similar, and it was just defeated.

**DELEGATES:** Question.

**PRESIDENT GRAYBILL:** Is there any more discussion on the amendment?

**DELEGATES:** Question.

**PRESIDENT GRAYBILL:** All right, the amendment is to the Rules Committee resolution. The sense of the amendment is; that the members of the committee could reject a designee of the chairman by January 19th, 1972, if they so desire.

All those in favor of the amendment vote Aye, all those opposed vote No.

Have all the delegates voted? I see you're still changing your votes. Does anybody else want to change their votes? Do you want to change?

(No reply.) (Laughter)

The Chair has closed the vote. Does anybody want to reopen the vote, without playing around?

All right-Mr. Monroe, do you want me to open the vote so you can change? All right, can I open the vote? Could you open the vote?

**SECRETARY MARSHALL:** No.

**PRESIDENT GRAYBILL:** The vote is already closed, and we can't open the vote, Mr. Monroe, on the machine. Now, shall we take another vote, Mr. Monroe?

**DELEGATE MONROE:** Yes.

**PRESIDENT GRAYBILL:** All right, let's void the vote and we'll start over again.

All right. Now, we're going to vote on the motion of Mr. Habedank, that the majority of the members of the committee can reject the designee of the chairman of the president, if they want to, but that they have to do it before January 19th, 1972.

All in favor of that vote Aye, all opposed vote No. The vote is now open.

Have all the delegates voted? Does any delegate wish to change his vote? The Chair is going to close the ballot.

**SECRETARY MARSHALL:** Mr. President, 39 delegates have voted Aye, 59 delegates have voted No.

**PRESIDENT GRAYBILL:** Since 39 have voted Aye—isn't that right, Mr. Marshall?

**SECRETARY MARSHALL:** 39 delegates have voted Aye—

**PRESIDENT GRAYBILL:** -and 59 have voted No, the amendment fails.

For the information of the Convention, what I was hoping to do was to get a 50-50 vote there once, and I was going to freeze it to show you that a 50-50 loses. I hope you understand that.

All right, now we're back on the Resolution Committee's resolution.

**DELEGATE:** Mr. Chairman.

**PRESIDENT GRAYBILL:** Mr. Johnson.

**DELEGATE JOHNSON:** Mr. President, Torrey Johnson from District No. 1. I have a motion—a substitution:

"If the chairman or vice-chairman at any time proves inadequate for the responsibility of the job, in the view of his committee, he may be removed by vote of the committee and replaced."

**PRESIDENT GRAYBILL:** Now, Mr. Johnson, may I ask you to say if replaced by the committee, or by the Chair?

**DELEGATE JOHNSON:** (Inaudible—unclear!) Replaced by the president.

**PRESIDENT GRAYBILL:** Replaced by the president?

**DELEGATE JOHNSON:** And appointed by the president in the first place, yes.

**PRESIDENT GRAYBILL:** Now, the Chair is going to rule that that is an amendment, because it merely adds words to the existing thing, and not a substitute motion, so it's an amendment.

Now, is there debate on Mr. Johnson's amendment? The sense of the amendment is, that if the chairman or vice-chairman is inadequate, then the committee may reject that chairman or vice-chairman, and at that time, the president would appoint a new chairman or vice-chairman.

Is there any debate? All right, Mr. Mahoney.

**DELEGATE MAHONEY:** I think this would be a very dangerous motion. At any time you got a little mad and the committee got a little mad at the chairman—and this, you now, I think it's fine when you have the 3 days, or the 19th, but man, along about the 55th day and they're all keyed up and on edge I would hesitate that the committee could then go out and say we're kicking him out—the chairman. Now, this would be a little bit dangerous, I think.

**PRESIDENT GRAYBILL:** Any further discussion?

(No reply.)

Are you ready for the question?

**DELEGATES:** Question.

**PRESIDENT GRAYBILL:** All right. We're going to vote on Mr. Johnson's amendment, the sense of which is, that the chairman or vice-chairman of the committee could be removed by the committee, when he is inadequate, and that then the president would appoint a new chairman or vice-chairman.

The ballot is now open. Those in favor vote Aye, of the amendment, those opposed vote Nay.

Have all the delegates voted? Do any delegates wish to change their vote? The ballot is closed. Will you please tally the vote?

**SECRETARY MARSHALL:** Mr. President, 7 delegates have voted Aye, 91 delegates have voted No.

**PRESIDENT GRAYBILL:** 91 delegates

having voted No and 7 Aye, the amendment failed.

Now, we're back on the Rules Committee's proposal-resolution, that "the president, after consultation with the vice-presidents, shall designate the chairman and vice-chairman, and his designees shall be subject to the approval of the majority of the members of the Convention, and in case of a vacancy, the president can appoint another one."

Now, Mr. Harper.

**DELEGATE HARPER:** George Harper, District 12. A question about this little phrase here "approval by the majority of the members of the Convention."

Interpreted one way, I could see how this opens up what is tantamount to an election of the whole body for each one of these. How is it anticipated that a person would go about getting this approval of a particular person?

Let's say that the Committee on Education, a person doesn't agree with the Chair's appointing. In order to say why he is disagreeing, he probably would like to, say, point out somebody else that he thinks would make a better chairman. And it would then necessitate the getting of several other nominations and having an election. Or how would this work?

**PRESIDENT GRAYBILL:** Since the Chair would tell you how, as it's written, unless he were instructed differently, he would interpret that, since otherwise we would have to vote as a mass on all of them, and that would raise it each time.

I would assume that, if anybody was dissatisfied with the chairman or the vice-chairman, he could raise the issue, and the Chair will certainly then put the matter to the body, and the body can then decide whether to sustain or reject the Chair's nominee. But I would think we'd only do it when somebody objected, rather than going through 22 of them, or 26 of them, before somebody objected.

Mr. Habedank.

**DELEGATE HABEDANK:** Otto Habedank, District 3. I would like to inquire of the Chair, Mr. Mahoney brought up something that never occurred to me.

I always assumed that if the Chair appointed a chairman or a vice-chairman, at such time as the Chair determined he was not functioning properly the Chair could automatically take him out of

office, and I would like to have that clarified. Does the Chair assume that—

**PRESIDENT GRAYBILL:** The Chair certainly does not assume that under this motion, because only in the case of a vacancy or prolonged absence, has the chairman any right to appoint another one.

And I can tell you, that I'm not going to. If I put a fellow in there, he's going to stay until—whether he agrees with me or not, until the end, unless he gets sick or leaves for a prolonged absence.

Now, I don't know. I suppose I could argue with you about what's a prolonged absence. But in other words, he would have to be not functioning before I would replace him, even if he wasn't doing what I wanted him to.

**DELEGATE HABEDANK:** I, though the Chair would not replace somebody who disagreed with him, but you could accidentally end up with a non-functioning chairman. It's inconceivable (inaudible 2 words), of course, but it does happen.

**PRESIDENT GRAYBILL:** Well, I'm sure that if the committee brought that to our attention and, you know, the facts were there, we'd be glad to make another appointment. And I surely would, at that point, at least announce it and, at that point, anybody that raised the issue of the replacement could bring it to the body and it could all be decided right then on that issue. I'm not trying to speak on it, I'm trying to tell you what I would do under this rule.

Mr. Rollins-oh, Mr. Loendorf, excuse me. Loendorf-

**DELEGATE LOENDORF:** Mr. Chairman, Jerry Loendorf. The question raised by Mr. Harper caused me to read this provision again, and I'm not sure I understand it. At least, I understand it differently than he does, and I'd like to direct a question to Mr. Murray.

As I understand it, as I read this, "the president, he appoints the chairman and the vice-chairman, subject to the approval of the majority of the members of the Convention." That means, to me, the appointment does not take effect until the majority of the members of the Convention approve the appointment.

Mr. Harper apparently interpreted the rule to read that the appointment takes effect immediately, and that then it could be challenged on the Convention floor at some later time.

I would like to ask Mr. Murray to explain this.

**DELEGATE MURRAY:** Mr. President, as I interpret the rule as proposed, the President would designate the chairman and vice-chairman of every committee, would come back to the floor of the Convention hall, would announce his appointments, and ask for the approval by the members of the Convention. Should anybody resist his motion for approval, then I would submit that they probably would segregate that particular part of the motion and approve those that could be approved, and debate anybody at issue.

**PRESIDENT GRAYBILL:** Now, the Chair certainly understands it better now, and I'll be glad to do that. In other words, after I have appointed them, we'll all be—we'll come back here. What I really do is nominate them, and then if you don't want any of them, well, you can pull them out, so that's what we'll do under the rule if it passes.

And now Mr. Choate.

**DELEGATE CHOATE:** Lyman Choate, District 2. I think we're discussing something here, or worrying about something that isn't going to happen. In the first place, any committee chairman who wasn't functioning properly with his committee and obviously wasn't getting the job done, he would be the first person that would be aware of that, and he would certainly ask to be replaced by somebody that could more effectively get the work done in the committee.

Now, all of us here are concerned here with doing a good job and getting done with the work and doing it proper. So that if we wind up in any committee with an ineffective chairman, it will be much easier for him to determine that himself, than it would anybody outside. I don't think we need to worry about it.

**DELEGATES:** Question.

**PRESIDENT GRAYBILL:** Any more discussion, now, on the resolution?

**DELEGATES:** Question.

**PRESIDENT GRAYBILL:** Mr. Murray, you ready to close it? You don't have to say anything, just nod.

**DELEGATE MURRAY:** I'm ready.

**PRESIDENT GRAYBILL:** Okay. All right, the Chair will now place before you for a vote the resolution of the Rules-temporary Rules Committee, that "The president, after consultation

with the vice-presidents, shall designate the chairman and vice-chairman of every committee, and his designees shall be subject to the approval of the majority of the members of the Convention." Which means they're going to be brought back here, and you're going to see them and pass on them, at least en masse and, maybe, individually. In case of a vacancy or a prolonged absence, [of] the chairman or the vicechairman, the president of the Convention shall appoint a chairman or a vice-chairman until the chairman or the vice-chairman shall return.

Now, all those in favor of the Rules Committee's resolution signify by saying Aye. The ballot's now open. All opposed say No.

Has every delegate voted? Does any delegate wish to change his vote? All right, tally the ballot, please, Mr. Clerk.

**SECRETARY MARSHALL:** Mr. President, 97 delegates have voted Aye, and 2 have voted No.

**PRESIDENT GRAYBILL:** By your action of 97 of you voting Aye, and 2 voting No, the Rules Committee's resolution is adopted, and the Chair will go to work on the vice-chairmen and chairmen.

Now, Mr. Mahoney.

**DELEGATE MAHONEY:** I'd like to congratulate this Convention and the chairman-the president. I've set through a good many debates along in my time, and I never saw a more better, intelligent, square debating, than was done at this time, and nobody hollering question, and nobody trying to speed up anything.

If we continue this way, we'll have one of the best Conventions the United States has ever had in the 50 states. (Applause)

**PRESIDENT GRAYBILL:** Now, before we adjourn, I'd like to make a couple of quick announcements. There are—there's a couple of small matters we have to take care of.

First of all, I would like to explain something that occurred to me during this debate. Occasionally, I look down and write notes, and I do look up, and lots of times I really don't see the first person up, but I see some person up and recognize them. And if I've missed you, just persist and eventually I'll find you, but I often get you out of order. And I'm not mad at you, I just would see the other one first.

All right. Secondly, there's a matter that I think I would like to commend the Rules

Committee on. The Rules Committee has operated all the committee meetings under an open door policy, and we have had all open votes. And I trust that before the second session in January we may actually have a rule on this. But I would like to ask that we continue to keep this Convention completely open, and I want to commend the Rules Committee for what they've done in that regard so far.

Now, third, I said that I would recognize Mrs. Reichert for a proposal, or statement. Mrs. Reichert.

**DELEGATE REICHERT:** Arlyne Reichert, District 13. At this time, I would like to make an appeal to the press. I know how important press coverage of constitutional conventions has been. Last Legislative Session, I sat up there and I watched the confrontation of Democrats on one side of the aisle and Republicans on the other. And when I talked about this Constitutional Convention in the beginning, the first thing I discussed was the alphabetical seating and, frankly, many people were discouraging. They said it will never come to pass because you are being elected on a political party basis. Well, I think yesterday we set the tone for this historic Convention. The vote was overwhelmingly in favor of this great alphabetical seating.

I wish to commend my fellow delegates for proving, to the people of Montana, that we will conduct this Convention without political party dissension. It is further my hope that there will be no political party caucusing throughout the Convention. I realize that we will have to meet on issues, and I think that is fine, but I hope that none of these meetings will be based along party lines.

My appeal to the press, and they may never let me sit up there again, but I hope that they will share the tradition, too, and that when we meet again in January, I hope that the coverage will eliminate the customary designation after the name, "R" for Republican, "I" for Independent and "D" for Democrat, and we will-forgive the pun- be rid of political party labels.

Thank you. (Applause)

**PRESIDENT GRAYBILL:** Thank you, Mrs. Reichert.

Mr. Champoux.

**DELEGATE CHAMPOUX:** In that light, maybe we ought to start doing that in this Convention, too. As a matter of fact, we could propose a fine-25 cents for anybody who uses Independ-

ent, Republican or Democrat. The page will collect it—

**DELEGATE:** 75.

**DELEGATE CHAMPOUX:** 75? (Laughter)  
-and we'll all have a party when it's over.

**DELEGATE BABCOCK:** I was going to suggest we also eliminate sex. (Laughter "boos")

**PRESIDENT GRAYBILL:** Mrs. Babcock—wait a minute. Wait a minute. Mrs. Babcock has assured me, she means that on the Convention Floor. (Gut-roaring laughter...)

All right. Now, Mr. Cate.

**DELEGATE CATE:** Mr. Chairman, and fellow delegates, first of all I think that we should commend the chairman for the nonpartisan—bipartisan manner in which he has conducted this Convention for the last 2 days. I think it's been commendable. (Applause)

Secondly, I'd like to say that I supported Leo Graybill for Congress on his two attempts, and if Leo Graybill wants to run for Congress again, I'll support him again—

**PRESIDENT GRAYBILL:** Now wait a minute, we don't want to use those words.

**DELEGATE CATE:** Thereason I say that, is that I have opposed the Chair, and many of you know it. I have opposed the Chair on many matters here.

My reason was not because of any personal opposition to Leo Graybill. My reason was to try and keep this a nonpartisan Convention and not a Democratic Party Convention, run by the democratic machine, and that was the underlying motive for my attempts.

There is nothing personal, in my mind, against our chairman, and I want the Chair to know that, and I want all the delegates to know it.

Thank you.

**PRESIDENT GRAYBILL:** Thank you, Mr. Cate.

The Chair would like to also-1 think he would be remiss if he did not say, that I think a good deal of the reason Mr. Mahoney was able to congratulate us, is just as he said, you are not constantly

shouting at me, and you are not constantly waiting, and you are gentlemen and ladies in taking your turn. And I think you all ought to be highly commended, if you'll accept 1 to 100.

DELEGATE: Mr. Chairman.

PRESIDENT GRAYBILL: Yes, Mr. Drum.

DELEGATE DRUM: Since this is the hour of forgiveness, or asking for forgiveness, I would like to remove one more burr from under the saddle.

I now accept this neighborhood as being a quality neighborhood in the gallery, and we have two vice-presidents and one secretary here, and fellow candidate Driscoll who is going to behave himself better, so I would like the vote of yesterday to be 100 percent. (Laughter and applause)

PRESIDENT GRAYBILL: The journal may stand corrected.

Now, ladies and gentlemen, on the last wall out there, you will find posted the procedural committees and, as I said a few minutes ago, there is no indication, yet, of chairman and vice chairman, and they're not even necessarily in alphabetical order. We'll work on the chairman and vice-chairman thing-except that I will tell you, that where there's a vice-president, especially when it's Toole, he's going to be the chairman.

One other thing I would like to say, you all did a very good job of answering those questionnaires. The one thing you did, you kind of overdid it on procedural, and I-there's absolutely no way I could use all of you on procedural committees. There was about a three to one subscription to that, so those of you who are not on procedural committees, bear with us 'til we get the substantive committees ready. And I'm sorry everybody couldn't be on them, but we would have had to make them too big if we did that.

Mr. Kelleher.

DELEGATE KELLEHER: Tomorrow morning, Mr. Chairman, at 9:00 a.m. in the Senate Chamber, there will be a meeting for those who are interested in unicameralism. Everybody is

invited; 9:00 a.m. in the Senate Chamber tomorrow morning.

PRESIDENT GRAYBILL: All right, any other announcements before I recognize Mr. Murray? Mr. Martin.

DELEGATE MARTIN: Mr. Chairman, will the District 11 delegates meet over in this corner on adjournment? It's not a caucus.

PRESIDENT GRAYBILL: Oh, it's a meeting, not a caucus.

DELEGATE MURRAY: Mr. President.

PRESIDENT GRAYBILL: Mr. Murray.

DELEGATE MURRAY: Rules Committee meeting 9:00 in the morning in the usual room, which is in the left-hand corner, and I move that the Convention recess until the hour of 11:00 a.m.—or adjourn until the hour-you got something else?

PRESIDENT GRAYBILL: No, I want you to say adjourn.

DELEGATE MURRAY: -adjourn until the hour of 11:00 a.m., December 1, 1971.

PRESIDENT GRAYBILL: Now before we do that, Mr. Drum, do you want to say something?

DELEGATE DRUM: I have one question. Many of us will wish to check out of our hotels and motels tomorrow. What can we expect in the way of clearing out of here-

PRESIDENT GRAYBILL: I'm sure we will not be here beyond tomorrow, and we're shooting for early afternoon.

I've got to get these committees approved by all those vice-presidents you elected, and then we'll be back here to approve them.

All right, I'm shooting for early afternoon tomorrow, but we will meet at 11:00 and see where we stand.

All right, you are adjourned.

(The Convention recessed at 6:30 p.m.)

Morning Session

December 1, 1971

11:00 a.m.

**PRESIDENT GRAYBILL:** All right, are you finished with your roll, Mr. Clerk?

**SECRETARY MARSHALL:** Mr. President, 98 members are present, 2 excused.

**PRESIDENT GRAYBILL:** Very well. This morning, since this is Walter's last morning with us, as he's going to Japan, I'd like to ask Walter Marshall to lead us in the Pledge of Allegiance.

Will you please rise...

(Everyone recited Pledge of Allegiance)

Reverend Harper, I wonder if you would give us an invocation from your place?

**DELEGATE HARPER:** Our Heavenly Father, we bow for this moment before the business of the day, to ask a sense of Your presence with us, and with Your spirit, remind us of the work that we have to do for other people. We thank You for the sense of fellowship that we have with each other, and we pray that in all of our deliberations we will remember to consider the other fellow. Amen.

**PRESIDENT GRAYBILL:** Thank you.

Now, if the Convention will allow, we will take care of a few procedural matters first. The time, however, is not being wasted, since the typists are typing as fast as they can on the committee lists, and we're going to have them out to you in a few minutes.

I understand that there is a request made that the pictures of the assembly in position be taken this morning, and I would like, at this time, permission to do that.

All in favor say Aye...

**DELEGATES:** Aye.

**PRESIDENT GRAYBILL:** Opposed...

(No reply.)

And the Chair will leave the Chair and sit in his seat where they want me, so that's why you're headless for a while here.

The Chair will recognize Mr. Monroe for a matter.

**DELEGATE MONROE:** Mr. President, I move that the president of our Convention be authorized to send paternal greetings to the State of North Dakota Constitutional Convention. Their president is Mr. Westrum from Williston.

As many of you know, the North Dakota State

Constitutional Convention is now in process, and that they had their organizational meeting last April 6th through 8th, and they will be reconvening January 3rd and, of course, in the months in between, there will be many committee meetings.

We are paternal in this sense, that in 1889 Montana, North Dakota, South Dakota, and Washington were all entered into the United States of America into the Union, and I move that the president be authorized to send a paternal message to them at this time.

**PRESIDENT GRAYBILL:** You have heard the recommendation of Mr. Monroe that this body send paternal greetings to the Constitutional Convention in North Dakota, and that the president sign that greeting.

Is there any discussion on this matter?

(No reply.)

All those in favor of sending such paternal greetings to North Dakota and I think I would like to have Mr. Monroe work with the staff to prepare that greeting for us signify by saying Aye.

**DELEGATES:** Aye.

**PRESIDENT GRAYBILL:** Opposed...

(No reply.)

All right. It shall be done.

All right, this morning I think we will make rapid progress on these committee matters. So that you'll know what we're doing, I'm going to submit immediately for you the chairmen and vice-chairmen of the procedural committees, which are all worked out. There are only eight of them, and I'll read them to you, and you can mark them on those sheets, if you have them left over.

In the meantime, the staff is typing the full substantive committee lists. I want to make one thing very clear. The substantive committees, which I want to submit to you, are going to show on the typed copies that we hope to distribute. Also my submission for chairman and vice chairman. I'm going to put that all on the sheet at once. This doesn't mean that it's foreclosed. Anybody can talk about it that wants to, here at the meeting. But in the interest of not having to type the thing twice, except in case of an emergency, I am going to put it all in one ball of wax.

I want you to know that the vice-presidents, all three of them, and the secretary, met with me this morning since 8:30 and we've been all over all of the lists. and I believe I'm correct. that we are in

complete agreement in submitting them to you.

After I submit the names of the Rules, Style, Public Information and Administrative Committees to you, and after you've decided that they are acceptable, I am going to ask for a short recess while the Administrative Committee meets in the room to my right. The recess will be about 5 minutes, and in that interim, we hope to get the other sheets passed out to you.

Now, on the Rules Committee, it is the Chair's nomination, concurred in by the vice-presidents, that Marshall Murray be the chairman, and Leslie Joe Eskildsen the vice-chairman. Marshall Murray the chairman, and Joe Eskildsen the vice-chairman.

On the Style, et cetera, Committee, it is the Chair's nomination, concurred in, that John Schiltz be the chairman and William Burkhardt be the vice-chairman. John Schiltz the chairman and William Burkhardt the vice-chairman.

On Public Information, it is the Chair's nomination, concurred in, that the Honorable John Toole, the vice-president of the Convention, be the chairman and that Margaret Warden be the vice-chairman.

And on the Administration, it is again the Chair's recommendation that the Honorable John Toole, the vice-chairman-vice-president, be the chairman and Mrs. Dorothy Eck the vice-chairman.

I wish to explain, that it is the Chair's opinion that both Public Information, because of its public nature, and Administration because of its important nature to our operations, be chaired by the vice-by the first vice-president.

So, those are the nominees, concurred in, and now submitted to you for the procedural committees.

Now, what I would like to do—Mr. Murray, you could do it for me—is have a motion that these chairmen and vice-chairmen be approved. And after the motion is made, if anyone cares to raise an issue on any of them, we will then take that issue up. Mr. Murray.

**DELEGATE MURRAY:** Mr. President, I move, in accordance with the temporary rules of this Convention, that the designees of the president for chairmen and vice-chairmen of the four procedural committees, be approved.

**PRESIDENT GRAYBILL:** All right. You have heard the motion of the Rules Committee chairman. Mr. Cate.

**DELEGATE CATE:** Mr. President, I realize the motion doesn't take a second, but I would second that motion, and I think that the selection by the president is outstanding.

**PRESIDENT GRAYBILL:** Well, I might point out one further thing to the Democrats—whoops, I can't say that—to one-half of the body, Mr. Cate, and that is that we'll come out a little better, ratio-wise, when we get the other committees taken care of. (Laughter)

Are there other—is there other discussion of these nominees for the procedural chairmen and vice-chairmen?

(No reply.)

If not, I will open the ballot and we will vote on the—on this matter. The vote will be Aye if you wish to support the Chair and the vice-principles'—presidents' recommendations, and Nay if you do not wish to support them. All in favor vote Aye, all opposed Nay.

Have all the delegates voted? Does anyone want to change their vote? The ballot is closed. Please tally the vote.

**SECRETARY MARSHALL:** Mr. President, 98 delegates have voted Aye, none voting No.

**PRESIDENT GRAYBILL:** All right. Now, there's one other matter that the Chair would like to take up, in conjunction with the procedural committees.

I won't honestly say that it was inadvertent, but I will say that I had not considered it—it was inadvertent to that extent—and that having considered it, the Chair would like to add to the Public Information Committee the name of delegate Betty Babcock. May I have a motion from someone that I do that? Mr. Murray.

**DELEGATE MURRAY:** I so move.

**PRESIDENT GRAYBILL:** All right, it's been moved and recommended by the Chair that we add Mrs. Babcock to the Public Information procedural committee. Any discussion?

All right. Now, we're going to do this easy, Mr. Marshall. All in favor say Aye.

**DELEGATES:** Aye.

**PRESIDENT GRAYBILL:** All opposed say NO...

(No reply.)

All right, Mrs. Babcock, we're delighted to have you on the committee.

Now, if I could, I would like to ask that the house recess for 10 minutes-or that the chamber recess for 10 minutes.

**DELEGATE:** Mr. President, I rise to a point of order.

**PRESIDENT GRAYBILL:** All right, Mr. Foster.

**DELEGATE FOSTER:** Mr. Foster from District 10. I have a question on whether it's necessary, or desirable, to have the running totals of the voting showing on the board. I am of the opinion that it would be more procedural to have the voting, and have the voting closed, and then to have the tally taken, as it were, and then show the totals. Is this a valid question?

**PRESIDENT GRAYBILL:** We can do it either way, and-171 tell you what I think I would like to suggest, Mr. Foster. I think that's a matter that the Rules Committee could consider before the next session, and if anybody really feels-if you want to do it for the rest of this session, that's all right, too. But I think, in the long run, that we should make a rule as to how we do it. It's just a matter-we can do it either way. We can show them-1 certainly think we should show them at the end, but if you don't want to show them so that we jockey, why, it's fine with me.

Anybody else have any feeling on that? Mrs. Bugbee?

**DELEGATE BUGBEE:** I agree, but I also think, Mr. President, I would like to entertain a motion that the Convention vote on having the permanent Rules Committee take out-put into the permanent roles; Number 1; that there shall be no caucusing, and Number 2; that these electronic boards be handled as Mr. Foster mentioned. I have both those two in my motion, and I would like that the delegation, itself, to vote on this, so that it could be put in that it was the feeling of the Convention that we do this.

**PRESIDENT GRAYBILL:** All right. Let me see if I understand you.

Now, I would certainly agree that the committee-the Rules Committee should consider how to do it. But do we want to tell them what to do, or do we want to wait until they make a recommendation?

**DELEGATE BUGBEE:** Mr. President, on this issue I would like it to be a vote from the floor,

itself, that these two things be put into the permanent rules, at this time—

**PRESIDENT GRAYBILL:** All right. Now let's take them up one at a time. How about the lights beside our name? It's pretty hard to count them when they're closed. Do we want the lights beside our name to be on, or off? Do you want to make a motion that they be off, and then we can find out, Mrs. Bugbee?

**DELEGATE BUGBEE:** No, I'd like to make a motion that all the lights be on, and that it be tallied after the lights have shown.

**PRESIDENT GRAYBILL:** All right, the first motion-can we make a motion that the lights by our names shall be on when we vote, period? Is that all right?

**SECRETARY MARSHALL:** Yes.

**PRESIDENT GRAYBILL:** All right. Mrs. Bugbee's motion; that the lights by our names—name be on.

**DELEGATE:** Mr. President.

**PRESIDENT GRAYBILL:** Mr. Davis.

**DELEGATE DAVIS:** Delegate Davis from District 21. I think the sense of the motion, as I understand it-and if not, please correct me, Mrs. Bugbee-is that during the process of the vote, the board is not lit until we complete voting, then it reveals how we vote.

In other words, so we don't get back to this row, and when we see which way the vote is going, and then we can get on the bandwagon one way or another. I think that's the concern, and we can leave the board-we want our names to be lit up to show how we voted-. Wait 'till everyone's through voting, then light the board up to show how we voted. Is that correct, Mrs. Bugbee?

**PRESIDENT GRAYBILL:** Well, now, the Chair is in doubt. The Chair understands that you can do that. The Chair understands the motion now, however, is to leave the lights on by the names, and not show the running total, which is possible, until the end of the vote.

Now, there's one reason that we might want to consider that, Mr. Davis. A lot of people watch their name on the board and realize they haven't voted, and you might be able to correct yourself by seeing what you did on the board, but I don't care.

Now, Mr. Toole.

**DELEGATE TOOLE:** Is the sense that-of the motion that Mr. Davis-is that correct, Mrs. Bugbee? Did he properly repeat your motion?

**DELEGATE BUGBEE:** Yes.

**DELEGATE TOOLE:** Then I'd like to second Mrs. Bugbee's motion.

**PRESIDENT GRAYBILL:** Mr. Scanlin.

**DELEGATE SCANLIN:** I don't know what the procedure would be, but my suggestion would be that no lights beshownuntil the Chair says, "Is there anyone who wishes to change their vote?"

**PRESIDENT GRAYBILL:** You mean until after the Chair says that, so that I don't have to show-you don't have to show that before you may decide?

Let's make it simple. Now, as I understand the motion, we're going to vote to leave the lights out until after the ballot is closed. Is that right, Mrs. Bugbee?

She's changed her mind. First she said leave them on, but now she says leave them out.

Now, Mrs. Bugbee, restate your motion, please.

**DELEGATE BUGBEE:** The intent-I'dlike to say, the intent of my motion is that our votes be as independent as possible, and that they be on record at all times. But what essentially bothered me in the beginning, was that this machine-you can vote and nothing shows, and then you can tally the whole thing up.

I don't think that that is right for a Constitutional Convention. So, I don't really care, as long as they're up there.

**PRESIDENT GRAYBILL:** All right. Now, do you want it to show before I close the ballot?

**DELEGATE:** Mr. President.

**PRESIDENT GRAYBILL:** Mr. Marshall—Marshall Murray.

**DELEGATE MURRAY:** If I might speak to this.

Apparently I'm going to be the chairman--or am the chairman of the permanent Rules Committee. Because it takes a considerable amount of the Convention's time to have this type of work done in the Committee of the Whole, I would submit that this matter be considered by the permanent Rules Committee. And we will bring

an answer back to the Convention January 17th, and Mrs. Bugbee will have an opportunity to be heard at that time.

**PRESIDENT GRAYBILL:** Would that be agreeable to you, Mrs. Bugbee?

(Delegate Bugbee indicated in the affirmative.)

**PRESIDENT GRAYBILL:** Are you going to withdraw your motion?

All right, we've got no motions before the floor, but we've got a promise from the Rules Committee to consider the matter. Is that okay?

All right. Now, if there's no other temporary business, I'd like to be in temporary recess for 10 minutes, and I'd like the new-newly appointed Administrative Committee to meet in this room.

Mr. Foster, you're on the floor, and I won't recess 'till you're ready.

**DELEGATE FOSTER:** Well, I would have a question, and that is, what manner is going to be followed in the interim?

**PRESIDENT GRAYBILL:** I'll tell you what we'll do. We'll turn the lights out in the interim until after the vote is closed. Is that okay?

All right, we're in recess. And the Administrative Committee-and you all know who you are—please meet in this room over here, and we'll be back in 10 minutes.

(There was a short recess, and the Convention reconvened at 1:30 p.m.)

**PRESIDENT GRAYBILL:** The Convention will be in session.

Now, before we consider the committee matters, there are two or three other small matters I'd like to take care of that have been put before the Chair, and I would recognize vice-president Brown for a resolution.

**DELEGATE BROWN:** Mr. President and fellow delegates, I rise with the support of all the officers, and we hope you will join, in wishing to congratulate Mrs. Pemberton on her 42nd wedding anniversary on this date.

**PRESIDENT GRAYBILL:** The Chair is delighted that you're sharing your 42nd anniversary with us, and we want to all congratulate you, Mrs. Pemberton.

All right, the Chair would recognize Mrs. Bates for an announcement.

**DELEGATE BATES:** Mr. President, Grace Bates from District 11. At this time, I'd like to move that the Constitutional Convention Commission be commended by the Constitutional Convention for the outstanding work that they have accomplished in preparing this Convention.

**PRESIDENT GRAYBILL:** Mrs. Bates wants to move a commendation by this Convention to the Constitutional Convention Commission. And may I add to that, Mrs. Bates, that if it passes, we will have the staff prepare a suitable letter that would go to each member of the Commission, expressing this Convention's thanks for their work. Is that all right if we put it in that form?

**DELEGATE BATES:** Yes.

**PRESIDENT GRAYBILL:** Is there any discussion on the motion? Mr. Berg.

**DELEGATE BERG:** Ben Berg from District 11. I simply want to join, very heartily, in that recommendation, and to say that, without question, this is now the best informed Constitutional Convention ever to sit.

**PRESIDENT GRAYBILL:** Is there further discussion on the recommendation?

(No reply.)

If not, the Chair will put the question of sending a commendation to each member of the Constitutional Convention Commission, commending them on the outstanding work they have accomplished in preparing for this Convention. All those in favor say Aye—

**DELEGATES:** Aye.

**PRESIDENT GRAYBILL:** Opposed No—  
(No reply.)

The motion has carried.

Now, the Chair would like to announce that, from time to time, there has been some material distributed to your desks during this session in a haphazard manner. And I'm going to ask—and I'm sure the Rules Committee will make a rule, so that when we get back in session, someone will screen everything that goes on the desks.

Now, I've let things go on the desks this time because there was no rule. I'm certainly not against anybody putting anything on the desks,

but I think that to protect ourselves from a great disposal problem, we ought to have a committee—or someone—who will look into this. And I'm not casting any aspersions on anything that's been put on your desk today since I've put most of it there. But I think we do need that, and I hope that when we come back—

I'm making this announcement so that you'll all realize this—even delegates—that after we come back, I hope it will be that anyone, and including delegates, will need the permission of the committee, or the president, to put things on the desks.

Now, if you want to get it, and we refuse you, I'm perfectly willing to give you the floor. But I don't think we should just hand out anything willy-nilly without thinking about it, so we'll think about that during the recess. Now—

**DELEGATE BABCOCK:** Mr. Chairman.

**PRESIDENT GRAYBILL:** Mrs. Babcock.

**DELEGATE BABCOCK:** May we be off the record and out of the journal and out of the press for just a moment, please?

**PRESIDENT GRAYBILL:** We certainly may be off the record and out of the journal, and we'll trust the press. (Chuckles)

(Whereupon, there was a discussion off the record.)

**PRESIDENT GRAYBILL:** I hope we haven't started these women on a precedent on making wild statements so they get these roses every day. (Laughter)

**DELEGATE:** Mr. President.

**PRESIDENT GRAYBILL:** Mr. Eskildsen.

**DELEGATE ESKILDSEN:** Mr. President and members of the delegation, we the temporary Rules Committee, would like to thank the following people for their help in expediting our work: Bartley Carson, executive secretary; Phyllis Baden, parliamentarian and Dale Harris, executive director, and his staff. This is one of the reasons we have been able to move right along.

**PRESIDENT GRAYBILL:** Now, you have heard the Rules Committee's announcement, and I trust that we all join in the thanks of the Rules Committee to the staff, who have done an excellent job, and have certainly been helpful in getting this thing moving. (Applause)

Now, the Chair wants to take up, as the next matter, the executive directorship. Yesterday, you passed a resolution authorizing the Chair to nominate an executive directorship, after clearing it with this Convention.

The Chair intends to nominate D&Harris as the executive director of this Convention, for our period ensuing after his term with the commission expires, about the end of December.

The Chair wishes to state that I have cleared this recommendation with all of the vice-presidents and the secretary. I have also cleared the recommendation with the Administrative Committee, because they will be most closely associated in working with the executive director, and at our recent meeting during our recess, the Administrative Committee authorized me to announce to you that they support the Chair's recommendation that Dale Harris be hired as executive director.

The Chair would entertain a motion to hire Dale Harris as executive Director of this Convention. Mr. Martin.

**DELEGATE MARTIN:** Mr. Chairman, I so move that your recommendation for the appointment of Dale Harris be approved.

**PRESIDENT GRAYBILL:** Mrs. Mansfield.

**DELEGATE MANSFIELD:** Mr. President, Rachel Mansfield from District 14. I second it.

**PRESIDENT GRAYBILL:** All right. Now, it's been moved and seconded that we sustain the Chair's nomination of Mr. Harris as executive director of this Convention. Is there discussion upon this motion?

**DELEGATES:** Question.

**PRESIDENT GRAYBILL:** All right, if you're ready for the question, the ballot has been opened. Those in favor of retaining Mr. Harris on the staff as executive director vote Aye, those opposed vote No.

Have all the delegates voted? Do any of the delegates wish to change their votes? If not, the ballot will be closed. Will the clerk announce the ballot?

**SECRETARY MARSHALL:** Mr. President, 96 delegates have voted Aye, no delegates have voted No. (Applause)

**PRESIDENT GRAYBILL:** By your vote of 96 having voted Aye, and no delegates voting No,

you have sustained the motion, and Dale Harris will be the executive director of this Convention.

I will recognize Mr. Foster to find out what he wants.

**DELEGATE FOSTER:** Mr. President, a point of order. I understood that we were going to leave the tally off. I hate to belabor the point, but I—

**PRESIDENT GRAYBILL:** Mr. Clerk, can we leave the tally off, at least 'til I tally the ballot?

**SECRETARY MARSHALL:** We can leave everything off.

**PRESIDENT GRAYBILL:** No, just the tally lights, until I close if off. We're going to get him trained, here, about the time he leaves us, Mr. Foster.

Now, at this time, the Chair would like to consider, with the Convention, the committee appointments. And I want to start out by saying, let's not discuss the chairmen-vice-chairmen appointments at all, yet. This is a separate matter that I'd like to take up separately.

We put them, as I told you, all on the same page because it therefore kept the printing down. I would like to also point out that we would've been back in session at the right time, but we got to the Capitol print shop at 5 minutes to 1200, and everybody had gone to lunch and we couldn't get any of this stuff printed. So that's why we had to go to the Xerox and get it done for you. We trust this won't happen after we get going later, but that happened.

So, with the understanding that I am asking you to discuss only the membership, not the officials-not the officers-the membership of the substantive committees. I would like to start out by-with a couple of words of explanation,

First of all, I would like to say that I appreciate greatly the fact that some of you marked on your reports that you could be put on any committee, And one of you didn't turn in a blank, which I took as an indication you would work on any committee, and it was very useful to have that help.

I made a great effort to give as many people their first choice as possible. And when you consider, as a body, whether you like the people that are on your committee, or the committees, I wish you would consider that there are 80 percent of you on those committees because it was your first choice. So watch out that you're not bugging the guy who put his first choice down there.

Eighty percent got first choice, twelve percent got second choice and eight percent I had to go to third choice or lower. Where I went below third choice, I tried to speak to you people personally, and you know of the situation.

The reason I had to do that, was that there were a couple of committees where you were a little thin on one's. In fact, there was one that nobody had a one on, but other than that I have tried to balance the committees in some form between the different groups in the state. And I would say that the groupings are not all perfectly balanced-as Mr. Eskildsen might have suggested at one time—but they're balanced pretty closely overall, and I think there is no committee-or I think there may be only one committee-where my group lost out and the other won in terms of sheer numbers.

Third, I'd like to point out that I made no attempt to balance the committees as to women and men. I didn't consider that at all, so if you see too many women on the committee you're on, don't-it's intentional. I didn't intend to balance them that way.

Fourth, I made some attempt to balance geographically. But because of the committees that you people wanted to be on, and because I wanted as many as possible to serve on their first choice, there were situations where two people from the same community served on the same committee. But at that time I then tried to look and see if there were other people from fairly diverse areas in the state also on the committee, and if that were true, then we rode with the fact that there are two, or maybe even in one case three—but I think that's a procedural committee--where there are that many from one community.

Now, with those spreads-things in mind, I would like to suggest that these committees have been checked thoroughly with Vice-President Toole on two occasions, and he and the other vice-presidents and the secretary and I have spent 3 hours this morning, and we've been over every one of them with a fine tooth comb, and we've checked them all off. Nobody's on two committees, and everybody's on one committee, except me.

Now, at this time, the Chair will entertain a motion that the committees that the Chair has nominated be approved, and that after that motion has been made, if there are objections, we will take them up individually.

**DELEGATE:** Mr. Chairman.

**PRESIDENT GRAYBILL:** Mr. Hanson.

**DELEGATE HANSON:** I so move. Rod Hanson, District 15.

**PRESIDENT GRAYBILL:** All right, the motion has been made that the committee membership selections designated by the Chair be approved.

Now Mr. Campbell.

**DELEGATE CAMPBELL:** District 18. I'd just like to make a correction on the Bill of Rights Committee. My name is Bob Campbell, not Bill Campbell. If that correction would be made third from the bottom on the Bill of Rights, I then will go ahead with the approval.

Thank you.

**PRESIDENT GRAYBILL:** All right. I'm sure that we'll correct that. She typed these from my rough notes, and I might have done that, Bill—Bob. (Laughter)

Mr. Ask-oh, excuse me, Mr. Artz.

**DELEGATE ARTZ:** Bill Artz, 13. I used a fine tooth comb, too, while I've been sitting here, and I find Max Conover is on two committees, Natural Resources, Education and Public Lands.

**PRESIDENT GRAYBILL:** All right. Max was on Natural Resources, and he got moved to Education and Public Lands at the last minute, and if he didn't get scratched off of Natural Resources, he should be. So, find your Natural Resources sheet and strike Mr. Conover there because we moved him to Education. Is that right, Mrs. Eck?

**DELEGATE ECK:** Yes.

**PRESIDENT GRAYBILL:** Now, has anybody been unable to find their name? I think we just moved him, but I think that—

All right, are there other comments on the committee appointments?

**DELEGATES:** Question.

**PRESIDENT GRAYBILL:** All right, the Chair would entertain a motion--or we have a motion that these appointments be approved. The Chair will open the ballot. Those in favor of approving the committee recommendations of the Chair for the substantive committees, please so indicate by voting Aye, those opposed Nay.

Lights off. Get those lights off, fellas. Lights and total off. They'll be throwing the ink wells at the board here. You'd ought to watch it!

All right. Now, have all the delegates voted? Does any delegate want to change their vote? Now we'll close the vote. Now, you may turn on the lights, sir. Turn on just the tally number. Please tally the vote.

**SECRETARY MARSHALL:** Mr. President, 96 delegates have voted Aye, none voting No.

**PRESIDENT GRAYBILL:** 96 delegates having voted Aye and none having voted No, you have then approved the committee appointments that the Chair has made to the substantive committees.

**DELEGATE:** Mr. Chairman, I rise to a point of order. This amounts to a secret ballot, and we voted against a secret ballot.

**PRESIDENT GRAYBILL:** Well, this one wasn't secret since it was unanimous, but next time we'll try and do something about that. (Chuckles from the delegates) Let's see. Let's leave the lights beside the names on until the Rules Committee—

**DELEGATE:** Right.

**PRESIDENT GRAYBILL:** You were right, Walter, and Mr. Foster, go with me 'til the end of the day, will you?

**DELEGATE FOSTER:** That's what I intended. Just not the tally.

**PRESIDENT GRAYBILL:** Okay. Now we want the tally off. Thank God you voted unanimously, or I wouldn't have been able to save the day.

All right. Now, let's consider the next matter which the Chair would like to put to you, namely, the appointment of the committee chairmen. And I would like to tell you, that in appointing the committee chairmen, the Chair was mindful of the following things.

First of all, I tried to appoint someone as chairman and vice-chairman who I felt would assume a leadership role and try to do something in the committees.

Secondly, I think probably the most important thing I tried to do, was get, where possible—and this isn't true on all the committees, but it's true on some—the chairmen and the vice-chairmen to represent different points of view, as I at this time know their points of view.

It is the Chair's position that as much of the discussion, argument and verbal warfare on the

issues be handled in the committee, and I want somebody in that committee able to handle both sides. And I want somebody free to-and willing to make minority reports, if they need to. So I have tried to, in some of the controversial cases, balance these committees by putting people that I know the positions of, on as chairmen and vice-chairmen, where they're opposite.

Now, after I had done that, I had to deal with this matter of the groups—notice, I haven't spent any of my money yet—I tried to balance this matter of the groups. And for your information, the group of which I am a member has, in the substantive committees, six chairmen, and the other group three chairmen, and the non-group one chairman. And, if you look at it from the point of view of all of the committees, including the Rules and so forth, then the total becomes seven for my group, six for the other group and one for the non-group. So it's pretty even, after you get the non-group in there and the other group together. (Laughter)

Now, the third thing I did, it became necessary on one or two committees, which shall remain nameless, to move people who did not have a first choice into a committee assignment because, as I told you, there is one committee that nobody had a first choice for. And so both the chairman and the vice-chairman on that committee had to be moved from their first choice. But I had to find someone that could lead those committees adequately, and so I did that.

Other than that, I then balanced which was the chairman and which was the vice-chairman largely as a matter of judgment, and we can certainly talk about that.

Now, these committee chairmen and vice-chairmen nominees—or nominations—have all been cleared with Vice-President Toole, and they've all been cleared with the other vice-presidents and with the secretary this morning. We went over all of them and, in fact, we made some changes.

Now, I have one other matter that I must speak to. I want to take the full blame on this, On the Judiciary Committee, some of you may have gotten a sheet that shows my dear friend, Cedor Aronow, as chairman, and the designation should be Dave Holland as chairman. Now, I don't know if that's up yet and distributed. If it is, destroy the one that shows Cedor Aronow as chairman,

Now, I have spoken to both of these gentlemen about it, and there is no problem there. But the problem is that I initially put Cedor's name down

yesterday in my notes, and then in talking with the vice-president and in considering it, I changed it. And I handed the secretary the notes incor-rected, and she typed up what I told her to. But it was wrong.

So, the vice-chairman-the chairman of the Judiciary, that I am proposing, is Dave Holland, and the vice-chairman is Catherine Pemberton. And Cedor understands that, and is not concerned, and neither is Mr. Holland. And I don't believe Mrs. Pemberton is, although I haven't asked her about that.

But, in any event, that's the change, and if you have the wrong sheet, I want you to be clear on that.

Now, with that background, the Chair would entertain a motion that the nominees the Chair has made for chairmen and vice-chairmen be accepted by this Convention, and when that nomination is made, we can then discuss any individual ones you want to talk about. Mr. Cate.

**DELEGATE CATE:** I move that the ap-pointment of the committee chairmen and vice-chairmen by the Chair be confirmed by this committee.

**PRESIDENT GRAYBILL:** Very well. The motion has been made that the Chair's nomina-tions be confirmed. Now, is there discussion?

**DELEGATES:** Question.

**PRESIDENT GRAYBILL:** Mr. McNeil.

**DELEGATE MCNEIL:** C. B. McNeil from District 17. I am one of the 12 percent who did not receive their first choice. However I enthusiastically second Mr. Cates motion. I believe our president and our vice-presidents have done an outstanding job, both with the committee assignments and with the selection of the chairman and vice-president, and enthusiastically second that motion.

**PRESIDENT GRAYBILL:** Mr. McNeil-if it weren't for that 20 percent that I could play with it would never get done. All right, are there other matters to discuss-other discussion of this motion. Are you ready for the question?

**DELEGATES:** Question.

**PRESIDENT GRAYBILL:** Very well. The Chair will open the ballot on the issue of approving the nominations for chairmen and vice-chairmen of the substantive committees as made

by the president. All in favor vote Aye, opposed Nay.

Have all the delegates voted? Do any delegates wish to change their votes? Very well, the Chair will close the ballot, and would you please announce the tally?

**SECRETARY MARSHALL:** Mr. President, 98 delegates have voted Aye, none vote No. Okay, Mr. Foster?

**PRESIDENT GRAYBILL:** Never mind the comment, Mr. Marshall.

All right. By your action of voting 98 Ayes and zero Noes, you have sustained the motion, and those chairmen are hereby appointed and those vice-chairmen are hereby appointed.

Now, the Chair would recognize Mr. Murray to make a report of the Rules Committee, and the pages had better get it distributed. It's up here on the corner of the desk.

**DELEGATE MURRAY:** Mr. President, in the material to be distributed, which is the temporary Rules Committee report, we have talked on Rule 12, which has not been adopted by this Convention, and I move its adoption at this time, and it reads as follows:

"The House of Representatives chambers in the Capitol, Helena, Montana, shall be designated Convention Hall during the Montana Constitu-tional Convention."

**PRESIDENT GRAYBILL:** All right, you have heard the motion. The Rules Committee chairman has added one more rule, and it is that we designate this place Convention Hall for the balance of the Convention. Is there any discussion of this motion? Mr. Choate. (Inaudible)

**DELEGATE CHOATE:** I would like to move for the adoption of the motion.

**PRESIDENT GRAYBILL:** Is there any further discussion of this motion?

**DELEGATES:** Question.

**PRESIDENT GRAYBILL:** Question. The Chair will open the ballot. All in favor of designating this place Convention Hall vote Aye, all opposed vote No.

**DELEGATES:** Aye.

**PRESIDENT GRAYBILL:** Oh, do it on your machines.

Have all the delegates voted? Any delegate want to change his vote? The ballot is closed. Please announce the tally.

**SECRETARY MARSHALL:** Mr. President, 97 delegates have voted Aye, none voting No.

**PRESIDENT GRAYBILL:** By voting 97 Aye and none No, you have adopted the motion.

Now, most of you have before you the Rules Committee's report. Mr. Marshall--or Mr. Murray.

**DELEGATE MURRAY:** Mr. President, we, your temporary committee on Rules of Organization, appointed pursuant to a motion of the Convention, having completed our task, submit herewith a copy of all rules adopted during the organizational session of the Convention, and ask to be discharged.

**PRESIDENT GRAYBILL:** It is the sense of Mr. Murray's motion that the temporary Rules Committee-whose report you now have before you-be discharged upon the formal acceptance of their report. The understanding, of course, that the new Rules Committee will take over for the second session.

Mr. Murray.

**DELEGATE MURRAY:** I might say, Mr. President, that we make this report in accordance with the suggestion proposed by Mr. Nutting, which was withdrawn. But he did make a request that we do report in full and that we be discharged. And this is the reason for making the report.

**PRESIDENT GRAYBILL:** Right. I haven't got a copy before me, but I think it summarizes what you've done, doesn't it?

**DELEGATE MURRAY:** Yes, sir.

**PRESIDENT GRAYBILL:** Yes. This is all of the rules, in written form, that we have adopted by the Rules Committee, we having just adopted Rule 12 a moment ago.

And, first of all, discussion on adopting the total report of the temporary Rules Committee. Is there any discussion on that matter?

(No reply.)

If not, we will vote on that matter. All those in favor of adopting the Rules Committee report vote on the machine Aye, and those opposed No.

Have all the delegates voted? Anyone want to change their vote? The ballot is closed. Will you announce the tally?

**SECRETARY MARSHALL:** Mr. President, 94 delegates have voted Aye, none voting No.

**PRESIDENT GRAYBILL:** 94 having voted Aye and none No, the report is adopted.

Now then on Mr. Murray's second part of the motion, namely, that the temporary Rules Committee be discharged, and I would add from the Chair, a vote of thanks from the Chair and the Convention.

Are you ready for the question on that?

**DELEGATES:** Question.

**PRESIDENT GRAYBILL:** The ballot is open. All in favor of discharging the temporary Committee vote Aye, and those opposed No.

Have all the delegates voted? Anyone want to change their vote? Would you please announce the tally?

**SECRETARY MARSHALL:** Mr. President, 97 delegates have voted Aye, none voting No.

**PRESIDENT GRAYBILL:** 97 delegates having voted Aye and none No, the committee is discharged. (Applause)

Let's stand at ease just a moment.

All right, may I have your attention. Because they are going to move some carpet, or work on the carpet and do some other things in the interim between now and January 17th, I would ask to have you leave your keys to your desks-that they so carefully gave us-before you go away, and if you don't want to-and the easiest thing to do is to leave them in your desk. Put 'em in your desk drawer-your keys to the desks.

Mr. Habedank.

**DELEGATE HABEDANK:** Otto Habedank, District 3. I would like to inquire for information. Are these reports different than the ones that we have already had sent to us, or duplicates?

**PRESIDENT GRAYBILL:** They are different, unless somebody's been smuggling them to you ahead of us, Otto.

Yes. I should also announce that the staff has put on your desk a group of reports which supplement the ones you've already been given. It's my understanding that we will receive another group of substantive reports sometime between Christmas and New Years, or about that time. Is that right, Dale?

**MR. HARRIS:** Yes.

**PRESIDENT GRAYBILL:** Yes, there is one more big batch of substantive reports to come later. Fortunately, now that you're all on committees, you can throw most of that aside and only read those which you have to know about.

Mrs. Reichert.

**DELEGATE REICHERT:** Mr. President, Arlyne Reichert, District 13. You have done a masterful job in conducting this Convention, and I made an observation today which pleased me very much. When you called on the delegates to speak you called them by name, and you refrained from saying district such and such, county such and such, and we've been requested to identify ourselves by saying "District 13."

I feel that my fellow delegates share this sentiment with me, that we are representing not only our districts, but all the people in Montana, and I would hope that when we meet again in January we could identify ourselves solely with our name.

**PRESIDENT GRAYBILL:** I think that's an excellent suggestion. I think the secretary is now more familiar with you, and we probably will be able to do that, and I'll try to do that. Certainly those of us from District 13 would like to get rid of our District--number.

Now, at this time, I would like to thank the pages who have all served us during the organizational session. They are all honor students from Helena Senior High School: Bruce Berwick, George Mergott, Carl Quist and Ward Leslie Tucker, Susan Leaphart. I think we should give a hand to the pages.

Mr. Kamhoot.

**DELEGATE KAMHOOT:** Mr. President, Art Kamhoot from District 6. Before we leave, I thought it appropriate that I open this mike at least once.

I think this has been the least used microphone in the place. I think my seatmate has used it once during the 3 days of the Convention, and I just wanted you to know, Leo, that I feel you're doing a very fine job, and that I am here, that the mike does work, and at a later date I may want to use it. Thank you.

**PRESIDENT GRAYBILL:** I'll keep watching for you. (Applause)

All right, you ladies may go first. Ms. Bugbee-Mrs. Bugbee.

**DELEGATE BUGBEE:** Thank you. I understand that last night Mae Nan's mother died and this is why she's not here, and I would appreciate it very much if we could have a letter or a telegram to her from the Convention. I think she would really appreciate it.

**PRESIDENT GRAYBILL:** Mrs. Bugbee may be correct. I know that Mrs. Robinson is not here today because her mother is, at least, seriously ill. I don't know whether she has died or not, and she left in the middle of the night to go by plane to Texas. We have excused her on the roll.

Now, Mrs. Spew-Miss Spew-Ms. Speer—, do you know more about that?

**DELEGATE SPEER:** I talked with her at 11:30, and she said she had the message whether she was to come. Her mother was very low, but, no-she will inform us in Missoula in a day or so.

**PRESIDENT GRAYBILL:** Right. So she may not be in any event, the-president has written her a letter to her to her home, telling her that she is excused and offering condolences, and if the group would like I would have the staff write another letter on behalf of the Convention to that effect. Would you like to do that, Mrs. Speer?

**DELEGATE SPEER:** Well, Mr. President, her mail in Missoula is being held at the post office, not forwarded to her. I have her Texas address if you would like it.

**PRESIDENT GRAYBILL:** Would you please give the staff—Mrs. Fontana, especially—that address before you leave?

**DELEGATE SPEER:** I will, and I move that this message be sent.

**PRESIDENT GRAYBILL:** You do move that. All right, the motion has been made that we send an expression of regrets to Mrs. Robinson, who is absent this morning because of an illness in her family. Is there discussion on the motion?

(No reply.)

All right, all in favor of the motion say Aye...

**DELEGATES:** Aye.

**PRESIDENT GRAYBILL:** All opposed  
NO...

(No reply.)

Fine. We will have the staff do that for the Convention.

Now, Mr. Simon.

**DELEGATE SIMON:** I'm Clark Simon from District 8, Billings, Montana. I suppose all of you know, I've been quite quiet while I've been here. I do want to practice a little on the microphone here.

I would like to say that I-, before I go home, I'd like to wish all of you a Merry Christmas. There's been a spirit of fellowship here that I've never seen in any Convention I have ever attended, and I believe that what we do here in this Convention, and how we act, and the document we produce, will be the way that we are going to sell this-whatever we produce, to the people of Montana. If you figure out that each one of us 100 delegates represent all of the people in Montana, that each one of us has about 7,000 that are looking at us-700,000 looking at all of us.

Being an old farmer, I think I might say that we baled a lot of hay the last few days. A lot of it's good Montana timothy, and a great deal of it has been clover. I want to thank all of you for the kindness that you have shown me while I've been here.

**PRESIDENT GRAYBILL:** Thank you very much, Mr. Simon.

Now, if you'll get a pencil out, the Chair will make an announcement concerning committees.

We would like the procedural committees to definitely meet, and I would say that maybe they should meet-except the Administrative Committee-the other three procedural committees should meet first.

We're only going to need you for about 5 minutes, but we need to tell each committee one or two things. And then I'll also tell you a place where you can meet your substantive committees, but since there are people on both, they should perhaps meet slightly later. And then after your committees have met-and I don't even care if your chairmen do anything-but if you want to meet your chairmen and shake his hand he will be at these locations, let's put it that way.

Now, the Administrative Committee will meet in 434, but it would not need to meet, I would think, until, say, 2:30 because we have some real work to do yet this afternoon.

The Rules and Resolutions Committee will meet in Room 431 immediately upon adjournment. The Public Information Committee will meet in Room 343-if that's what that says-343 immediately upon adjournment. The Style, Drafting and Transition Committee will meet in the Senate immediately upon adjournment. And each of those committees Dale and I would like to, just for one short sentence, mention something to you.

And then your chairmen can do as you please.

Then the rest of the substantive committees, which can meet immediately following that, or in about 15 minutes, would be the Bill of Rights Committee in Room 434. The Legislature Committee in the Senate. The Executive Committee in the front of the House up here. The Judiciary Committee in Room 431-now Rules will be in there first, but as soon as they're out of there. The Local Government Committee in 410. The Revenue and Finance Committee in 402. The Education Committee in 428A. The Public Health, Welfare and Labor Committee in 343. The Natural Resources Committee and Agriculture Committee in 421B, and the General Government and Constitutional Amendment Committee in the back of the House.

Do any of you wish your committee assignment repeated? Natural Resources is 428B-B.

Did anybody else miss and want to—

Now, as far as the substantive committees are concerned, we have no real reason that you should meet. But if you want to meet the chairman, or if the chairman wants to talk to a few of his members and decide whether you want to-what you want to do, that's fine with us. We just want you to have a place to go.

Mr. Gysler.

**DELEGATE GYSLER:** Mr. Chairman. you gave us two different room numbers, 421B and 428B.

**PRESIDENT GRAYBILL:** Yes, I gave you the wrong number because I couldn't read his writing. It's 428B.

**DELEGATE GYSLER:** Thank you.

**PRESIDENT GRAYBILL:** Mr. Aasheim.

**DELEGATE AASHEIM:** -Chairman, I'd like to meet with the legislative committee at— would 1:30 be all right with you?

**PRESIDENT GRAYBILL:** We'll be through by 1:30.

**DELEGATE AASHEIM:** -At the Senate chambers, legislative committee, 1:30.

**PRESIDENT GRAYBILL:** All right, are there other announcements? Mr. Rygg.

**DELEGATE RYGG:** I would like to meet

with the Revenue and Finance Committee in Room 402 at 1:30.

PRESIDENT GRAYBILL: Mr. Champoux.

DELEGATE CHAMPOUX: I'd like to meet with the Education Committee, 428-A at 1:30, please.

PRESIDENT GRAYBILL: Mr. Joyce.

DELEGATE JOYCE: Mr. Chairman. I am on the Rules Committee as well as the Executive Committee and so I would like to meet with any of the members immediately upon adjournment to set a time, because I'll have to go to the Rules first, and we'll agree on a time at that time.

PRESIDENT GRAYBILL: You'll just meet about 1:30. We'll only tie you up for 2-3 minutes. All right, Mr. Anderson.

DELEGATE ANDERSON: I would like to meet with Local Government-Room 410 at 1:30.

PRESIDENT GRAYBILL: Mr. Holland.

DELEGATE HOLLAND: I'd like to meet with members of the Judiciary Committee at 1:30, 431—Room 431, Judiciary at 1:30.

PRESIDENT GRAYBILL: Mr. Dahood.

DELEGATE DAHOOD: I would like to meet with the Bill of Rights Committee at 1:30, Room 434.

PRESIDENT GRAYBILL: Mr. Heliker.

DELEGATE HELIKER: I would like to meet with the Public Health, Welfare and Labor Committee at 1:30 in Room 343.

PRESIDENT GRAYBILL: Are there other announcements?

Mrs. Eck.

DELEGATE ECK: There have been a number of people who have indicated an interest in having our children, or others, come here for pages, and there's been some interest in other employment. If you would leave your name or get an application in the office, or send one in later when you have some information, then we'd have them on file, and they'd know how to handle it. Thank you.

PRESIDENT GRAYBILL: That's an excellent suggestion. And for all of you who have

people asking you about jobs that you do not know about, or can't answer, please merely inform them that if they give the Constitutional Convention office the information, fill out an application, that the Administration Committee will, in due course, consider them and can use them or not, as they please. We'll screen you that way, and if you want to make recommendations we'd be delighted to have them. But the way to do it is to get your people's names on an application in the office.

Now, Mrs. Cross.

DELEGATE CROSS: Just an announcement. Any lady who would like a copy of the photo that was taken yesterday, stop at Karen Nyberg's office and pick out the one you want.

PRESIDENT GRAYBILL: Mr. Harbaugh.

DELEGATE HARBAUGH: Mr. President, my chairman is temporarily out of here, but I would call a meeting of the General Government and Constitutional Amendment in the back of the House at 1:30.

PRESIDENT GRAYBILL: Are there other announcements? Mr. Schiltz—no, Siderius.

DELEGATE SIDERIUS: Mr. Chairman, this is just a point of inquiry information. About these pages, now, are we going to hire them for the whole session, or are we going to hire them for 2 weeks at a time? Or is that—

PRESIDENT GRAYBILL: The Administration Committee will consider that this afternoon, but there is a recommendation going to be made that they be hired for 2-week periods, to give more of them a chance.

DELEGATE SIDERIUS: I so recommend.

PRESIDENT GRAYBILL: And that might give you something to say to people that want to be pages.

Mrs. Cross.

DELEGATE CROSS: Mr. President, the Natural Resources Committee will meet immediately after adjournment here at 428B.

PRESIDENT GRAYBILL: All right, any other announcements? Mr. Blaylock.

DELEGATE BLAYLOCK: Mr. Chairman, I'd just like to express a little sense of disappointment here. Mrs. Cross referred to the picture that was taken of the ladies yesterday, and somebody

promised they were going to take a picture of all of us guys with no hair, and they didn't do it. (Laughter)

**PRESIDENT GRAYBILL:** Well, I think the reason was they were shorter than you, and they saw a little.

Mr. Monroe.

**DELEGATE MONROE:** Somebody just reminded me that, I guess, the pictures are going to be able to be picked up before you go home. And another announcement. I'm having some literature photocopied. This is-1 had 100 copies of some information that was in regard to the North Dakota State Constitutional Convention, which is now in the process, you might check in the office before you leave and see if that is photocopied. If not, it probably can be mailed to you.

Another suggestion that I have is that an historic event is going to take place tomorrow, or an anniversary of an historic event, and that is that on December 2, 1823, 148 years ago, President Monroe gave life to the Monroe Doctrine, declaring that Latin America would determine its own future. And in that same vein, I think that us in Montana here might have a Monroe Doctrine.

And I don't disclaim any heritage to President Monroe, or any presidential stature, but I'm suggesting to you a statement along the same vein, that we determine our own future and, of course, this is what we're here to do. I'm suggesting that you, as we go home to our home communities, this particular motto or slogan, or statement or doctrine--or whatever you might want to call it--and that is this:

"Montana's destiny depends on our involved citizenry today." Thank-you.

**PRESIDENT GRAYBILL:** That's the "Lyle Monroe Doctrine" that you've just heard. All right. Thank you, Lyle. (Applause)

Mr. Jacobsen.

**DELEGATE JACOBSEN:** Mr. President and fellow delegates, I'm Arnold Jacobsen from Whitefish. I found in the materials that we received before, while we were campaigning, one particular document that was more readable, understandable, and one fine piece of literature and, in public, I would like to thank Lucille Speer for the tremendous job she did in putting out the one informative booklet. (Applause)

**PRESIDENT GRAYBILL:** Mrs. Speer, that round of applause obviously shows that we all

appreciated and approved of your work, and we thank you for it and for the impact it has had on the public, which I think has been great and helpful.

**DELEGATE AASHEIM:** Mr. Chairman.

**PRESIDENT GRAYBILL:** Mr. Aasheim.

**DELEGATE AASHEIM:** I don't suppose you can answer this question now, but I wonder when it will be determined; when we reconvene on January 17th, are we going to be in continuous session until we get our job done? Because it's a matter of housing, and I wondered when we can know, if you have any answer to that.

**PRESIDENT GRAYBILL:** I haven't any idea, but I would presume we would be in session for quite a while. And then, after we get started, we'll have to see how it goes.

I have no feeling, and I'm sure that-1 don't know whether that would be the Rules Committee, or who, but I will consider it. I think you ought to plan to come and stay for a while, anyway, because we ought to get our feet wet on these. We'll get all the facts together we can.

Mr. Aasheim, in a couple of speeches I heard, expressed the view that we ought to at least get material together and get some form of work out of some of the committees before you would ever go back, and-to our people-if we did have a recess, so count on a considerable session. Whether we will have the whole 68 or 74 days, or whatever it is, at once, I don't know. I'm sorry I can't do a better job of answering Mags, but go ahead. Rent it. (Laughter)

Mr. Loendorf-

**DELEGATE LOENDORF:** Mr. Chairman, Jerry Loendorf. Along those same lines, I would like to suggest that perhaps Administration Committee make an estimate of what the cost of this Convention will be on a daily basis, and perhaps make that available the first week in January, and we'll know how long we'll be in session with pay. I suspect we'll probably be working without pay for some time, also, and along those lines, I would like to suggest that the committees, during the next 45 days, attempt to do some work and keep in communication, so we come here prepared. And this will perhaps speed up our work somewhat, also.

**PRESIDENT GRAYBILL:** Thank you very much. And one of the items the Administration

Committee is going to take up today after the session is budgeting, so we will do that.

Mrs. Van Buskirk.

**DELEGATE VAN BUSKIRK:** Edith Van Buskirk, District 14. During our working hours and during our social hours I've found this to be a very congenial group, and I am very happy to be one of its members. (Applause)

**PRESIDENT GRAYBILL:** There is a seatmate for you, Mr. Drum. (Laughter)

All right, are there other announcements?

**DELEGATE DRUM:** Mr. President, I feel like I have died and gone to heaven where I am. (Laughter)

**PRESIDENT GRAYBILL:** All right. If there are no other announcements, I'm going to recognize Marshall Murray for an important motion.

**DELEGATE MURRAY:** Mr. President, before I make that motion, First Vice-President John Toole, has something he would like to say.

**DELEGATE TOOLE:** Mr. President and members of the Convention. For the past 3 days I have had the privilege of working with your president, and I have worked in many organizations, and I must say that this was one of the finest, one of the fairest and one of the most efficient organization's leadership that I have ever been privileged to work with.

Your president has stayed up all night. He has come to us in the morning with proposals, some of which we agreed with, some of which we did not. There was no table pounding. The vice-presidents pushed their ideas. They were accepted by the president. I don't believe that I have ever experienced working with an organization with this kind of leadership before in my life.

My group, the minority group that I represent,

has no cause to complain. The six-member minority group has no cause to complain. The ladies have no cause to complain. Members of the Convention, you have elected a great president.

Thank you very much. (Applause)

**PRESIDENT GRAYBILL:** Well, I want to thank you all very much, and I hope that, we, together, have done something to get a good spirit here to start this, and I think we'll work much better when we get back because of it, and I deeply appreciate, Mr. Toole, your sentiments.

If I were to amend it at all it would be by adding, when you said "stayed up all night", the word "working" after that, so it would be clear to everybody what I was doing. (Laughter)

All right. Mr. Murray.

**DELEGATE MURRAY:** Mr. President, the paychecks will be mailed, but the expense checks and mileage are available at the Auditor's Office. And I move, in accordance with the provisions of Section 7-Subsection 6 of The Enabling Act, that the Montana Constitutional Convention adjourn until 10:00 a.m., Monday, January 17, 1972, and to then assemble in plenary session in these chambers, now known as Convention Hall.

**PRESIDENT GRAYBILL:** You have heard the motion to adjourn until January 17th at 10:00 a.m., 1972. The ballot is open. All those delegates in favor of the motion vote Aye, those opposed vote No.

Have all the delegates voted? Anyone want to change their vote? Ballot is closed. Will you please announce the ballot?

**SECRETARY MARSHALL:** 96 delegates have voted Aye, none voting No.

**PRESIDENT GRAYBILL:** 96 delegates having voted Aye, this Convention is now recessed-w adjourned.

(The Convention adjourned at 2:45 p.m.)

January 17, 1972  
10:04 a.m.

Fourth Day

Convention Hall  
Helena, Montana

**PRESIDENT GRAYBILL:** The Convention will be in order. At this time I will call into Session this Constitutional Convention under the authority of the Enabling Act. We will be operating until the rules are finally adopted, probably tomorrow, in accordance with the order of business in the rules of Mason's—or, of Mason's Rules.

John Toole.

**DELEGATE TOOLE:** Will the delegates please rise and join in the Pledge of Allegiance to the Flag.

(Whereupon, all rose to recite the Pledge of Allegiance to the Flag)

**PRESIDENT GRAYBILL:** Reverend Burkhardt.

**DELEGATE BURKHARDT:** Let us pray. Oh, God, we pause for a moment of reverence, giving thanks for the heritage which is ours in this state and in this land, asking guidance for the future as we shape the quality of lives for ourselves and those who may come after us. As we go about our tasks, may we reflect on words from Scripture: "He has shown you, oh man, what is good; and what does the Lord require of you but to do justice, to love kindness, and to walk humbly with your God." Amen.

**PRESIDENT GRAYBILL:** Roll call this morning will be taken by machine. Will the clerk, John Hanson, please take the roll. Mrs. Bowman and Mr. Toole have not pressed their buttons. Count them. Mr. Burkhardt (Inaudible).

**CLERK HANSON:** Arness.  
(No response)

**CLERK HANSON:** Mr. President.

**PRESIDENT GRAYBILL:** Yes.

**CLERK HANSON:** Oh, you voted?

**PRESIDENT GRAYBILL:** I voted, yes.

**CLERK HANSON:** James.

**DELEGATE JAMES:** Here.

**CLERK HANSON:** Schiltz.

**DELEGATE SCHILTZ:** Here.

**CLERK HANSON:** Siderius.

**DELEGATE SIDERIUS:** Here.

**CLERK HANSON:** Speer.

**DELEGATE SPEER:** Here.

**CLERK HANSON:** Would you please vote.

**PRESIDENT GRAYBILL:** All right, it is closed.

**CLERK HANSON:** Mr. President, 99 senators—or Convention delegates present.

[Editor's Note: As the following record shows, there were 100 delegates present.]

**PRESIDENT GRAYBILL:** Very well. Record the vote.

Aasheim .....	Present
Anderson, J. ....	Present
Anderson, O. ....	Present
Arbanas .....	Present
Arness .....	Present
Aronow .....	Present
Artz .....	Present
Ask .....	Present
Babcock .....	Present
Barnard .....	Present
Bates .....	Present
Belcher .....	Present
Berg .....	Present
Berthelson .....	Present
Blaylock .....	Present
Blend .....	Present
Bowman .....	Present
Brazier .....	Present
Brown .....	Present
Bugbee .....	Present
Burkhardt .....	Present
Cain .....	Present
Campbell .....	Present
Cate .....	Present
Champoux .....	Present
Choate .....	Present
Conover .....	Present
Cross .....	Present
Dahood .....	Present
Davis .....	Present
Delaney .....	Present
Driscoll .....	Present
Drum .....	Present
Eck .....	Present
Erdmann .....	Present
Eskildsen .....	Present

Etchart .....	Present
Felt .....	Present
Foster .....	Present
Furlong .....	Present
Garlington .....	Present
Graybill .....	Present
Gysler .....	Present
Habedank .....	Present
Hanson, R.S. ....	Present
Hanson, R. ....	Present
Harbaugh .....	Present
Harlow .....	Present
Harper .....	Present
Harrington .....	Present
Heliker .....	Present
Holland .....	Present
Jacobsen .....	Present
James .....	Present
Johnson .....	Present
Joyce .....	Present
Kamhoot .....	Present
Kelleher .....	Present
Leuthold .....	Present
Loendorf. ....	Present
Lorello .....	Present
Mahoney .....	Present
Mansfield, .....	Present
Martin .....	Present
McCarvel .....	Present
McDonough .....	Present
McKeon .....	Present
McNeil .....	Present
Melvin, .....	Present
Monroe .....	Present
Murray .....	Present
Noble., .....	Present
Nutting .....	Present
Payne .....	Present
Pemberton .....	Present
Rebal .....	Present
Reichert .....	Present
Robinson .....	Present
Roeder .....	Present
Rollins .....	Present
Romney .....	Present
Rygg .....	Present
Scanlin .....	Present
Schiltz .....	Present
Siderius .....	Present
Simon .....	Present
Skari .....	Present
Sparks. ....	Present
Speer .....	Present
Studer .....	Present
Sullivan .....	Present
Swanberg .....	Present

Toole .....	Present
Van .....	Present
Buskirk .....	Present
Vermillion .....	Present
Wagner.. ..	Present
Ward .....	Present
Warden .....	Present
Wilson . ....	Present
Woodmansey .....	Present

**PRESIDENT GRAYBILL:** Jean Bowman.

**DELEGATE BOWMAN:** Mr. President, I have examined the journal for the first, second and third days of the Convention and find the same correct.

**PRESIDENT GRAYBILL:** At this time I'd like to make a few remarks to the Convention before--or as we start. The preliminaries are over, and it's now time for this group of elected delegates to carry out the task of writing a Constitution for Montana. We will, in the next few weeks, reduce to words the principles and guidelines by which we expect to order our system of government for the foreseeable future. John Locke has explained that these words should not be our goal--rather our best ideas should. I quote him: "We should have a great many fewer disputes in the world if words were taken for what they are--the signs of our ideas only, and not for things themselves."

Ladies and gentlemen, the job to be done has been started. The quality of that start has been outstanding. Hopefully, our efforts to accomplish the task ahead will continue to be high in quality. This body knows what is expected of them. This body knows what it means to write the document.

This is what John Toole believes. This is what he said in his editorial: "During 1972, the people of Montana will be faced with an important question: Are we willing to bring about changes in our government which will make state and local government more economical, more flexible, and more responsive to our need? Change is sometimes painful, but in a dynamic society it is also vital."

This is what Elizabeth Cross believes: "Among all people, Americans have the highest standard of living; but there is a real question of how long our present rate of consumption can be sustained under present practices of conservation. Between the knowledge that our economy must proceed and that man must somehow rise above his own immediate gain, the delegates to this Convention must decide what we shall do."

This is what Wade Dahood believes: "It is time

for a" aroused citizenry, through its constitutional delegates, to restate the constitutional commandments that require government to always respond to the needs of the people who have created it."

This is what Thomas Joyce believes: "It is my view that the Convention cannot and should not try to solve any contemporary governmental problems. Rather, its purpose is to facilitate the future solution of contemporary problems as well as problems not presently foreseeable."

Now, I have only mentioned a few and I wish I could mention all the others, but this body knows what writing the Constitution is all about. My conviction is that we should turn our viewpoints toward the future. This is a time of transition, and it will continue to be. The central truth of our time is change-constant, accelerating change. Think with me for a moment about Montana in the year 1900, after this Constitution we now have was written. In 1900 Montana had no automobiles, no paved roads, no electric lights, no radios or TVs, no telephones to speak of. Most of our grandparents did physical labor or associated job for long hours. They did have railroads to take them to the eastern seaboard once or twice in a lifetime. I guess that's something we don't have. Things have changed. Now, list for a moment in your imagination the State of Montana in the year 2040. What will the family be like then? What will the transportation system be? The school system? What type of communications will we have at that time? In 2040, what will the workweek be? And how will our grandchildren spend their leisure time? Do you really think things won't change much in the next 70 years? Obviously, things are going to change even faster than they changed in the last 70 years, and we should be thinking about how our Constitution will fit the situation. As citizens, our viewpoints are usually contemporary and are based on much shorter spans. But we do not think about the future, and we are not asked about it very often. As Alvin Toffler says about us in his book, *Future Shock*: "The voter may be polled about specific issues, "ever about the general shape of the preferable future. Indeed, nowhere in politics is there a" institution through which a" ordinary ma" can express his ideas about what the distant future ought to look, feel, or taste like. He is "ever asked about this, and on the rare occasions when he does think about it, there is no organized way for him to feed his ideas into the arena of politics. Cut off from the future, he becomes a political eunuch."

But I say today that this body has a"

opportunity to consider that future. This Convention is a way for each of us and it's a way for each of Montana's citizens to concern themselves with the general shape of the future. We do have that opportunity, (Inaudible) do have in this Constitutional Convention a" institution organized for the people to feed their ideas about the future into politics. But how can we accomplish this? How can we get this job done? I would simply seek to remind you that we must be open-open to ideas, open to opinions, open to debate. We must also be open to our own conscience and to our inner selves. We must seek guidance and good fellowship right here in this room. We must be responsive to each other. If we can make the government work here in this room, then perhaps we can make Montana—or help Montana move into the future with confidence and vision. Montana-our Montana-is a great, vast state. It has been badly robbed and left little of the financial gain it has produced in the past. And lately, for lack of opportunity, she has been left without her greatest resources-young people. But these young Montanans want to return to their great state because Montana embodies for them the things they find worthwhile-the open spaces, the mountains, the clear streams. In other words, the good life. If only for that reason, Montana must move into the future with confidence and vision through a document that will be written to respond sensitively to her needs. My good wishes go with you. May God bless you and keep us all during this Convention. Thank you. (Applause)

DELEGATE ESKILDSEN: Mr. President.

PRESIDENT GRAYBILL: The Chair recognizes Mr. Eskildsen.

DELEGATE ESKILDSEN: May we revert to Order of Business under Mason's Rules J for unfinished business?

PRESIDENT GRAYBILL: All right, the motion's been made that we move to Item J under Mason's Rules, Unfinished Business. All those in favor of so moving to that order of business, say Aye.

DELEGATES: Aye.

PRESIDENT GRAYBILL: Opposed? (No response)

PRESIDENT GRAYBILL: All right. So be it. The reason we want to move to unfinished

business is that I would like to announce that I am going to move Vice-president John Toole from the Legislative Committee to the Educational Committee. And we felt that balanced the situation up a little better, so I am now announcing that committee change.

Now the Chair would again recognize Mr. Eskildsen.

**DELEGATE ESKILDSEN:** Mr. President, may we revert to Rule G, Report of Standing Committees?

**PRESIDENT GRAYBILL:** All right. You've heard the motion that we move to Order of Business G under Mason's, Reports of Standing Committees. All those in favor of that motion, say Aye.

**DELEGATES:** Aye.

**PRESIDENT GRAYBILL:** Those opposed?  
(No response)

**PRESIDENT GRAYBILL:** Very well, we will go to the Reports of Standing Committees, principally the procedural committees, and the Chair will recognize John Toole for a report on the Committee on Administration.

Mr. Toole.

**DELEGATE TOOLE:** Mr. President. You have before you, delegates, the report of the Committee on Administration. If you get that out and get the budget out, we'll go to the budget first.

**PRESIDENT GRAYBILL:** Not quite so close, John.

**DELEGATE TOOLE:** We have a very tight budget, as you can see. Before I start these remarks, Mr. President, I'm going to ask you to permit me the privilege of not yielding to questions. We have a full agenda today, and I would prefer to not yield to questions since we are having a hearing at 1:30 p.m. in the Senate chambers on this subject. Referring back to the budget now, you will see that most of our expenses are fixed. It contemplates a 9-day week, and we have very little leeway in which to operate. (Laughter) Salaries and wages, of course, are fixed expenses. Contracted services are fixed expenses. Travel, communications, supplies, and stationery. Postage we have estimated at \$5,000, and this limits the delegates, I am sorry to say, to \$20 for the whole session. I sincerely hope the delegates

will live within that allowance. Now, if you look down at the bottom, you'll see that we have what's called a "contingent fund". The contingent fund is there because it may be necessary to go beyond 9 weeks. This Convention costs \$40,000 a week, and if we go beyond 9 weeks, we've spent the other \$40,000. This leaves at the bottom a total sum of \$28,000 for public information, which we do not consider to be adequate. We therefore hope that if we can cut the Convention to 9 weeks, that we'll have the \$40,000 for public information. Now, you will observe that the total budget is slightly in excess of the amount appropriated by the Legislature. It is expected that the Constitutional Convention Commission will have some surplus funds which will-we can turn over to the Convention, and therefore we can go as high as \$504,000, perhaps a little higher, but you can readily see the imperative nature of completing the Convention's business in 9 weeks, preferably, and certainly not longer than 10 weeks. I should tell you that we have applied for a federal grant in the amount of \$50,000 to supplement our public information program after the Convention adjourns. We don't know whether this will be forthcoming, but we're optimistic. If that is forthcoming, we can carry on a public information program of considerable extent. Now you will also find in your-I believe that concludes my remarks on the budget, and let me repeat again that there will be a hearing in the Senate chambers on Wednesday at 1:30 p.m. on the budget. And we invite all of you to attend, ask questions, and make suggestions. There isn't much room for leeway, but we certainly would be glad to hear from you. You should find in your report a list of staff, along with salaries and positions. I will not go into great detail on that. We have 56 employees. The House of Representatives, I think, hires 150, so you can see how much pared down we are with respect to the operation of the House-as compared with the House of Representatives. We have taken over 18 employees from the Constitutional Convention Commission. We have retained them at their same salaries. However, some of them have different jobs. This situation may be subject to change. The salary situation is still open with respect to all 56 employees. We did not want to make salary changes at this particular time in the Convention; it would cause a lot of disruption when we are trying to get underway. I know all of you are concerned about pages. We had applications for over 250 pages. We have room for 75. We spent more time, I think, on pages than almost any other item in this whole report, and we

finally came to the conclusion that we should choose the pages by lot. Many of you had relatives-sons and daughters-who you wanted very badly to be pages. I hope that some of you were lucky in the lottery. We have seven pages who were not in the lottery, coming from the Indian reservations of Montana. We felt that our Indian citizens deserved this treatment since there was no guarantee that they would be successful in the lottery. We passed a—we recommended a rule that immediate relatives of delegates not be employed, contrary to the legislative practice. We do not think this befits a Constitutional Convention, and I hope that none of you were too badly offended by this rule. We will have a hearing at the same time on the staff in the Senate at 1:30 p.m. Mr. President, that concludes my report on the Committee on Administration. I would like to move now that this report be accepted and filed.

**PRESIDENT GRAYBILL:** Do you want Mrs. Eck to make her report now, or—?

**DELEGATE TOOLE:** I didn't hear you, Mr. President.

**PRESIDENT GRAYBILL:** Do you want Dorothy Eck to make her report on interns now?

**DELEGATE TOOLE:** I beg your pardon. There is another item. I would like to have the Chair call on Mrs. Dorothy Eck to discuss the handling of the interns in the Convention.

**PRESIDENT GRAYBILL:** Fine. You may yield the floor to Dorothy Eck.

**DELEGATE ECK:** You will notice in your report an explanation of what the interns will be doing and a list of interns. We have 27 university students who are serving the Convention. They are considered staff members, responsible, ultimately, to Dale Harris. But each one of them has been assigned to an individual delegate, a committee Chairman, or an officer or a staff member. We would appreciate very much, however, if individual delegates would make good use of these interns. If you have an idea of some kind of a research project you need done, of some studies that you would like to assign to one of them, contact the intern assigned to your committee. If that intern is busy, contact me, because their success in really serving the Convention and having a good experience while they are doing it really depends upon their being kept busy at

significant tasks. As delegates, I think that we will find that we will be able to do a better job also if we have this kind of resource available to us. They are not to be considered anywhere near the same classification as our research analysts, who I, incidentally, hope you will use well also. But I think that there are a lot of jobs that the interns can do for us to make the Convention move along more smoothly and also to contribute to their educational experience. Each of them, in addition, will be responsible to their professor at the university, either Bozeman, Missoula, or Carroll College here in Helena. And they will also be working for academic credit, doing some reading and studying and writing some research papers along with this. I hope you will use them all well. Thank you.

**PRESIDENT GRAYBILL:** Very well.  
Mr. Toole.

**DELEGATE TOOLE:** Mr. President. Thank you, Mrs. Eck. I will now move that the report of the Administration Committee be accepted and filed. That simply means that—just what it says—it doesn't mean that we are approving the report. The report will be approved, I think, next Friday, after the hearing on Wednesday. I so move, Mr. President.

**PRESIDENT GRAYBILL:** All right. You have heard the motion of the Chairman of the Committee on Administration that the report of the Committee on Administration be accepted and placed on file. You've heard his announcement of the hearing on the budget and the staff at 1:30 p.m. on Wednesday. All those in favor of accepting and filing this report, please say Aye.

**DELEGATES:** Aye.

**PRESIDENT GRAYBILL:** Opposed?  
(No response)

**PRESIDENT GRAYBILL:** All right.

**DELEGATE TOOLE:** Mr. President.

**PRESIDENT GRAYBILL:** The Chair will recognize Mr. Toole again for the Committee on Public Information.

**DELEGATE TOOLE:** The delegates have on their desk a rather massive report on public information, which is the result of a number of meetings of the Public Information Committee. I will also ask the Chair if they would permit me not to yield to questions on this report at this time, since we will have a hearing on this subject in the Senate chambers at 3:00 p.m., Wednesday afternoon. This program will be administered by Miss Elizabeth Harrison--many of you know her. As I say, I am not going into detail, except I do wish to mention one aspect of our public information program; that is the citizens corps. The citizens corps was late in getting underway. We had to wait--a meeting of the Public Information Committee on January 8th to get it underway. We think it has tremendous value, tremendous potential, with respect to bringing the message of this Convention to the public. We will schedule meetings with each delegation to go over what you have put together in your district and what remains to be done in your district with respect to the formation of the citizens corps. We realize that the citizens corps will take a different form in every district. A district composed of a number of counties, a large number of square miles, will have a different format than, say, Cascade County. But we hope you will give it your ardent cooperation and make it work. It can be a tremendously important instrumentality in insuring the success of this Convention. I would also like to announce that on Thursday, the delegates will have an opportunity--I don't have a time on this--the delegates, particularly those delegates from rural counties where you have weekly newspapers, will be asked to meet with Miss Harrison and Mr. Fred Martin with respect to getting out weekly information to weekly newspapers. We'll give you detailed information as to the place and the time later on. On public information, there will be a public hearing, as I said before, in the Senate at 3 o'clock on Wednesday, and we are all invited. Mr. President, that concludes my report on public information. I would move now that it be accepted and filed.

**PRESIDENT GRAYBILL:** All right. You have heard the report of the Committee on Public Information, and it has been moved that it be accepted and placed on file. You have heard the announcement of the Chairman that there will be a hearing on public information at 3 o'clock on Wednesday afternoon in the Senate chamber. As many as are in favor of accepting and filing the report, say Aye.

**DELEGATES:** Aye.

**PRESIDENT GRAYBILL:** Opposed, Nay. (No response)

**PRESIDENT GRAYBILL:** The Ayes have it, and so ordered.

**DELEGATE TOOLE:** Mr. Chairman.

**PRESIDENT GRAYBILL:** Mr. Toole:

**DELEGATE TOOLE:** Mr. President, we are having difficulty with these microphones. I can't hear you and I guess a lot of people haven't been able to hear me, but if you could move yours a little closer to your mouth, the back row could hear a little better. Thank you.

**PRESIDENT GRAYBILL:** All right. The Chair will now recognize the Chairman of the Rules Committee, Marshall Murray, for a report of the Rules Committee.

**DELEGATE MURRAY:** Mr. President, the Rules Committee has been meeting relative to the rules. We have four rules left to complete as far as form is concerned. I think we have reached agreement with respect to those rules on the substance thereof. I anticipate having, hopefully, all of them ready for a hearing to be held in the Senate chambers at 3 o'clock today. We anticipate having them duplicated and available for all of the delegates who would like to have them and who would like to attend that hearing. The primary reason for the hearing is that there seems to be some disagreement amongst the delegates as to my, and the committee's, philosophy regarding two matters of utmost importance--one being the matter of roll calls and when they shall be taken and the other being the question of how many delegates shall be required to pass certain votes. There are also several other matters to be discussed in hearing, and if anybody has any rules that they would like to propose or suggestions to the rules, we would like to invite them to attend. I envision these rules as being broken down into three categories. They are mixed up within those three general subject matters, but basically, as I envision them, they have to do first with organization, the election of the officers, and the duties and responsibilities of the officers, and in this respect, as the temporary rules provided, these rules show that--and demonstrate that, the President shall have the general supervision of this Convention, and he is in charge of its operation. He shares that operation, with respect to finances

and budget, with the Committee on Administration. He shares that responsibility and duty with the Committee on Rules and Administration as to its schedule. And as to other matters, he has the authority. Of course, the Convention has the ultimate authority in every instance anyway. The second part of the rules has to do with parliamentary procedure, and the rules that we have proposed are pretty much standard in the many states that were exhibited in the memorandums—1 and the supplemental memorandum 1—and relate to the parliamentary operation of this assembly. And we have selected and will propose that Mason's be used as the parliamentary guide to supplement the rules that we propose, to govern us in any instance that is not covered under the rules. The third area of our rules has to do with the operation of this Convention and the introduction of delegate proposals, citizen suggestions, and delegate and committee resolutions. And it is this area of the rules that we are presently involved in, in doing some remodeling. We think that we have pretty much in mind how this Convention will operate with respect to these matters if you adopt the rules as we propose them. This is much different than any of you have experienced, I am sure, because we have attempted to take the best of the rules of the various states, have attempted to get entirely away from the language and practice of the legislative sessions in the State of Montana and the Congress of the United States, and have tried to use such language and draft such rules as will give all of us an equal start and an equal understanding of how we hope this Convention will conduct itself with respect to debate and procedure. And I guess that that, basically, is what I have to say—other than, as you review these rules, you will note that I have extended my philosophy and interest in getting this Convention along and making it move and operate and not be delayed and dilatory. And I would imagine that some of the matters which you will hear under discussion this afternoon will affect my philosophy as it is expressed in these rules in that respect. Some people think they need more time on certain things or they would like to have another opportunity to save something which has been defeated or amended, and this is well and good. We will hear you out, and I'm sure that we will make some changes. We want you to know and understand these rules, and we feel sure that, once you do, we will be able to get underway rapidly. Thank you very much, Mr. Chairman.

**PRESIDENT GRAYBILL:** Mr. Murray, is my mike working now?

**DELEGATES:** No.

**PRESIDENT GRAYBILL:** Not working?

**DELEGATES:** No.

**PRESIDENT GRAYBILL:** Now?

**DELEGATES:** No.

**PRESIDENT GRAYBILL:** Now?

**DELEGATES:** Yes.

**PRESIDENT GRAYBILL:** It helps to turn it on. (Laughter) You wonder how it worked when it wasn't turned on, don't you? Mr. Murray, since the hour is fairly early, I wonder if we might change the program a little today from what we've anticipated, and I think we'll be out of here by 11:00, and we could have those committee meetings this morning, and let's move your rules hearing up. Can we move your rules hearing up before 3 o'clock?

**DELEGATE MURRAY:** I don't think that we can move it any sooner than 2:00, because I haven't had an opportunity to run through—some of these rules are still being typed.

**PRESIDENT GRAYBILL:** All right.

**DELEGATE MURRAY:** Four of them have not been completed as to drafting at all, and I think we can have most of them duplicated and available by 2:00. Let's move it to 2:00 and not any sooner than that.

**PRESIDENT GRAYBILL:** Let's move it to 2 o'clock.

All right, you've heard the—

**DELEGATE MURRAY:** -Senate chambers.

**PRESIDENT GRAYBILL:** --report of the Chairman of the Rules Committee, and I don't think it takes any action. There will be a rules hearing at 2 o'clock, then, instead of 3:00—some of you knew it was to be at 3:00—2 o'clock this afternoon in the Senate chamber.

Mr. Aronow.

**DELEGATE ARONOW:** Mr. President, may we hold the Rules Committee meeting in this chamber rather than the Senate, because, from what Mr. Murray stated, there may be some discussion.

**PRESIDENT GRAYBILL:** There may be a hundred seats filled.

**DELEGATE ARONOW:** Right.

**PRESIDENT GRAYBILL:** Okay, Mr. Murray, do you have any objection to moving your committee meeting into this room?

**DELEGATE MURRAY:** None at all. I like Convention Hall.

**PRESIDENT GRAYBILL:** All right. the meeting will be at 2:00 p.m. in this room--the hearing on the rules--and we will go through them. Now, the rules will be available in printed form by that time, and you may debate them and discuss them at your leisure and as long as you need. Now--

**DELEGATE MARTIN:** Mr. Chairman.

**PRESIDENT GRAYBILL:** Mr. Martin.

**DELEGATE MARTIN:** Will that conflict with some of our substantive committee meetings?

**PRESIDENT GRAYBILL:** I am about to move the substantive committee meetings until right now, at 11 o'clock, instead of at 1:30.

**DELEGATE MARTIN:** Thank you.

**PRESIDENT GRAYBILL:** All right. First of all I want to make some announcements here, and you might want to take these down in case some of you haven't gotten your cards. These are the committee room assignments: Bill of Rights is in Room 330-330; Education and Public Lands is in Room 436-436; the Executive Committee is in Room 428-B-428-B; General Government and Constitutional Amendment is in Room 410-410; Judiciary is in Room 412-412; Legislative is in Room 433 and 4-433 and 4--and their office is in 432, which--they're all right next to each other. Local Government is in Room 437-437; Natural Resources is in Room 402-402; Public Health, Welfare, Industry and Labor is in Room 428-A-428-A; Revenue and Finance is in the Mitchell Building, Room 215. The Mitchell Building's the big building to the east of the Capitol. The Rules Committee is currently meeting in this room at this front end of the Convention Hall; the Style and Drafting Committee currently does not have a room. We've made a couple of requests of the Supreme Court; we'll see what happens. Are there any questions about the room assignments of the substantive committees?

Now, we were going to have substantive committees at 1:30, but I think we can adjourn here in a few minutes and recess and we can have our substantive committee meetings at 11 o'clock this morning. Now, I would merely like to caution the chairmen of the substantive committees that the rules which haven't yet been adopted may require a 5-day and will require at least a 3-day notice of hearings. That means that you have got to arrive at a hearing notice today or tomorrow and get it worked out with Max Baucus so that we can publicize it, in order to make yourselves able to hold hearings beginning a week from this morning--I mean public hearings, to which the public has to have notice. So one of the things you might consider at your committee meetings this morning is your schedule for the immediate, beginning next week. You'll know in a moment that this week is fairly well filled up. I want to also review with you the fact that these procedural committees--the Rules Committee this afternoon and the other two committees of Mr. Toole's that you've talked about--will meet on Wednesday afternoon. Probably those can still be held in the Senate. In addition to that, I want to outline for you briefly two or three major items that the Convention will cover this week and when, so that you will have them in your minds. You will be given a summary of this tomorrow, but so you have them in mind. We have this problem of what proper workweek we want to adopt--Monday-Friday; Tuesday-Saturday; et cetera. We intend to open that up by resolution, for debate on Wednesday morning, so make up your minds before Wednesday morning or on Wednesday morning. Then we have a serious problem. The management of the Constitutional Convention has a serious problem--and I think we all have a serious problem, in determining as quickly as possible when we really intend to go to the electorate with the product of this Convention. Now, there's been a great deal of assumption that it would be in the election in November, the general election, but there has been a strong suggestion from a number of you delegates that we do this in the primary election. And there has been a third strong suggestion from another fairly substantial group of delegates that we do it by special election. Now, because of the work of the Public Information Committee, and certainly because of the work of the Style and Drafting Committee and, for that matter, of the whole Convention, it is absolutely essential that we find out this week when we intend to go to the public with the finished product, because we will have to be on a

little different schedule if we go in June than if we go in September or in November. Therefore, we intend to, by resolution, have you debate on Thursday morning the schedule of this Convention's submission of the Constitution to the public. Then the third major area that there are two or three schools of thought on is whether-is the recess issue. Should we have, or not have, a recess to take the product of the Convention-or to take the product of the committees, to the public in hearings around the state. If we should have such a recess, should it be in the middle of the session or should it be near the end-at the end of the session? We're going to discuss that issue on Friday morning. Now, we put that over until Friday so that we might possibly know when we are going to go to the public, before we decide that issue. But you should be aware that the Convention will discuss those three matters this week. In addition to that, of course, the committees will meet and there will be other special activities. I also want to announce, and you will be given—let's say, I think we'll probably get this notice out now at the Rules Committee meeting this afternoon--a bulletin on this, but there is to be a Convention social dinner tomorrow night, Tuesday night, at Jorgenson's, for the purpose of socializing with the other delegates and for the specific purpose of allowing all the delegates to meet and see the staff. We are inviting the entire staff and we will introduce all of the staff members individually, so you get a good chance to pick out who are and who are not-or what the staff people's jobs are, at that time. Then, Vice-president Toole and his wife and Mrs. Graybill and I have graciously consented to host you at cocktails before that dinner. So, that will start at 6:30 tomorrow night. And we do want you, after you get this notice, to notify the secretaries in the cage out there whether or not you intend to come. Are there other announcements that committee chairmen wish to make or anyone else wish to make, with the understanding that when we recess, the committees will be expected to meet at 11:00 a.m. in their rooms? Are there any other announcements?

**CLERK HANSON:** Locker keys have been assigned in alphabetical and numerical order. The first 11 lockers are in the ante over here which

have the exit over it; 12 through 22 are in the entranceway; all the others are in the west wing, on first floor.

**PRESIDENT GRAYBILL:** Are there any other announcements? If there are no other announcements, the Chair will recognize Mr. Eskildsen.

**DELEGATE ESKILDSEN:** One little announcement that we might have today that-I think it would be well if we recognize that the President's mother and father are here to watch us open our session-Mr. and Mrs. Leo Graybill.

**PRESIDENT GRAYBILL:** Would my parents and my wife please stand?

**DELEGATE ESKILDSEN:** And his wife. (Applause)

**PRESIDENT GRAYBILL:** Thank you, Mr. Eskildsen.

**DELEGATE ESKILDSEN:** At this time, I move that the Convention stand in recess until 9:00 a.m., Tuesday, January 18th.

**PRESIDENT GRAYBILL:** The motion has been made that the Convention stand in recess until 9:00—

**DELEGATE ESKILDSEN:** Adjourned. Excuse me, adjourn.

**PRESIDENT GRAYBILL:** Adjourn. All right. The journal wants to show it's adjourned until 9:00 a.m. tomorrow morning, Tuesday, in this same Convention Hall. All in favor of that motion, say Aye.

**DELEGATES:** Aye.

**PRESIDENT GRAYBILL:** Opposed, Nay. (No response)

**PRESIDENT GRAYBILL:** The Ayes have it, and so ordered.

(Convention adjourned at 1051 a.m.)

**January 18, 1972**  
**9:00 a.m.**

**Fifth Day**

**Convention Hall**  
**Helena, Montana**

**PRESIDENT GRAYBILL:** The Convention will be in session. I'd like John Toole to lead us in the Pledge of Allegiance to the Flag, please.

(Whereupon, all rose to recite the Pledge of Allegiance to the Flag)

**PRESIDENT GRAYBILL:** Will the Reverend Harper lead us in Invocation, please.

**DELEGATE HARPER:** Almighty God, our Father, in whose sovereignty men have for ages fashioned governments, guide the members of this body today. Put our feet on the ground where the commonest of our people walk. Let our minds be clear and unpolluted as the Big Sky. Grant us such iron nerve that we may add in some small measure to the kin&m that you are fashioning in us and in our world. Amen.

**PRESIDENT GRAYBILL:** Will the clerk call the roll. Vote on your machines Aye.

**CLERK HANSON:** Babcock.  
(No response)

**CLERK HANSON:** Mansfield.  
(No response)

**CLERK HANSON:** Martin.  
(No response)

**CLERK HANSON:** Siderius.  
(No response)

**CLERK HANSON:** Martin.  
(No response)

**CLERK HANSON:** Siderius.

**DELEGATE SIDERIUS:** Here. My machine don't work.

**CLERK HANSON:** Your machine isn't working. Very fine.  
Babcock.  
(No response)

**PRESIDENT GRAYBILL:** Yes. Babcock is absent and Siderius' machine is not working. Will that mean we have 99 present then?

**CLERK HANSON:** Yes.

**PRESIDENT GRAYBILL:** 99 present on the journal. Mrs Babcock absent.

Aasheim .....	Present
Anderson, J. ....	Present
Anderson, O.....	Present
Arbanas .....	Present
Arness .....	Present
Aronow .....	Present
Artz .....	Present
Ask .....	Present
Babcock .....	Absent
Barnard .....	Present
Bates.. .....	Present
Belcher .....	Present
Berg .....	Present
Berthelson .....	Present
Blaylock .....	Present
Blend .....	Present
Bowman .....	Present
Brazier .....	Present
Brown .....	Present
Bugbee .....	Present
Burkhardt .....	Present
Cain .....	Present
Campbell .....	Present
Cate .....	Present
Champoux .....	Present
Choate .....	Present
Conover .....	Present
Cross.. .....	Present
Dahood .....	Present
Davis .....	Present
Delaney .....	Present
Driscoll .....	Present
Drum .....	Present
Eck .....	Present
Erdmann .....	Present
Eskildsen .....	Present
Etchart .....	Present
Felt .....	Present
Foster .....	Present
Furlong. ....	Present
Garlington .....	Present
Graybill .....	Present
Gysler .....	Present
Habedank .....	Present
Hanson, R.S.....	Present
Hanson, R. ....	Present
Harbaugh .....	Present
Harlow .....	Present
Harper .....	Present
Harrington .....	Present
Heliker .....	Present
Holland. ....	Present
Loebner .....	n

James .....	Present
Johnson .....	Present
Joyce .....	Present
Kamhoot .....	Present
Kelleher .....	Present
Leuthold .....	Present
Loendorf.....	Present
Lorello .....	Present
Mahoney .....	Present
Mansfield .....	Present
Martin .....	Present
McCarvel .....	Present
McDonough.....	Present
McKeon .....	Present
McNeil .....	Present
Melvin .....	Present
Monroe .....	Present
Murray .....	Present
Noble .....	Present
Nutting,, .....	Present
Payne .....	Present
Pemberton .....	Present
Rebal .....	Present
Reichert .....	Present
Robinson .....	Present
Roeder .....	Present
Rollins .....	Present
Romney .....	Present
Rygg .....	Present
Scanlin .....	Present
Schiltz .....	Present
Siderius .....	Present
S'imon .....	Present
Skari .....	Present
Sparks.....	Present
Speer .....	Present
Studer .....	Present
Sullivan .....	Present
Swanberg.....	Present
Toole .....	Present
Van Buskirk .....	Present
Vermillion .....	Present
Wagner .....	Present,
Ward .....	Present
Warden .....	Present
Wilson,, .....	Present
Woodmansey .....	Present

**CLERK HANSON:** Mr. President, 99 present.

**PRESIDENT GRAYBILL:** Very well, let the journal so show. I will now call on the Secretary, Mrs. Bowman, to report on the journal.

**DELEGATE BOWMAN:** Mr. President, I have examined the journal for the fourth Convention day and find the same correct.

**PRESIDENT GRAYBILL:** Thank you. All right, before we begin, I have one or two announcements that I think I should make. First of all, those of you who have not yet responded to whether you're coming to the dinner tonight might do that at your leisure, with the secretaries in the glass cage. Secondly, there have been a lot of questions about committee meeting times, and I think some of it is cleared up by the daily schedules which are now before you. We also discussed this at a staffmeeting this morning, and for your information, until further notice, we would like to suggest the following: in the morning between 8:00 and 9:00, procedural committees may meet as necessary for special matters. Nine "clock, we'll have a Convention session meeting like this to start each day. At 10 o'clock-from 10:00 till noon, beginning next week, there will be time for substantive committee meetings. In other words, all next week from 10:00 on in the morning can be substantive committee meetings, except on Friday. And on Friday from 10:00 till 12:00 will be reserved for procedural committee meetings; and Style and Drafting and Public Information, at least, will always meet at those times, it's my understanding. Rules can meet if they need to. But, in other words, 10:00 till 12:00 on Fridays will be reserved, until further notice, for procedural committee meetings; otherwise, the mornings are free for substantive committee meetings after this week. Then the afternoons next week will all be reserved for substantive committee meetings. And for the chairmen's information, if you read your weekly schedule carefully, you will see that Thursday afternoon and Friday afternoon of this week are also available for substantive committee meetings, but you will see that today and Wednesday are really not available for committee meetings unless we finish our work. And Thursday and Friday mornings are not available. Okay, so much for the committee meetings, and you committee chairmen should schedule with Max Baucus if necessary. Now I know we'll debate this as a rule later, but in any event, it is the sense of the Chair and of Mr. Baucus that we will attempt, when committees have major hearings set-formal hearings--on language, perhaps, later on or whatever you want to call a very important hearing, we will try not to schedule other formal hearings at that time. So then we may actually cancel committee meetings

if the hearing is important enough. Now, this'd be later on. But we certainly have to have simultaneous committee hearings in the sense of getting information in for the first week or two.

Mr. Eskildsen.

**DELEGATE ESKILDSEN:** Mr. President, without objection, may we be on Order of Business G of Mason's Rules, Reports of Standing Committees?

**PRESIDENT GRAYBILL:** Unless I hear objection, we'll go to Reports of Standing Committees.

**CLERK HANSON:** "Mr. President. We, your Committee on Rules and Resolutions, submit, and herewith are, proposed permanent rules number 1 through 79 and move their adoption. Signed: Marshall Murray, Chairman."

**PRESIDENT GRAYBILL:** All right. The Rules Committee has submitted rules 1 through 79 for adoption. For everyone's information, we'll proceed on this matter as follows: We will take the rules up one by one; the clerk will read the rules—you have them—they are substantially correct; and where there are corrections, they will be given to you so you may correct them before you discuss them. The clerk will read them; after the clerk reads the rule, Mr. Murray will, as committee Chairman, will explain the rule. If there is no objection to the rule, we will pass it. If there is objection to the rule or if anyone wants to discuss it, we will discuss and debate and eventually vote on the language of the rule as we go along. When we've completed a section, we will vote on the section. When we've completed the process, we will prepare a resolution which includes the completed rules and we will vote on the resolution. So, the clerk will read the rules, you will then make your corrections, Mr. Murray will explain it, then we will ask whether you have any objection. If not, we'll pass that rule. If you have objection, we'll debate that rule, and we'll settle that rule as we go along. All right. The clerk, I believe, can start by reading Rule Number 1.

**CLERK HANSON:** "Chapter 1, General Provisions, Rule 1: Quorum and majority. A majority of delegates, as herewithin defined, shall constitute a quorum for the transaction of business, but a smaller number may adjourn the Convention from day to day and may also compel the attendance of absent delegates by the means approved by a majority, but not less than 12, of the

delegates present and voting. A majority of delegates may prescribe penalties for the nonattendance of delegates. When a quorum is obtained, the affirmative vote of a majority of the delegates present and voting is sufficient for the adoption of any motion or resolution or the taking of any action by the Convention or Committee of the Whole, except that under Order of Business Number 5 and Number 6 and as otherwise specified in these rules, an affirmative vote shall require the majority of the elected delegates for which no vacancy exists by resignation, expulsion under Rule 19, or death."

**PRESIDENT GRAYBILL:** Mr. Murray.

**DELEGATE MURRAY:** Mr. President, this rule was discussed in some detail yesterday. The committee recognized the comments of Delegate Heliker and decided not to change the rule and proposes it in its present form. The substance of the rule is this: that upon Orders of Business Numbers 5 and 6, as we establish them in these rules, which would be what we call Final Consideration and Adoption, and in those special instances which the rules themselves prescribe, and I think of two instances—one is for suspension or amendment of the rules and the other one for—well, it passes my mind at the moment, but we discussed it yesterday. It would require 51 votes or, in the case of suspension of the rules, two-thirds of those voting and present, whichever is lesser—the reason being—with respect to Order of Business Number 5, Final Consideration—that it's conceivable if it does not require 51 percent of the votes, because of absences of—that you could get far beyond that stage of this Convention and find you did not have a majority of the delegates, 51 voting for your work product, and have no time or money with which to go back and do your work.

**PRESIDENT GRAYBILL:** Is there any question about Rule Number 1?

Mr. Heliker.

**DELEGATE HELIKEK:** Mr. President, what is the proper procedure at this point? Are amendments in order?

**PRESIDENT GRAYBILL:** If you want to amend the order—that's right. We'll debate it if you want to. May I stop you for just one moment?

Mrs. Babcock, if you'd stand and announce your presence, we'll show you present on the roll, and you can vote if you want to after that.

DELEGATE BABCOCK: Present.

PRESIDENT GRAYBILL: Very well.  
Go ahead, Mr. Heliker.

DELEGATE HELIKER: Mr. President, I would move an amendment to Rule Number 1, adding a period after the phrase, "Committee of the Whole", in the fourth line of the second paragraph and deleting all words following that period.

PRESIDENT GRAYBILL: All right. If you want to explain, go ahead and explain your objection.

DELEGATE HELIKER: Yes, I stated my point of view on this yesterday, but not everyone was here, so I'll go over it again. I've done a little research overnight on this. What this means, as I see it, is that it will be possible—perhaps this will not arise at all and perhaps only once or twice—but it will be possible that a proposal favored by a majority of the Convention will be lost because of absenteeism from the Convention at the time the vote is taken. Let me give you a numerical example. Suppose that you have 10 people absent when a final vote is taken on a proposal, 50 present vote Aye, 40 vote Nay. The most probable division of the 10 absentees would be 50 percent on each side of the question, which means there would be 55 delegates in the Convention in favor of the proposition and yet the proposition would be lost. Now, I looked through the material provided to us by the staff on the rules of other conventions, on the rules of the 1889 Convention, and the rules of the Legislature, and I find that I'm bucking a tradition here so far as Constitutional Conventions are concerned. In all except one case, and that was New Hampshire, there is a rule such as proposed here, requiring an absolute majority of the number of elected delegates to pass finally any proposal. However, there is no such rule affecting the Legislature of Montana. There was no such rule in the 1889 Convention. There is generally no such rule applying to legislative or deliberative bodies. I believe that this is a denial of the basic concept of majority rule and, I think, therefore, undesirable. Essentially what it is, is the requirement of an extraordinary majority, at least potentially. I ask myself how this rule got into the rules of other conventions, and I rather suspect, although I have no proof, that it was—it got there by some provision of an enabling act passed by a legislature which is not bound by it and then was simply imitated, as it was imitated by our Rules Committee, from the rules of other conventions. I submit that, although the possibility of it giving

us the result that I describe—that is, the failure of a proposition favored by a majority of the Convention—may be remote, nevertheless it is a possibility, and there is no real necessity for us to lay ourselves open to that possibility.

PRESIDENT GRAYBILL: Very well. As I understand it, the amendment is to strike out everything after the word "Whole", and the sense of it is that final votes on parts of the Constitution and the final vote on the Constitution itself would be by a majority of those voting and not by a majority of the total body.

Mrs. Reichert.

DELEGATE REICHERT: I'd like to use a hypothetical situation, because I'm not quite clear how this works and perhaps Mr. Murray could explain to me. Now, on a very controversial issue, such as gambling, if the committee that is handling that particular section recommends that we retain it in our Constitution, it's presented to our body as a whole; there are 50 voting in the affirmative. Now, there are 40 voting against. Of the 10 who are absent—most of them are probably ill or it's unavoidable—but let's say there is one delegate who feels that if he were present he'd be compelled, because of his constituents back home, to vote in the affirmative, but if he stays away he's casting a No vote and nobody knows it. I mean, if it's that close. And let's say it is a vote of 50 to 40. Now, it's lost. Now, how can this be alleviated—this problem? How can it be remedied under the rules as proposed by the Rules Committee?

PRESIDENT GRAYBILL: Mr. Murray.

DELEGATE MURRAY: Mr. President, I think there are two distinct problems posed to me in the question. One is answered in the State of Pennsylvania, that being the question of how can an absent delegate cast a vote. Pennsylvania says that if a delegate is absent and he returns and a vote has been taken, he may express his vote. It does not affect the vote, however; it just simply indicates in the record how he would have voted had he been there. The second question has—and that's the only state that talks about that matter at all—and it's—

DELEGATE REICHERT: (Inaudible).

DELEGATE MURRAY: He does not have to, no, when he returns. The second question is, yes, it would fail. Now, remember, we're not talking with respect to Orders of Business 5 and 6, about any Committee of the Whole. We're talking about the final vote, in Order of Business Number

5—we're talking about the final vote, section by section, on any given committee proposal. That is probably the most important stage of this Convention at that time.

**DELEGATE REICHERT:** (Inaudible).

**DELEGATE MURRAY:** Well, I don't know where it would be—it would probably if it comes out of General Government, it would be within their proposal. You're voting on that section and if, at that final vote, if 51 don't vote for it, it is not carried under Rule 5.

**DELEGATE REICHERT:** (Inaudible).

**PRESIDENT GRAYBILL:** Is there other discussion of this proposed amendment?

**DELEGATE JOYCE:** Mr. President.

**PRESIDENT GRAYBILL:** Mr. Joyce.

**DELEGATE JOYCE:** To give another hypothetical—the reasoning of a substantial majority of the Rules Committee—May I propose this hypothetical mathematical proposition? Assuming, under Mr. Heliker's example, that the vote is 49 to 41, with 10 absent, and we come to Order of Business Number 5 and that is the vote. We then come on to Order of Business Number 6, and the 10 delegates who were absent are now present and all 10 of those delegates then vote against the proposition. At Order of Business Number 6, the final adoption of the proposition, 51 now have voted No. While the proposition had carried before, it now loses. We are at the very last stage of the Convention, the proposition has been defeated, and we have no way of correcting it without—so that this rule would eliminate that possibility. If the—hypothetically, if the votes are there to carry the proposition on Order of Business Number 5, the Rules Committee believes that if 51 have voted for it, presumably 51 will vote for it on Order of Business Number 6, and we will eliminate the hypothetical possibility of carrying on 5 and losing on 6.

**PRESIDENT GRAYBILL:** Mr. Arbanas.

**DELEGATE ARBANAS:** Mr. President. I'd like to speak in opposition to the amendment of candidate—or Delegate Heliker. It seems to me we have two choices. One is the danger of defeating something that the majority of the delegates are in favor of. There's the other danger of passing something that the majority of the delegates are not in favor of. It seems to me that the Rules

Committee, in giving its proposition to us, is safeguarding the Convention from putting anything in final form that the majority of the Convention is not solidly in favor of.

**PRESIDENT GRAYBILL:** Mrs. Eck.

**DELEGATE ECK:** I would like to ask Mr. Murray how difficult would it be, as we proceed, if a number of delegates are going to be absent, when they see an important vote coming up, to add a process—a rule for pairing. Would this be difficult to do later in the session?

**DELEGATE MURRAY:** Mr. President, the question of pairing has been researched by the committee. We find the Congress of the United States using this all the time, the House and Senate of Montana using it all the time, and no other state constitution convention speaking on the subject at all. We haven't taken any action within our committee, because we were preoccupied for other things that we were doing, and I would suspect the sense of the committee now is that we will come out with some form of pairing. It's not difficult to do that, that's the answer to your question, and I think that we will report out that way.

**PRESIDENT GRAYBILL:** Mr. Champoux.

**DELEGATE CHAMPOUX:** I'd like to direct a question to Mr. Murray, if I may, please. Marshall, have you found any basis—a legal basis—that says that the final document has to be passed by the absolute majority of this body?

**DELEGATE MURRAY:** No, Rick. I haven't examined the Enabling Act with respect to this rule—that would be the only thing that I know of unless the Constitution itself has—I suspect that if we are not bound by law, if we get to stage number 6, where we're on adoption of the proposed Constitution, and the ballot—and if we have some absences, we can then, in that one instance, suspend the rule and solve our problem. At least we wouldn't be suspending the rule in each section like we might be if we changed the rule for Order of Business Number 5.

**PRESIDENT GRAYBILL:** Is there other discussion of the proposed amendment?

Mr. Aronow.

**DELEGATE ARONOW:** Mr. President, there's one thing in all this discussion I think

we've overlooked, and I am sympathetic to Mr. Heliker's amendment, but I rise in support of the Rules Committee report for this reason: that if the proposition is so marginal that it cannot muster 50 votes out of this Convention, how will it fare on the ballot with the people of the State of Montana? We are, I suppose, a cross section of the people of Montana, and if we are so divided in our support of a proposition or in the proposed article of the Constitution that we cannot muster 51 votes in favor, then I fear that at the polls the proposition will fare very badly.

PRESIDENT GRAYBILL: Is there other discussion?

Mr. Felt.

DELEGATE FELT: I rise first to support the amendment of the gentleman from District 18, but because I cannot accept it completely, I would like to make a substitute motion that the amendment to Rule 1 leave in the word "except" after the word "whole", where the previous amendment began to make its changes, let it delete the words "that under Order of Business Numbers 5 and 6 and", but then continue to use the words "as otherwise specified in these rules", so that the-and then delete the rest of the proposed original rule, so that your amendment would read-would close with the words "except as otherwise specified in these rules". Mr. President and members of the Convention, it is not an issue which is probably going to arise at all or, if it did, it would be infrequent. And for that reason, none of us, perhaps, are going to get into a lather about this, but we have great respect for the work of the committee. It would appear to me, however, that in the unusual event which could occur due to a severe amount of absences at a time when it was impossible to defer action, that we should have a rule under which we can proceed with the business of the Convention and that, in the event that this never should occur or if it became in some way obstreperous to the further proceedings of the Convention, we can alleviate the rule. But I'm not particularly concerned, at least about the presence or absence of precedence for the rule as provided by our committee or the alternative proposed by the gentleman from District 18. We do find in our state Constitution and in the federal Constitution numerous instances where an extraordinary majority is called for, such as the original ratification of our federal Constitution, when it specified it must be done by nine states, or where it says that two-thirds vote of all members are required to override

a veto or to place upon a ballot some amendment to the Constitutions or any other specific time when an extraordinary majority is called for, they seem to require it to relate to all members of whatever body you're speaking of. But where you are dealing with the ordinary matters or where there is not some need for a special rule, they then call for a majority of those present and voting, and it would appear, therefore, that the logic was that, in ordinary situations, we should be prepared to permit action to be taken by those present and voting and only in the unusual situation would it be necessary to require that the numbers be measured by all who could be eligible to participate in the decision. For that reason, I would support either the motion as made by the gentleman from District 18 or the substitute which I proposed, which would permit us to make exceptions to that general rule such as we have someplace in one of these sections dealing with motions for the previous question, where it requires a two-thirds vote, and I am not certain whether it says two-thirds of all members or two-thirds of those present and voting. But it would permit us to make any exceptions such as that, and I believe that it would give us the opportunity to take action so that we would never get to the place where a vote such as 49 to 41 would fail from giving us a decision. Thank you.

PRESIDENT GRAYBILL: All right. I understand the sense of Mr. Felt's second amendment to be that we would have a majority vote except as otherwise specified in the rules, instead of the way it was first amended. Now, is there discussion on his amendment-his proposed amendment?

Mr. Aasheim.

DELEGATE AASHEIM: Mr. Chairman, I'd like to direct a question to Delegate Murray.

PRESIDENT GRAYBILL: Very well.

DELEGATE AASHEIM: If we find ourselves in this predicament where we don't have the required number of delegates here, can't we remedy the situation by a call of the house?

DELEGATE MURRAY: Surely, except in Committee of the Whole, where it's not authorized.

PRESIDENT GRAYBILL: All right, is there other discussion of Mr. Felt's amendment? (No response) Hearing no other discussion, the Chair will ask for an Ayes-and-Nays oral vote on that. My practice is going to be, on these rules, to

ask for oral Ayes and Nays unless some delegate wants a vote on the record. Now, we'll go on the record if we need to, but on all these amendments we'll only--we'll do it vocally unless the Chair is in doubt or unless someone asks. Or I'll ask for all those in favor of the amendment--well, I'll state the amendment. The amendment would amend the second paragraph of Rule 1 so that it required a majority of the delegates except as otherwise specified in these rules. Now, so many as shall be in favor of that amendment, say Aye.

**DELEGATES:** Aye.

**PRESIDENT GRAYBILL:** So many as are opposed, say No.

**DELEGATES:** No.

**PRESIDENT GRAYBILL:** The Nays have it, and so ordered. Now, we're back on the amendment of Mr. Heliker. Is there any further discussion of his amendment? (No response)

All right, do you want to close on your amendment?

**DELEGATE HELIKER:** I'd just like to say that I think a call of the Convention is not an adequate answer to the problem. You can't very well call into session delegates who are in the hospital if we should have a flu epidemic.

**PRESIDENT GRAYBILL:** All right, now. The Chair is ready to take a vote on the amendment to Rule 1, Chapter 1, the second paragraph, the sense of which would be that an affirmative vote of the majority of delegates present and voting is sufficient except--that's right--is sufficient. And the exception contained in the original rule would be wiped out. And the sense of this is that you would not need an absolute majority of this body to pass finally provisions of the Constitution or the Constitution itself. So many as shall be in favor of the amendment striking the exception, please say Aye.

**DELEGATES:** Aye.

**PRESIDENT GRAYBILL:** So many as are opposed, please say No.

**DELEGATES:** No.

**PRESIDENT GRAYBILL:** The Noes have it, and so ordered. Now we're back on the basic amendment. Is there any other--the basic rule. Is there any other amendments that anyone

wants to propose to Rule Number 1?

Mr. Furlong.

**DELEGATE FURLONG:** Mr. Chairman, I would like to amend Rule 1 in next to the last line by inserting after the word "by" and before the word "resignation", the following: "excused absence,".

**PRESIDENT GRAYBILL:** I understand the sense of your motion to be that after the word "resignation" on the second to last line--

**DELEGATE FURLONG:** No, before the word "resignation".

**PRESIDENT GRAYBILL:** All right, before the word "resignation", you'd put in "excused absence"--resignation, expulsion--in other words, you've added another classification to the list of exceptions there?

**DELEGATE FURLONG:** Yes.

**PRESIDENT GRAYBILL:** All right. Would you care to discuss--let's, before you discuss this, Mr. Furlong, let me make one thing clear. We're operating in Convention, and I've checked Mason's, and under Rule 102, members may speak only once. I will certainly allow the person making the motion to speak and explain it first. I will allow him to close. I will allow Mr. Murray, the author of the rule--or as representing the Rules Committee, to close. You may, however, direct questions to Mr. Murray or Mr. Furlong or whomever made the motion; and if you direct the question, we'll allow the answer; but otherwise, put all of your eggs in one basket.

Mr. Furlong.

**DELEGATE FURLONG:** Thank you. It seems to me that this amendment would partially answer Delegate Heliker's question, partially, and secondly, it would seem to me to apply to the philosophy of Rule 78, which would allow a present vote--a vote of present--not to be counted in the vote of record.

**PRESIDENT GRAYBILL:** Now, is there any further discussion on Mr. Furlong's proposed amendment adding the words "excused absence" to the list there?

Mr. Murray.

**DELEGATE MURRAY:** Mr. President, I fail to see where it accomplishes anything except exactly what Mr. Heliker wants, and therefore I rise in opposition to the amendment.

**PRESIDENT GRAYBILL:** Is there any further discussion? (No response) Very well, the question is on Mr. Furlong's amendment to the second paragraph of Rule 1, whereby, in the second to last line, he would add there—"delegates for which no vacancy exists by"—he'd add the words "excused absence," "resignation, expulsion under Rule 19, or death. So we'd added "excused absence" to the list of exceptions there. So many as are in favor of the amendment, please say Aye.

**DELEGATES:** Aye.

**PRESIDENT GRAYBILL:** So many as are opposed, please say No.

**DELEGATES:** No.

**PRESIDENT GRAYBILL:** The Noes have it, and the amendment fails. We're back on Rule 1. Are there further amendments to Rule 1 proposed? (No response) If not, we will pass Rule 1 as is, since it is not amended and there's no need to vote on it. I would like to announce that whoever owns a green Ford with, license number 30-926; your lights are on. All right, will the clerk read Rule 2.

**CLERK HANSON:** "Rule 2: Seat of Convention. The House of Representatives chambers in the State Capitol in the City of Helena, Montana, the foyer to said chambers and the south Senate lobby is designated "Convention Hall" and shall be the seat of the Convention. Sessions and hearings of the standing committees of the Convention may be held throughout the state as provided in Rule 42 of these rules."

**DELEGATE MURRAY:** Mr. President.

**PRESIDENT GRAYBILL:** Mr. Murray.

**DELEGATE MURRAY:** Mr. President, the delegates do not have Rule 2 before them, as I explained yesterday, unless they were fortunate enough to receive one of the preliminary copies, but the final copy that was distributed yesterday did not contain the rule. This is merely the temporary rule which we have rewritten for placing in the permanent rules.

**PRESIDENT GRAYBILL:** Does anyone wish it reread? Would you reread it slowly, Mr. Hanson.

**CLERK HANSON:** "Rule 2: Seat of Convention. The House of Representatives chambers

in the State Capitol in the City of Helena, Montana, the foyer to said chambers and the south Senate lobby is designated "Convention Hall" and shall be the seat of the Convention. Sessions and hearings of the standing committees of the Convention may be held throughout the state as provided in Rule 42 of these rules."

**PRESIDENT GRAYBILL:** Is there any objection to Rule 2? (No response) Is there any question about it? (No response) If not, we'll pass Rule 2 on the location. The clerk will please read Rule 3.

**CLERK HANSON:** "Rule 3: Sessions of the Convention. All sessions of this Convention and all meetings of its committees shall be open to the public and the news media."

**PRESIDENT GRAYBILL:** Is there any question about Rule 3? (No response) Hearing no objection, Rule 3 will be passed. Will the clerk read Rule 4.

**CLERK HANSON:** "Rule 4: Admission to the floor-defined. Only delegates, officers, employees, members of the news media, and such other persons as may be authorized by the President shall be admitted to the Convention Hall one-half hour prior to the commencement of the session, during the session, and within one-half hour after adjournment."

**PRESIDENT GRAYBILL:** Is there a question about Rule 4?

**DELEGATE TOOLE:** Mr. President.

**PRESIDENT GRAYBILL:** Yes, Mr. Toole.

**DELEGATE TOOLE:** Does that include interns?

**PRESIDENT GRAYBILL:** Pardon?

**DELEGATE TOOLE:** Does that include interns?

**PRESIDENT GRAYBILL:** I think interns are considered employees. But—

**DELEGATE MURRAY:** Interns are employees. It includes them.

**PRESIDENT GRAYBILL:** Yes, I think it would include interns. At least it would be my ruling unless somebody had a different idea. Mr. Champoux.

**DELEGATE CHAMPOUX:** Mr. President, it is the custom of the Legislature that we have invited guests-(Inaudible).

**PRESIDENT GRAYBILL:** The rule says that other persons as may be authorized by the President, and the President intends to authorize a reasonable number of invited guests; but the point is, if it gets out of hand, we could then restrict it. And I believe the procedure would be that if you wanted to invite a guest-I'll probably make an announcement about-(Inaudible) if you wanted to invite a guest, you should probably give me a note or notify me.

Mr. Aasheim.

**DELEGATE AASHEIM:** Mr. Chairman [President], I move to amend Rule 4 by striking, after the last comma, after "session", "and within one-half hour after adjournment". Mr. President, I do this now because I feel that there are times when we might welcome a lobbyist, we might want to consult with him on an issue, and to deny him access to this Convention Hall might be detrimental to the proper functioning of our wishes. I can see that there are times when a lobbyist might abuse this privilege, but if we find that they do, we could then institute this phrase if we so desire.

**PRESIDENT GRAYBILL:** All right, I understand it to be the sense of Mr. Aasheim's proposed amendment that we would keep people off the floor for the one-half hour before and during the session, but that as soon as the session adjourned, lobbyists or others could immediately come on, and we would not have the one-half hour sanctuary afterwards. Is there discussion on this proposed amendment?

Mr. Murray.

**DELEGATE MURRAY:** Mr. President I'd like here to point out that this is a redraft of a temporary rule, and as you know, the House-Senate rules of the Legislature of Montana provide an hour, and we've shortened as is.

**PRESIDENT GRAYBILL:** Is there any further discussion (No response) Very well, the question will be on Mr. Aasheim's amendment to Rule 4, striking the words "and within one-half hour after adjournment", the purpose of which is to say that the Convention Hall would be available for persons other than those listed, immediately upon our recess or adjournment. So many as are in favor of the amendment say Aye.

**DELEGATES:** Aye.

**PRESIDENT GRAYBILL:** So many as opposed, say No.

**DELEGATES:** No.

**PRESIDENT GRAYBILL:** The Chair feels the Nays have it, and so ruled.

**CLERK HANSON:** Call for division, Mr. President.

**PRESIDENT GRAYBILL:** All right. There is a call for a division, and we'll use the voting machines. Oh, we haven't got any lights. Do you think the voting machine is off?

**DELEGATE AASHEIM:** Mr. President, I withdraw my amendment.

**PRESIDENT GRAYBILL:** (Laughter) Mr. Murray has not done this on purpose. (Laughter) All right, we're going to let Rule 4—let that amendment go. Are there other proposed amendments to Rule 4? (No response) Are there other proposed amendments to Rule 4? (No response) If not, the Chair will—hearing no objection the Chair will consider Rule 4 passed without amendment. Will the clerk read Rule 5. Oh, wait a minute. Mr. Murray, do you want to vote on the whole Section 1, Chapter 1?

**DELEGATE MURRAY:** Mr. President, I move that the Convention adopt Rules 1, 2, 3 and 4, being Chapter 1 of our proposed rules.

**PRESIDENT GRAYBILL:** All right, and since we have no machine at this time, the Chair will take it by the Ayes and Nays. The motion is that Chapter 1 of the proposed rules be adopted. All those in favor of this motion, say Aye.

**DELEGATES:** Aye.

**PRESIDENT GRAYBILL:** Opposed, Nay. (No response)

**PRESIDENT GRAYBILL:** The Ayes have it, and so ordered. And Section 1—or Chapter 1 is passed. Now, will the clerk read Rule 5.

**CLERK HANSON:** "Rule 5: Officers of the Convention. There shall be elected from delegates by majority vote the following permanent officers: a President, a first Vice-president, two additional Vice-presidents, one from each congressional district, and a Secretary. The President shall

tion shall be ratified by the Convention and who shall be subject to removal by the Convention. The salary of the Executive Director shall be established by resolution of the Convention."

**PRESIDENT GRAYBILL:** All right. Is there any discussion or any proposed amendments for Rule 5? (No response) Hearing none, the Chair will presume Rule 5 passed. Will the Clerk read Rule 6.

**CLERK HANSON:** "Rule 6: Duties of the President. The President shall preside at sessions of the Convention and of the Committee of the Whole and exercise the usual powers and perform the usual duties of a presiding officer. He shall preserve order and decorum and fairly assign floor rights. He may speak to points of order and, subject to an appeal to the Convention or to the Committee of the Whole, shall decide points of order. The President shall be chief executive of the Convention, and all other officers and employees shall be responsible to his general supervision. Together with the Secretary of the Convention, he shall authenticate by signature all proposals, resolutions or other formal acts adopted by the Convention. He shall cause to be prepared and furnished to each delegate a daily calendar and agenda of business for each session of the Convention. He shall, with the advice of the Committee on Administration, prepare a budget and submit it to the Convention for its approval on or before January 21st, 1972. Every 2 weeks thereafter, he shall submit to the Convention a report of the expenditures of the Convention for the preceding 2 weeks. He shall, with the advice of the Committee on Administration, let bids and award contracts for materials and services. He may vote in all elections, on all decisions called for by any delegate, and on all questions taken by Ayes and Nays, except that the President may not vote twice, once to cause a tie vote and then again to break it. He may appoint any delegate to preside temporarily at any session of the Convention or any Committee of the Whole, but not for longer than 1 day at a time without leave of the Convention."

**PRESIDENT GRAYBILL:** Are there amendments or discussion of Rule 6?

Mr. Cate. No, you're just sitting down. Okay. Any amendments or discussion of Rule 6? (No response) Hearing none, the Chair will pass Rule 6. Will the clerk read Rule 7.

**CLERK HANSON:** "Rule 7: Duties of Vice-

presidents. The first Vice-president shall have such duties as the President may assign and shall preside as President in the case of sickness or absence of the President or in a case of a vacancy in the office of President. The two additional Vice-presidents shall have such duties as shall be assigned by the President; neither shall have the right of succession."

**PRESIDENT GRAYBILL:** Is there any discussion or amendments to Rule 7? (No response) Hearing none, the Chair will pass Rule 7.

**CLERK HANSON:** "Rule 8: Duties of the Secretary. The Secretary shall have custody and preserve all proposals, resolutions, committee reports and all other records, books, and documents and papers of the Convention. He shall not permit them to be taken out of his custody except in the regular course of the business of the Convention. He shall certify and deliver to the Secretary of State the revisions, alterations or amendments to the Constitution as approved by the Convention for submission to the electorate. The Secretary shall keep a journal of all of the proceedings of the Convention in conformity with the rules, supervise the daily publication thereof, and make such corrections as may be necessary. He shall furnish each delegate a copy of the proceedings of the previous day. The journal shall be considered the approved journal of the Convention unless otherwise ordered thereby. The Convention reporter shall keep a verbatim record of Convention proceedings and shall, within the time prescribed appointment by the Convention, provide a verbatim transcript of all proceedings had in the Convention sessions and the sessions of the Committee of the Whole. He shall have such other duties as stipulated in these rules, but, after consultation with the President, he may delegate part of these duties to the Executive Director or another employee designated by the President. He may not, however, delegate the duty of certifying the revisions, alterations or amendments to the Constitution approved by the Convention for submission to the electorate."

**PRESIDENT GRAYBILL:** Mr. Murray, would you care to explain to the Convention the languages, particularly about the journal, and this rule.

**DELEGATE MURRAY:** Mr. President, it is this matter again is one by which we're bound

by the Enabling Act requiring us to keep some verbatim proceedings of the sessions of the Convention itself, and the rule speaks to that. With respect to the journal, it is the committee's desire that we not have an order of business and it is no order of business is set forth in our proposed order of business called journal-the Secretary merely reporting to the correctness of the journal, and should there be a correction, it can be made at any time to the Convention and will be considered by the Convention. And I would at this time ask that the word "appointment", which appears in the fourth line from the bottom of the third paragraph as read-it should be, "within the time prescribed by the Convention"--rather than "within the time prescribed by appointment by the Convention." That was at one time stricken, now reappears inadvertently.

In the fourth line from the--do you have your--start your paragraph--"The Secretary shall...;" then, next paragraph, "He shall certify and deliver...;" and then it says, "The Secretary shall keep a journal." In the fourth line from the bottom of that paragraph, the sentence reads: "proceedings and shall, within the time prescribed"--and then there's the word "appointment." It was at one time stricken by us, and somehow it reappears, and it should be--I would move that it be stricken.

**PRESIDENT GRAYBILL:** All right. The Chair will presume that your rule as proposed is, "within the time prescribed by the Convention", and if everyone will make a note of that on their copies, that will be the sense of the rule as proposed. Now, is there any--and we have checked with Mrs. Bowman and she does not mind being referred to as "he". (Laughter) She says that's better than "it". (Laughter) That's her verbiage, not mine. All right. Now, is there any question about Rule 8? (No response) Hearing none, the Chair will pass Rule 8, especially including the change that the Chairman of the Rules Committee made there.

**CLERK HANSON:** "Rule 9: Duties of the Executive Director. The Executive Director of the Convention shall be primarily responsible for the administration of the Convention under the authority and supervision of the President."

**PRESIDENT GRAYBILL:** Is there any discussion of Rule 9? (No response) Hearing none, the Chair will consider Rule 9 passed. Read Rule 10, please.

**CLERK HANSON:** "Rule 10: Vacancies. If a permanent vacancy occurs in both the offices of the President and First Vice-president, the Secretary shall temporarily preside until the Convention elects a President and First Vice-president to fill the offices in the same manner in which the officers were first elected. If a permanent vacancy occurs in the office of any of the other Vice-presidents or in the office of the Secretary, the President shall appoint a member to exercise the powers of that vacant office until the Convention fills the vacancy in the same manner in which the officer was first elected."

**PRESIDENT GRAYBILL:** Is there any discussion or other amendments to Rule 10? (No response) Hearing none, the Chair will pass Rule 10.

**CLERK HANSON:** "Rule 11: Employees of the Convention. The Committee on Administration, after consultation with the President, shall appoint such employees as may be necessary for the effective operation of the Convention. The titles of their positions and their salaries shall be established by the Convention."

**PRESIDENT GRAYBILL:** Is there any discussion or amendment proposed to Rule 11? (No response) Hearing none, the Chair will pass Rule 11.

Mr. Murray.

**DELEGATE MURRAY:** Mr. President, I move the adoption of Rules 5 through 11, being Chapter 2 of our proposed rules.

**PRESIDENT GRAYBILL:** All right, the motion is to adopt Chapter 2 of the proposed rules, Rules 5 through 11. So many as shall be in favor of that motion, say Aye.

**DELEGATES:** Aye.

**PRESIDENT GRAYBILL:** Opposed, No. (No response)

**PRESIDENT GRAYBILL:** The Ayes have it, and so ordered. Will the clerk read Rule 12.

**CLERK HANSON:** "Chapter 3, Rule 12: Assignment of seats. The permanent seats of the delegates shall be assigned by the President in the following order: alphabetically from left to right while facing the Chair and from the front to the

rear. Variations in this seating may be authorized by the President for the officers of the Convention. If a vacancy occurs, the person selected to fill the vacancy shall continue to have the seat of the delegate who vacated the position."

**PRESIDENT GRAYBILL:** Is there any discussion or amendment proposed to Rule 12? (No response) Hearing none, Rule 12 will be passed. Rule 13.

**CLERK HANSON:** "Rule 13: Conduct in debate. When any delegate is about to speak in debate or to present any matter to the Convention, he shall rise from his seat and address himself to Mr. President, except when in the Committee of the Whole, and then to Mr. Chairman. He shall not speak until recognized, and when recognized he shall confine himself to the question under consideration and avoid personalities and offensive language. Questions of privilege shall be governed by Chapter 23 of Mason's *Legislative Manual*."

**PRESIDENT GRAYBILL:** All right, I take it that last, Mr. Murray, is an amendment. Do you want to speak to that?

**DELEGATE MURRAY:** The last language is placed in the rule at the request of Mr. Romney, considered to be valid by the committee. He thought that when we were talking about personalities and offensive language would be a proper place to speak to the question of privilege; rather than spell out all of the rules related to the question of privilege, we refer the Convention to Chapter 23 of Mason's Manual, which is in detail.

**PRESIDENT GRAYBILL:** Would you repeat the exact language, please.

**CLERK HANSON:** "Questions of privilege shall be governed by Chapter 23 of Mason's *Legislative Manual*."

**DELEGATE MAHONEY:** Mr. President.

**PRESIDENT GRAYBILL:** All right, now we'll open this for questions or discussion or amendment.

Mr. Mahoney.

**DELEGATE MAHONEY:** I'd like to ask the Chairman, could we have that put into the rules? There's a lot of people that don't have Mason's *Manual*, and could this be written out in detail so they would know exactly what they're

talking about when the rules are finally published?

**DELEGATE MURRAY:** Mr. President, I guess the answer to the question is, yes, we could—that being possible. But we have ordered 15 copies of Mason's; they will soon be available. We have five or six editions of Mason's now available. There will always be a copy in the Rules Committee room and one in my desk available to any delegate at any time. Mr. Toole has the book, and there are one or two other copies around, I think, so I believe we're pretty well covered. We have a rule which says that Mason's shall govern in any instance and in any problem that is not covered specifically by these rules, and, Charley, were we to do anything with Mason's to spell it out, I would suggest that we simply add Chapter 23 as an addendum, rather than to put it in our rules at this point.

**DELEGATE MAHONEY:** The only thing I think of, Mr. President, is this—that these members, now they've got to run around and he gets into a discussion, into a debate here, and what is the rule? And he's got to run out and he's got to hunt Mason's, and if you'll know, it's a real thick volume, and I think that we could afford this much, to let them know what the rules are, Mr. Chairman, of this Convention, so the individuals would know. I'm just trying to protect their rights. I can read Mad Mason's myself, but it's quite lengthy, and I'd like to see everybody know exactly the rules we're operating under.

**PRESIDENT GRAYBILL:** Now, the Chair would like to advise the Convention that the Chapter 23 on Mason's is five pages long. It has the following sections: a section called "What is a question of privilege"; a second one, "Privilege of the house"; third, "Question of personal privilege"; fourth, "Questions not constituting personal privilege"; fifth, Personal explanation; sixth "Precedence of questions of privilege"; and seventh, "Matters of raising a question of privilege". Now, that's what Chapter 23 of Mason's deals with. There are at least 10 copies around, and we have ordered 15, and I understand each committee will have one and there will be several in the Rules office, and there are several in our office. But I—you may do anything you want, but I want you to know what you're talking about, There's about five pages on the question of privilege in Chapter 23. Is there further discussion? Now, Mr. Mahoney, I take it you haven't made an amendment.

**DELEGATE MAHONEY:** No, I haven't made an amendment, Mr. President. All I'm trying to do is to let everybody know what's going on.

**PRESIDENT GRAYBILL:** Right. So, at the moment, we're discussing this rule and especially the language at the end that was added to Rule 13 by the committee. Is there further discussion? Does anyone care to make an amendment? (No response) Hearing none, the Chair will pass Rule 13, including the language not on our sheets but read to us and written in as the Rules Committee amendment.

**CLERK HANSON:** "Rule 14: Delegates called to order. The President or any delegatemay challenge any other delegate who, in speaking, violates the rules of the Convention. Under such challenge, the President may order the speaker to sit down. The speaker's order to sit down or the failure of the President to order the speaker to sit down may be appealed."

**PRESIDENT GRAYBILL:** Is there any discussion or amendment to Rule 14? (No response) Hearing none, the Chair will pass Rule 14.

**CLERK HANSON:** "Rule 15: Dissent of delegates. Any two or more delegates shall have the liberty to dissent from and protest in respectful language against any action or resolution relating to the Convention which they think injurious to the public or to any individual, and have the reasons for their dissent entered upon the journal."

**PRESIDENT GRAYBILL:** Is there any discussion or amendment to Rule 15? (No response) Hearing none, the Chair will pass Rule 15.

**CLERK HANSON:** "Rule 16: Times a delegate may speak. Except as provided by Rule 28 no delegate may speak more than once on the same question without leave of a majority of those present and voting unless he be the mover of the matter pending or the chairman of the committee that reported it, in which case he shall be privileged to speak twice."

**PRESIDENT GRAYBILL:** Mr. Murray, do you care-do you want, to explain that, or does anyone want an explanation of that? The point being, that's in Convention and in Committee of the Whole, you may speak more than once. In

Convention, as we're doing this morning, you may speak once on any motion. Anyone have any discussion or amendment to Rule 16? (No response) Hearing none, the Chair will pass Rule 16.

**CLERK HANSON:** "Rule 17: General limit on debate. No delegate shall speak longer than 10 minutes at any one time nor more than once on the same question, except by leave of the Convention; except that the delegate handling a proposal shall have the right to speak no longer than 5 minutes to close debate, even if the previous question has been ordered and even if he has spoken once before on the issue. The restriction imposed by this rule shall not be applicable to chairmen and vice-chairmen of committees when the latter are presenting a report to [of] their committee to the Convention or to the Committee of the Whole, and the same exemption from the requirement of this rule shall also be applicable in the case of the chief spokesman for a minority report of a committee of the Convention. Any delegate shall have 1 minute to explain his vote on any roll call vote on proposals or amendments to proposals anytime prior to the closing of the vote on the question."

**PRESIDENT GRAYBILL:** Is there any discussion of Rule 17, or amendment? (No response) Hearing none, the Chair will pass rule 17.

**CLERK HANSON:** "Rule 18: Absence of delegates. No delegate shall absent himself from the sessions of the Convention unless he have leave or be sick or his absence be unavoidable."

**PRESIDENT GRAYBILL:** Any question or discussion on 18?  
Mr. Champoux.

**DELEGATE CHAMPOUX:** Do **you** have a procedure lined out? Where-do we call in for absences to the main office, or how are we going to do this?

**PRESIDENT GRAYBILL:** Well, we're being very liberal with you, but we don't-I don't have any particular procedure. Just a moment. The sergeant's office or the clerk's office has a form. Does the form require my signature? In other words, he applies and it comes to me, is that it? So there's a form on which you can apply, but if you don't, why then I do it anyway-for you. But if you want to use the form, okay. Is there any other discussion of Rule 18? (No response) Hearing none, the Chair will pass Rule 18.

CLERK HANSON: "Rule 19: &respectful or contemptuous behavior of the delegates. The Convention may, by a vote of two-thirds of the delegates elected and serving, hold a delegate guilty of disrespectful or contemptuous behavior in its presence. If any delegate is held guilty of disrespectful or contemptuous behavior in the presence of the Convention, he may be deprived of his committee assignments, denied speaking privileges, and denied secretarial and staff aid, or suspended or expelled. Such penalties and the duration thereof must be encompassed in the motion holding guilty."

PRESIDENT GRAYBILL: Is there any question or discussion about Rule 19?

Mr. Cate.

DELEGATE CATE: Mr. Chairman, I have done some research on this question. I've gone through the rules of the other conventions, and I have found no similar rule in any of the rules of any other convention. New York does have a contempt citation for violation of rules, and Pennsylvania has a provision on disorderly conduct. I would like to offer at this time a substitute rule to read as follows, which is based upon the New York and Pennsylvania, and when you tie this in with Rule 13 and 14, which we already have governing conduct of delegates, I think it's as effective an instrument as we need. In effect, what it does--what this rule that I'm going to propose does--is allow the Convention to hold someone who is out of order in contempt and permits them to purge themselves of that contempt, which is appropriate, and during the period of time they are in contempt, they are denied the privileges of the floor, which would mean the right to vote, the right to speak, the right to participate in the proceedings. I think it's a much more reasonable, much more enlightened rule.

PRESIDENT GRAYBILL: Mr. Cate, they're having a hard time getting you. Hold that a little further away and just talk normally.

DELEGATE CATE: Okay.

PRESIDENT GRAYBILL: Try that.

DELEGATE CATE: Thank you. This--my rule would be as follows: "Any delegate who persists in disorderly conduct, after being warned by the President that he is out of order, may, by motion duly made and carried by a two-thirds majority of the delegates present, be held in

contempt of this Convention and be required to purge himself of such misconduct; and until such delegate has purged himself, he shall not be entitled to the privileges of the floor." And I think that would handle the situation which apparently the Rules Committee was trying to reach, that of the delegate who is misbehaving on the floor of the Convention. Thank you.

PRESIDENT GRAYBILL: Mr. Cate, can you supply the Chair and the journal with a written copy of that? Have you got it there?

DELEGATE CATE: (Inaudible).

PRESIDENT GRAYBILL: All right. Well, lend it to us, will you?

DELEGATE BLAYLOCK: Mr. President.

PRESIDENT GRAYBILL: Now, Mr. Blaylock.

DELEGATE BLAYLOCK: Mr. President. I'd like to ask Mr. Cate a question. How would a delegate purge himself of the bad conduct?

DELEGATE CATE: The normal procedure in a court of law is to purge yourself of the conduct, and the Convention could set the means by which he does that. If it's a situation that calls for a public apology to another delegate or a public apology to the Chair, the conditions can be laid down for him to purge himself. YES, by the Convention.

PRESIDENT GRAYBILL: Is there--does the--before you debate it, do you want it read again?

DELEGATES: Yes.

PRESIDENT GRAYBILL: All right, I'll read it again. Proposed Rule 19--or substitute Rule 19. "Any delegate who persists in disorderly conduct, after being warned by the President that he is out of order, may, by motion duly made and carried by a two-thirds majority of the delegates present--that was "may, by motion duly made and carried by a two-thirds majority of the delegates present, be held in contempt of this Convention and be required to purge himself of such misconduct; and until such delegate has purged himself, he shall not be entitled to the privilege of the floor." Is there discussion or debate on this proposed amendment?

Mr. Mahoney.

**DELEGATE MAHONEY:** May I ask the gentleman from-Mr. Cate a question? Jerry, I'm just trying to see-I haven't got it exactly plain. First he has to be convicted, is this right?

**DELEGATE CATE:** That's right.

**DELEGATE MAHONEY:** Now, you have now changed the conviction from two-thirds of the entire membership to two-thirds of the membership present, is that correct?

**DELEGATE CATE:** That's correct,

**DELEGATE MAHONEY:** I just wondered-now we've had some other things, but this becomes very critical at times, that maybe you've got a lot of people sick or something and then they decide to take a delegate on at that time, and I'd like to see this two-thirds of the entire membership left in there on the purging of a delegate.

**DELEGATE CATE:** Well, I have no objection to that. (Inaudible)

**PRESIDENT GRAYBILL:** Well, now, the Chair wants to know when you say you have no objection, have you amended your—

**DELEGATE CATE:** I would move to amend that to include—

**PRESIDENT GRAYBILL:** So now it's going to be a two-thirds majority of all delegates, huh?

**DELEGATE CATE:** (Inaudible).

**PRESIDENT GRAYBILL:** There's a—

**DELEGATE MURRAY:** Point of order.

**PRESIDENT GRAYBILL:** -The Chair will allow the mover to amend his proposal.

**DELEGATE MURRAY:** Yes, Mr. President, if he's taking this from some other state, what rule is he talking about and what other state so that those of us who have a booklet can look at it.

**DELEGATE CATE:** Okay, it's Rule 18, primarily, of the Pennsylvania Rules—yeah—Pennsylvania Rules, which is on page 191 of the manual on rules that was given to us, *Memorandum on Constitutional Convention Rules*, and then on the New York provision, it's page 158, which is Rule 19 of the New York provision.

**PRESIDENT GRAYBILL:** Hold that mike a little further away. 19 in New York?

**DELEGATE CATE:** Yes.

**PRESIDENT GRAYBILL:** Rule 19 in New York. Is there any further discussion of this rule, this proposed rule?  
Mr. Romney.

**DELEGATE ROMNEY:** Mr. President, I believe the substitute calls for just the President. It doesn't say President or Chairman. Then it would just pertain to meetings of the Convention and not the Committee of the Whole, right?

**PRESIDENT GRAYBILL:** It does only call for the President, and I suppose it would be interpreted as only applying to what happens here and not in committee.

**DELEGATE CATE:** Mr. President.

**PRESIDENT GRAYBILL:** Yes, Mr. Cate?

**DELEGATE CATE:** That would not be my intention. If necessary, I would again move to amend to include-to use the word "presiding officer"—might be the appropriate word to use.

**PRESIDENT GRAYBILL:** All right, you want to say anybody who persists in disorderly conduct, after being warned by the President or (Inaudible) any committee Chairman?

**DELEGATE CATE:** Or presiding officer, I think.

**PRESIDENT GRAYBILL:** Are you talking about other presiding officers here, or are you talking about the Whole Convention?

**DELEGATE CATE:** Well, my intent was to relate to this Convention Hall. I think the committee is a different situation that I did not intend to deal with. Perhaps the right wording would be "the President or the Chairman of the Committee on the Whole", and that would cover the situation.

**DELEGATE MURRAY:** Mr. President.

**PRESIDENT GRAYBILL:** Mr. Marshall.

**DELEGATE MURRAY:** I move we pass consideration of Rule 19 until we can see what this

finally results in, in some draft. I hate to amend these rules without looking at them, because we've looked at these rules and writing for some time. I think that if Mr. Cate would examine the rules of Maryland, he would find this one.

**PRESIDENT GRAYBILL:** Mr. Cate, would you allow us to pass this until a later time this morning or this afternoon?

All right, unless there's objection from the floor, we will pass this one and the Chair will bring it up again either this morning or the first thing after lunch, and in the meantime everybody can look up New York and Pennsylvania Rules 19 and 18 and Mr. Cate might firm up his language, and we'll go ahead. All right, we will pass in a different sense—we will skip Rule 19 for the time being, and will you now read Rule 20.

**CLERK HANSON:** "Rules 20: Disclosure of personal interest. Any delegate who has a significant personal or private interest, economic or otherwise, in a matter before the Convention shall disclose this interest to the Convention."

**PRESIDENT GRAYBILL:** Is there any discussion or amendment to Rule 20?

Mrs. Bowman.

**DELEGATE BOWMAN:** Mr. President, I question the necessity for this rule, because it seems to me that there is no possible way to enforce it, and I wonder if it needs to be included at all.

**PRESIDENT GRAYBILL:** Is there any other—

Mr. Aasheim.

**DELEGATE AASHEIM:** I concur with that statement. I think the people have made that determination when they elected us, and I don't think it's necessary at all. They have made us delegates, no matter what our financial or economic or social status.

**PRESIDENT GRAYBILL:** Mr. Artz.

**DELEGATE ARTZ:** Mr. President, I, too, concur that it should be deleted in its entirety—

**PRESIDENT GRAYBILL:** Hold it further away, Bill.

**DELEGATE ARTZ:** -should be deleted in its entirety. It's ambiguous. I can't understand it. The delegates I've talked to think it applies to all of

us, but we don't want to be jumping up and down and saying, "I have an interest in this", when we get in the Bill of Rights or Taxation or what-have-you. Thank you.

**PRESIDENT GRAYBILL:** Mr. Murray.

**DELEGATE MURRAY:** Just by way of explanation, this is a rule which appears in almost all the other rules. I don't have any personal feeling about the matter at all, nor, I'm sure, particularly does the committee, but it looks very nice to the public. (Laughter)

**PRESIDENT GRAYBILL:** Now, Mrs. Eck.

**DELEGATE ECK:** I'd rather like to second this, I think that, right now, the public is very concerned about the right to know, and where I don't see very many occasions where a significant private or economic interest would affect anything we're dealing with, I think it's a good thing to leave in, and in a case we arrive at a point where there is such an interest, I think it would be very fine if a delegate would get up and declare his interest. I think that this applies much more to legislative bodies than it does to the kinds of matters we're dealing with, but as a precedent, I think it's a very good thing to have.

**PRESIDENT GRAYBILL:** Mr. Berg.

**DELEGATE BERG:** Mr. President, I should like to ask a question of Mr. Murray.

**DELEGATE MURRAY:** I'm here.

**DELEGATE BERG:** Will this preclude, for example, a lawyer from discussing judicial matters without first saying he has a professional interest?

**DELEGATE MURRAY:** (Inaudible) to discuss such a matter? I don't think we intended to prohibit discussion, but the intent may be to prohibit the vote, but—

**DELEGATE BERG:** Does it no.

**PRESIDENT GRAYBILL:** It says, "shall disclose".

**DELEGATE MURRAY:** -disclose.

**DELEGATE BERG:** Does it require, for example, myself, in discussing any matter that comes out of the Judiciary Committee, to first announce that I am a lawyer?

**DELEGATE MURRAY:** I think the intent of the rule is to let the other delegates know in some manner, if they don't already know, that when you speak on something that is of economic or personal or private interest to you, in the language of the rules, that you speak from a point of prejudice or bias.

**PRESIDENT GRAYBILL:** Mr. Drum.

**DELEGATE DRUM:** Mr. President, the relativity of the word "significant" may be one which could come back to haunt us, and I would feel that the method of disclosure should be fairly well spelled out. An item that may be significant to one person may be insignificant to another, and I think there should be some determination, if we are going to include this. It could be innocuous in most cases, but it sure could come back at a later time to haunt the Convention or delegates in this Convention.

**PRESIDENT GRAYBILL:** Mr. Mahoney.

**DELEGATE MAHONEY:** Mr. President, you have passed this morning where it's going to take a majority of all the delegates to pass anything. Now, this would be a great thing for somebody to get up and say, "I have an interest", and doesn't vote. And I'm just wondering if we want to go quite that far in this. I think that everybody was elected—I have to agree with the distinguished gentleman, Mr. Aasheim—that everybody was elected, everybody was known, and they knew what they done—I'm sure it was went over that, well enough—and this would be a great place for a person to say, "I don't want to vote." I think this could be used, and if this majority thing that was passed this morning is a great inference right on this.

**PRESIDENT GRAYBILL:** All right. First of all, we should all hold those mikes 6 inches away and don't fight it. Okay. Secondly, I merely want to point out, Mr. Mahoney, it doesn't have anything to do with whether you vote or not. Read the rule.

**DELEGATE MAHONEY:** It could be a very well an excuse, Mr. President, and I don't know what—after the person said, "I have an interest"—you would—it would be non—what—we couldn't force him to vote. I think this would be very touchy.

**PRESIDENT GRAYBILL:** Okay, Mrs. Erdmann.

**DELEGATE ERDMANN:** Mr. Chairman, I rise in support of this rule, not so much for a matter of economic interest disclosure, but as a matter of interest to the other delegates. They have already pointed out that when someone speaks on a judicial matter, it would be wise for them to say, "I am a lawyer." It doesn't, certainly, preclude them from debate or making a vote; but we're going to have many matters on education, and I think the same rule would be very informative to the rest of the delegates if the person speaking would say, "I am a teacher" or "I am connected with education in some way." I think this is a good rule. Thank you.

**PRESIDENT GRAYBILL:** Mr. Vermillion.

**DELEGATE VERMILLION:** I expect that somewhere along the line we are going to be getting this biographical information out on all the delegates we assume have filled out these forms, and this is going to be coming out—what occupations we are. Maybe we can make the assumption under this rule—I speak in favor of the rule—but make the assumption under this rule that, with this biographical information, if it shows what occupation we are and what interests we might have, we could let it go at that. But if we have some other interests that might prejudice us or bias in some matter before the Convention, we might disclose that; but as far as occupations or whatnot are concerned, the biographical information that would be released would pretty much take care of this without having somebody, every time they spoke, announce beforehand what their occupation was.

**PRESIDENT GRAYBILL:** Mr. Kamhoot.

**DELEGATE KAMHOOT:** I certainly agree with Delegate Erdmann on this. I see no problem in leaving this section in here. I think it dresses up the language of the whole proposal, and I would certainly like to see it left in as it is.

**PRESIDENT GRAYBILL:** Mr. Monroe.

**DELEGATE MONROE:** Mr. President, I have no objection to the way—the idea of the statement. I would like to offer this amendment: "Any delegate who"—and here's where the change comes—"feels he or she"—I would add

that in there—"has a significant personal or private interest, economic or otherwise, in a matter before the Convention shall"--and another change--"voluntarily disclose his interest to the Convention." This would be their choice; and if they wanted to disclose it, they could; if they didn't want to, they wouldn't have to. But given the biographical information that we would receive on everyone and if we thought that we had an interest, economic or otherwise, we could voluntarily disclose any of that information. We would not have to if we did not want to.

**PRESIDENT GRAYBILL:** All right, the Chair understands the sense of Mr. Monroe's proposed amendment is, "Any delegate who"--these new words--"feels he or she has a significant personal interest", and so forth, "in a matter before the Convention shall"--and then add the word "voluntarily-disclose this interest to the Convention." Now, that's the amendment to be discussed. Is there any discussion of the amendment? (No response) All right, the Chair will--

**DELEGATE ESKILDSEN:** Mr. President.

**PRESIDENT GRAYBILL:** -Oh, pardon me, Mr. Eskildsen.

**DELEGATE ESKILDSEN:** Yes. Did Mr. Aasheim make a motion that we delete the whole section?

**PRESIDENT GRAYBILL:** No, he did not.

**DELEGATE ESKILDSEN:** Okay.

**PRESIDENT GRAYBILL:** Nobody has made a motion till now, gentlemen. If you want to make an amendment, amend.  
Mr. Brown.

**DELEGATE BROWN:** Mr. President, I'm not worried about any delegate having a personal interest that's going to affect this Convention, and if the rule had never been put in there, I would have no objection to leaving it out, but now it's been put in there. If we move now to delete it, I'm sure the press will have it tomorrow that we have now decided not to disclose our personal interest. and for a good image, I hope we leave it in.

**PRESIDENT GRAYBILL:** All right. Now the discussion is on Mr. Monroe's amendment making the disclosure voluntary and making it female and male-he and she. All right,

is there any further discussion on that amendment? (No response) All in favor of that amendment to make the disclosure voluntary and add the words "feels he or she has a significant interest", please say Aye.

**DELEGATES:** Aye.

**PRESIDENT GRAYBILL:** Opposed?

**DELEGATES:** No.

**PRESIDENT GRAYBILL:** The Nays have it, and the amendment fails. Now we're back on the original Rule 20, and there are no amendments pending.

Mr. Harbaugh.

**DELEGATE HARBAUGH:** I move that Rule 21 be deleted.

**PRESIDENT GRAYBILL:** How about 20, since we're on that?

**DELEGATE HARBAUGH:** . . .20, I'm sorry.

**PRESIDENT GRAYBILL:** Okay, The motion of Delegate Harbaugh is that we delete Rule 20. Do you care to discuss it, Mr. Harbaugh?

**DELEGATE HARBAUGH:** (Inaudible)

**PRESIDENT GRAYBILL:** All right, is there other discussion? Okay, all those in favor of deleting Rule 20 in its entirety, say Aye.

**DELEGATES:** Aye,

**PRESIDENT GRAYBILL:** Opposed, No.

**DELEGATES:** No

**PRESIDENT GRAYBILL:** The Noes have it. We're back on the Rule 20. Is there any other amendments? Hearing no other amendments or discussion, the Chair is about to pass Rule 20. Pass Rule 20.

**CLERK HANSON:** "Rule 21: Vacancies. Vacancies occurring in the Convention shall be filled in the manner provided for filling vacancies in the Legislative Assembly, as provided in Sections 43-215 and 43.216, R.C.M., 1947."

PRESIDENT GRAYBILL: Is there any discussions or questions?

DELEGATE ROMNEY: Mr. President.

PRESIDENT GRAYBILL: Mr. Romney.

DELEGATE ROMNEY: I move that we delete Rule 21. May I speak on it?

PRESIDENT GRAYBILL: Yes, Mr. Romney.

DELEGATE ROMNEY: The reason I make this motion is because there is no need for a rule. The method is provided by law.

PRESIDENT GRAYBILL: Mr. Murray.

DELEGATE MURRAY: Rules 21 and 22 are merely placed—I realize there's no reason for the rule—there isn't any reason to do what Mr. Romney wanted to do with respect to the rule where we put in the reference to the previous question, but when you're talking about vacancies and when you're talking about compensation, it appears to me that there should be some reference in the rule, and the rule is designed to refer the delegates to the proper part of the law where the compensation and the vacancy statutes are in detail.

PRESIDENT GRAYBILL: Is there further discussion of Mr. Romney's proposed amendment deleting Rule 21?

Mrs. Keichert.

DELEGATE REICHERT: I just have a question. Are you leaving, Mr. Murray? (Laughter) Delegate Murray, in reading about our first—it wasn't our first Constitutional Convention—it was the one in 1889; third, I believe—I read that Marcus Daly, on the third day, decided he had some important business in Silver Bow County and just left the Convention and never came back. And what did they do about replacements then, if anything? (Laughter)

DELEGATE MURRAY: I'm sorry, but I don't have any idea.

PRESIDENT GRAYBILL: All right, we're discussing Mr. Romney's motion that we delete Rule 21. Is there further discussion?

DELEGATE MURRAY: I don't think we have any flexibility in the matter at all. We either don't have the rule and let the statute speak for

itself, or we have the rule with reference to the statute.

PRESIDENT GRAYBILL: All right. Mr. Romney.

DELEGATE ROMNEY: Mr. President, I withdraw the motion. I wanted to bring the fact up that there's some deadwood in and also permit the delegates to realize where you could get the information. (Laughter)

PRESIDENT GRAYBILL: Mr. Romney has withdrawn his motion, now that we're properly instructed. All right, will you read the—the Chair will pass Rule 21 unless there is other objection.

CLERK HANSON: "Rule 22: Compensation of delegates. For each day of the organization, plenary and signing sessions of the Convention, delegates shall be paid the same per diem and expenses as provided in Section 43-310, R.C.M., 1947, for members of the Legislative Assembly. Delegates shall be entitled to mileage for three trips to and from their residence and Helena by the nearest traveled route at the rate provided for the Legislative Assembly in Section 43-310, R.C.M., 1947. The President and First Vice-president shall be paid the same per diem and expenses as the President of the Senate and the Speaker of the House of Representatives, as provided in Section 43-311, R.C.M., 1947."

PRESIDENT GRAYBILL: Are there amendments or discussions of this rule? (No response) Hearing none, the Chair will pass Rule 22. Mr. Murray, do you want to make a motion that we accept Chapter 3?

DELEGATE MURRAY: Mr. President, I move that we adopt Rules 12, 13, 14, 15, 16, 17, 18, 20, 21, and 22, passing Rule 19 for this time.

PRESIDENT GRAYBILL: All right. We've passed Rule 19 that Mr. Cate has a question on—or has a substitution on, and without Rule 19 being considered, all those in favor of passing Chapter 3 with that deletion, say Aye.

DELEGATES: Aye.

PRESIDENT GRAYBILL: Opposed, No. (No response)

PRESIDENT GRAYBILL: The Ayes have it. and so ordered Will you read Rule 22

CLERK HANSON: "Rule 23: Committee of the Whole. All proposals reported by any substantive committee of the Convention shall be referred to the Committee of the Whole and become general orders to be placed upon the calendar and agenda of the Committee of the Whole by the President. No committee proposal shall be considered by the Committee of the Whole until the second session day after it has been referred to the Committee of the Whole, nor until the day after the duplicated committee proposal has been placed on the delegates' desks, unless the Convention agrees to do its earlier consideration."

PRESIDENT GRAYBILL: Is there any discussion or are there amendments to proposed Rule 23?

DELEGATE MAHONEY: Mr. President.

PRESIDENT GRAYBILL: Mr. Mahoney.

DELEGATE MAHONEY: I stated yesterday that I would like to see that jumped up to the third day, and then I-further studying it-Am I out here far enough now?

PRESIDENT GRAYBILL: That's good.

DELEGATE MAHONEY: After further studying it-now-or until the day after the duplicated committee proposal has been placed on the delegates' desks-that's the time the delegates and the public will be notified what the committee report was, and this now has cut it to 1 day. Now, I think in order to go out here--we're--want the 3 days so these people can get a long ways, a distance, to come into this Convention, and I want them to be handled and given a-just as much right to come out of Carter County or Lincoln County or some of these other places as these that are close in. Now, if this thing is the way it is, you can place it on the board and then the committee reposal [report] doesn't come out, we won't know what the committee reposal [report] is, and then the next day it could be handled. Now, I'd like to ask the chairmen if they've got any ideas on this. I have a lot. I'd like to hear the Chairman of the committee give me some answers on this.

DELEGATE MURRAY: Mr. President.

PRESIDENT GRAYBILL: Mr. Murray.

DELEGATE MURRAY: Rule 51 is the--when we discuss the guts of these rules relative to what's going to happen to-with delegate

proposals and its procedure. Rule 51 speaks detail to that subject. I don't think that most states set up their rules as we have proposed them; at least, certainly not in the detail that we have placed in these rules. It is the attempt of the Rules Committee to require each committee proposal to be reported to this Convention under what we call Order of Business Number 1, which would be Standing Committee Reports. At that time there would not be any debate and there would be no vote, but it would be announced that that committee has completed its work upon that proposal and that it is being placed on General Orders and is being duplicated. We feel, then, that the second session day after it has been referred to the Committee of the Whole is probably enough time in which to get people here for the debates, if they choose to get them to the debates. Suddenly, we seem to be shifting our focus from a problem of getting people here for the hearings themselves, when we get them to express their opinions, to the debate stage of this proceeding when they listen to us express ours. But the rule as I drafted it had the word "third session day". In meeting with our clerk and our President and our Executive Director and others, it was determined that the second session day, coupled with the provision that not until the day after the duplicated committee proposal has been placed on the delegates' desks could the matter be considered by the delegates, would give ample time. Once again, remember that we have 9 weeks to get this over with, and if we build into these rules required lengthy periods of time, we slow down our processes and we just make it virtually impossible to end in the Y-week period.

PRESIDENT GRAYBILL: Now--

DELEGATE MAHONEY: Mr. President.

PRESIDENT GRAYBILL: -Just a moment. Does anybody else wish to-you've discussed this once, Mr. Mahoney, and unless you want to close.

DELEGATE MAHONEY: I asked a question-is what I was asking, Mr. President, I was--

PRESIDENT GRAYBILL: Oh, all right.

DELEGATE MAHONEY: -going to now make a motion--

PRESIDENT GRAYBILL: Okay.

**DELEGATE MAHONEY:** —to pass consideration of this with the same time you're going to handle the other, and we would handle this later. I would like to have a little more time to prepare amendment to this, Mr. President.

**PRESIDENT GRAYBILL:** There's a motion by Mr. Mahoney to pass consideration of Rule 23. All those in favor of the motion, say Aye.

**DELEGATES:** Aye.

**PRESIDENT GRAYBILL:** Opposed?

**DELEGATES:** No.

**PRESIDENT GRAYBILL:** The Ayes have it. We'll pass consideration of 23.

**CLERK HANSON:** "Rule 24: Consideration of proposals. When the Convention reaches consideration of General Orders of the Day, it shall resolve itself into the Committee of the Whole. General Orders shall be considered as follows: first, in order of referral, proposals of the Committee on Style; second, in order of referral, proposals of substantive committees. The Committee of the Whole may consider a particular proposal out of turn. No recorded roll call vote shall be taken"-this is added material-"except upon the demand of 10 delegates."

**PRESIDENT GRAYBILL:** All right. Mr. Murray, would you care to explain Rule 24?

**DELEGATE MURRAY:** This matter was discussed in some detail in our hearing yesterday. The Rules Committee met up on this particular issue. It appeared that we could--we had three alternatives; one was to have no roll call within the Committee of the Whole. That did not seem to be a very popular suggestion, although it was the Rules Committee proposal. The other was that every vote taken would be by roll call. It did not appear to the committee that we would be doing ourselves any financial favors by cluttering the journal with those roll calls and that it would, in case the machine broke down, be costing us a great deal of time. Even with the machine, it would cost us a great deal of time. So we chose the third alternative, which is expressed in Rule 71, and in order to make it clear, we merely added the language "except upon the demand of 10 delegates", which makes the recorded roll call matter consistent between Rules 24 and 71, and if both rules are adopted as they have today been amended by the Rules Committee and as they are

before you--Rule 71 has one little amendment in it, too--we would have no roll calls unless 10 delegates demanded them except on those rules which would, naturally, by the wording of the rule itself, require a specified number of delegates to vote.

**PRESIDENT GRAYBILL:** All right, is there discussion of Rule 24?

Mr. Foster.

**DELEGATE FOSTER:** Mr. President, I offer a substitute motion. The substitute motion is to change the number "10" to the number "5". In my opinion, it would further accelerate the proceedings if the Chair only had to determine that five individuals wanted to have a roll call than to have to determine that 10 had to--that wanted a roll call. Proceedings to determine that 10 wanted a roll call might take more time than the actual roll call itself with the machine, and I feel that, in the event that the machine broke down, that the delegates would be quite reasonable in not attempting to have a roll call unless it was clearly indicated, and I feel that to lower the number to five would make it a more workable rule.

**PRESIDENT GRAYBILL:** All right, Mr. Foster's amendment is to change it from 10 to 5. That seems clear enough. Now, is there further discussion?

Mr. Eskildsen.

**DELEGATE ESKILDSEN:** Mr. President, members of the Convention, one little point that we are overlooking here. As the days go on, we'll find that we'll offer to each of the other more courtesy than we are right now. We're a little afraid of how much courtesy we're going to show to each other. I can assure you, as the days go on, that each of us will look at the other as a friend and that--as I stand here, I could name 10 people that, an anybody's request for a roll call vote, would be the first on their feet. Now, I could point to Marshall Murray, and I could point one to Sterling Rygg and Miles Romney and Jim Felt, Mags Aasheim, Etchart and myself, and a few others. I do this because we found in the Legislature that this was one courtesy that we always offered to anyone whether we agreed or not, and I'm sure that as the days go by this will happen here. I think there's no problem here in getting 10 people to rise. They'll do it automatically.

**PRESIDENT GRAYBILL:** Is there further discussion on the matter? All right, the amendment of Mr. Foster to Rule 24 is contained in the language that was added, and it would read "except upon the demand of five delegates".

Oh, pardon me-Mrs. Van Buskirk.

**DELEGATE VAN BUSKIRK:** Mr. President, I was wondering-in the interest of time, I would concur with Mr. Foster to have 5 rather than 10 delegates.

**PRESIDENT GRAYBILL:** All right, now we're going to-any other discussion (No response) We'll vote then on Mr. Foster's amendment to make it 5 instead of 10. So many as are in favor of that amendment, say Aye.

**DELEGATES:** Aye.

**PRESIDENT GRAYBILL:** So many as are opposed, say No.

**DELEGATES:** No.

**PRESIDENT GRAYBILL:** The Chair rules the Ayes have it.

**UNIDENTIFIED DELEGATE:** Division,

**PRESIDENT GRAYBILL:** Allright, we'll use the voting machines. So many as are in favor of Mr. Foster's motion that "5" replace "10", say Aye. Wait until I open the ballot. There we go. Aye. So many as opposed, say No. I voted-have all the delegates voted?

(No response)

**PRESIDENT GRAYBILL:** Does any delegate wish to change his vote?

(No response)

**PRESIDENT GRAYBILL:** If not, the Chair will close the vote, and the Ayes have it, 52 to 43, so the amendment prevails. So we are now discussing Rule 24 with the additional language, "except that upon the demand of five delegates, roll call shall be taken."

Mr. Romney.

**DELEGATE ROMNEY:** I would like to point out that it says "five"--upon the request of five delegates, or something like that-I do not have it before me. How is that to be initiated? It has to be done through a motion,

**PRESIDENT GRAYBILL:** I don't know,

but the Chair would at this time say that, at the moment, it's my impression that if someone stood up and asked for a recorded roll call vote, I would ask if there are four seconds.

**DELEGATE MURRAY:** Mr. President, I think the way you do that is that you stand, address the Chair, say, "Mr. President, I demand a roll call and ask for four seconds."

**PRESIDENT GRAYBILL:** Right.

**DELEGATE MURRAY:** And the people will jump up.

**PRESIDENT GRAYBILL:** And the Chair would have to determine whether four people stood to second with him, and if they did we would have the division. All right, we're discussing Rule 24. Is there further discussion or further amendments?

Yes, Mr. Artz.

**DELEGATE ARTZ:** Mr. President, I offer the following amendment: All votes which affect the content or status of any constitutional proposal shall be by roll call vote. A roll call vote may be dispensed with if there is no objection from any two delegates. To dispense with a roll call vote, the Chairman shall state, "We will dispense with a roll call vote unless there is objection". If no two delegates objects, the Convention may proceed with a voice vote. Thank you.

**PRESIDENT GRAYBILL:** Now, would you supply us with your text? Would a page bring it to me there, please. If you and Mr. Cate want your texts back at noon to work on, that's fine. I just want them to read from here. All right, Mr. Artz has proposed the following amendment. The amendment you're proposing is to Rule 24, right, Mr. Artz?

**DELEGATE ARTZ:** Yes.

**PRESIDENT GRAYBILL:** All votes--this would be added as additional material, I take it, or is this in place of? No?

**DELEGATE ARTZ:** (Inaudible).

**PRESIDENT GRAYBILL:** The Chair's confusion is because the amendment is really also to Rule 72. Do you want it and-in place of the last sentence of the Rule 24, right?

All right. The sense of the amendment will be that it's to replace the last sentence of 24, which is,

"No recorded vote shall be taken except on the demand of five delegates." Instead of that we would say: "All votes which affect the content or status of any constitutional proposal shall be by roll call vote. A roll call vote may be dispensed with if there is no objection from any two delegates. To dispense with a roll call vote, the Chairman shall state, 'We will dispense with a roll call vote unless there is objection.' If no two delegates object, the Convention may proceed with a voice vote." That's the amendment. Is there discussion on the proposed amendment?

Mr. Mm-ray.

**DELEGATE MURRAY:** Mr. President, I resist the proposed amendment. I think the rule as it has now been amended and the language contained therein is fine and we can operate well with it, and suggest that we stick with it rather than to start amending these rules from the floor in rather a helter-skelter manner with lengthy language that we cannot see and observe, because there may be built-in difficulties in that type of language.

**PRESIDENT GRAYBILL:** Is there other discussion of Mr. Artz's amendment? (No response). Hearing none, the Chair will put by the Ayes and Nays Mr. Artz's amendment, and the amendment is to Rule 24, striking the last sentence as it now is proposed, with the amendment to five, and the sense of the amendment is that all votes will be by roll call if they affect the status of any constitutional proposal-content or status. And that they can be dispensed with if there is no objection from more than two. All in favor of the amendment of Mr. Artz, say Aye.

**DELEGATES:** Aye.

**PRESIDENT GRAYBILL:** All opposed, say No.

**DELEGATES:** No.

**PRESIDENT GRAYBILL:** The Noes have it, and the amendment fails. All right, we're now discussing again Rule 24 as proposed, including the word "5" delegates instead of "10".

**DELEGATE DRISCOLL:** Mr. President.

**PRESIDENT GRAYBILL:** Yes, Mr. Driscoll.

**DELEGATE DRISCOLL:** I would like to propose to the Convention that they pass consideration of Rule 24 until sometime this afternoon. I think, upon due reflection, that the Convention will look upon the gentleman's proposal that it will receive adequate support, friendships will develop, that this idea of five is not quite sufficient. I think, upon due reflection, the Convention will realize this. I'd like to move to pass consideration until this afternoon.

**PRESIDENT GRAYBILL:** All right, Mr. Driscoll's motion is to pass consideration of Rule 24.

Mr. Murray.

**DELEGATE MURRAY:** I resist the motion, probably by surprise, but let's say-speaking personally, not as wearing the hat of the Chairman of the Rules Committee-I don't find any problem with the rule as it has been amended and as it is now before us, and I think that the sense of this body is that we should pass it and go on to the other 50-some rules we have to consider, and I suggest we do so.

**PRESIDENT GRAYBILL:** Any further discussion?

**UNIDENTIFIED DELEGATE:** Question.

**PRESIDENT GRAYBILL:** All right, so many as are in favor of Mr. Driscoll's rule that we pass Rule 24 until this afternoon's session, say Aye.

**DELEGATES:** Aye.

**PRESIDENT GRAYBILL:** Opposed, No.

**DELEGATES:** No.

**PRESIDENT GRAYBILL:** All right, the Nays have it, and it shall not be passed. Now we're on Rule 24, unamended except for the word "five", Is there further discussion? All right, there's no more amendments or discussion? (No response) We needn't vote on it. The Chair will pass Rule 5, then.

**UNIDENTIFIED DELEGATE:** 24.

**PRESIDENT GRAYBILL:** I mean 24. I'm looking at the number 5. We'll pass Rule 24 because of completely discussing it. All right, would you read Rule 25.

CLERK HANSON: "Rule 25: Amendments in the Committee of the Whole. Amendments offered in the Committee of the Whole shall be subject to Rule 58."

PRESIDENT GRAYBILL: Is there any—Mr. Murray, do you want to explain Rule 58, or do they need to know Rule 58 to understand 25?

DELEGATE MURRAY: Mr. President, Rule 58 is self-explanatory: "Every motion or amendment shall be reduced to writing if the President or any delegate shall request it, and shall be entered upon the journal."

PRESIDENT GRAYBILL: In other words, the sense of this rule is that amendments offered in the Committee of the Whole must also be reduced to writing if the body or the President requests it, is that right?

DELEGATE MURRAY: That's right. The purpose of Rule 25 is to clarify and ease our operation within the Committee of the Whole and so that the delegates will know when they make amendments, it can be demanded that they be made in writing.

PRESIDENT GRAYBILL: Is there any discussion of Rule 25?

Mrs. Babcock.

DELEGATE BABCOCK: Mr. President, wouldn't it be necessary to pass Rule 58 before we could pass Rule 25?

PRESIDENT GRAYBILL: Well, we're not going to pass them all until finally, but if the language is all right here, we'll pick it up at the next stage. We're just kind of going through them by numbers. I suppose if we pass 25 and do away with 58 we will have done away with 25. Any other discussion of 25?

DELEGATE MCNEIL: Mr. President.

PRESIDENT GRAYBILL: Oh, let's see, Mr. McNeil.

DELEGATE MCNEIL: Mr. President, at this point I like Mr. Mahoney's suggestion of setting forth as nearly as possible the rules in the place where they would fit. It would seem to me that there are only four sentences in Rule 58—they could conveniently be placed on the same page without adding a thing, and I think it would simplify the rules by avoiding the necessity of referring several pages later to set it forth

verbatim at that place, and I would so move that the language in Rule 58 be set forth verbatim as Rule 25 in Committee of the Whole.

PRESIDENT GRAYBILL: All right, the sense of Mr. McNeil's motion is that we amend Rule 25 by adding thereto the language that's in 58, in place of the reference to 58, the substance of the language being that any rule can be—that the house—or that the body or the President can ask that any rule be—any amendment be reduced to writing in the Committee of the Whole. Is there any discussion of the proposed amendment?

DELEGATE ARONOW: Mr. President.

PRESIDENT GRAYBILL: Mr. Aronow.

DELEGATE ARONOW: This is merely a typographical error in Rule 58 in the next to the last line, "is withdrawn by the maker"—and that there "of-it should be "or is ruled out of order." The "of" should be "or".

PRESIDENT GRAYBILL: All right, we've amended Rule 58 without anything by just changing the "f" to an "r" unless somebody objects. All right, now we're back on the proposition of whether Rule 25 should be stated in the language of 58 so that it applies to the Committee of the Whole. Hearing no further discussion, all those in favor of Mr. McNeil's amendment which would set forth in detail in Rule 25 the substance of Rule 58 as to writing amendments, please say Aye.

DELEGATES: Aye.

PRESIDENT GRAYBILL: Opposed, Nay.

DELEGATES: No.

PRESIDENT GRAYBILL: The Ayes have it, and so ordered. So, the rules as amended will include the language--and I trust, Mr. Murray, that we'd have no difficulty putting the language in there. All right, let's go on to Rule 26.

CLERK HANSON: "Rule 26: Motion that Committee of the Whole rise. A motion that the Committee of the Whole rise shall always be in order unless a member of the Committee is speaking or a vote is being taken, and such motion shall be decided without debate by the vote of a majority of those present and voting."

PRESIDENT GRAYBILL: Is there any question or discussion or amendment to Rule 26?

**DELEGATE MAHONEY:** Mr. President.

**PRESIDENT GRAYBILL:** Mr. Mahoney.

**DELEGATE MAHONEY:** Might I ask the Chairman a question? Marshall, the reason I'm questioning these things—it's nothing personal, please—I hope you realize this—

**DELEGATE MURRAY:** Oh, I understand that. (Laughter)

**DELEGATE MAHONEY:** Here's what's bothering me. Now, as these proposals come out, you've just given the right to committee to arise. Is the amendments going to be wiped out in the middle of—if a person jumps up and asks that the committee rise, will the amendment stay in when they report it if the whole thing hasn't—can't be reported to the Convention? This is a very touchy thing, and I think you realize this.

**DELEGATE MURRAY:** I realize it very much, Charley, and I'm trying to think of the answer to your question. We have a rule which has to do with priorities—Privileged motions. The Privileged motion rule is Rule 60—says: "When a question is under debate"—this applies also to the Committee of the Whole—"no motion shall be received except those there." Now that—a motion to rise, Committee of the Whole to rise, isn't within—it doesn't seem to be a privileged motion. Now then, your question, as I understand it, is if the committee rises, does it wipe the motions under discussion out.

**DELEGATE MAHONEY:** If the complete proposition hasn't been completed—now, this has always been the problem, and this is one of the cases where parliament-fast boys make the move and gets up and says, "I move the committee rise." Now, this is where you come in—do they take the—what's stripped off? Say you've passed a half a dozen motions onto this particular proposal, Marshall—you're not through. He immediately rises. How do you report to the Convention? You haven't completed—now this is a committee—when we get into committee it's altogether different than open body.

**DELEGATE MURRAY:** Oh, yes—

**DELEGATE MAHONEY:** This is the thing that happens.

**DELEGATE MURRAY:** You're right.

**DELEGATE MAHONEY:** And this is why—could I—I'm wondering, Mr. President—I don't like to belabor this—I wonder if Marshall and I could sit down and discuss this and try and come to an agreement on some of this particular motions in the Committee of the Whole and, specially, regard to rise—are you going to rise and report progress and beg leave to set again? Are you going to—this is the thing—this is what's bothering me.

**DELEGATE MURRAY:** We are making every effort. But by virtue of the nature of this Convention and the work that we will have to do here being so much different than the work in the Legislature, that the committee shall be able to rise, report its progress and sit again without having to go through any other order of business, and this might be overnight—

**DELEGATE MAHONEY:** This is true—

**DELEGATE MURRAY:** —and that would preserve the status of any amendments. It would not wipe them out, because the report would have to contain the order of the amendments and the progress made toward those amendments.

**DELEGATE MAHONEY:** This would be fine if the motion was to report progress and leave, sit again, but if a gentleman got up here on the floor—or a lady—and I want to get them all included—and says, "I move the committee rise," now this is where—then it's a different motion.

**DELEGATE MURRAY:** It is a different motion, and you have a floor leader and an assistant floor leader and a President and you—who are most concerned with something like that not happening, and I presume that we would have time to try and save it or point out the difficulty, and I'm sure that the members of this body, as wise as they appear to be today and have in the past, would save your problem from occurring.

**DELEGATE MAHONEY:** Ah, there, it's not debatable.

**DELEGATE MURRAY:** I realize it's not debatable.

**DELEGATE MAHONEY:** See this is—the motion to rise is not debatable, so there would be no discussion. Mr. President, I don't like to belabor the point on this, but I wondered if we could pass this thing and see if we could work out something on this thing, because I hate to see this Conven—

tion get along in the middle of something very careful and all of a sudden somebody makes the motion to rise and this--there is things that--this can get very tough--I wish--could this be done, Mr. President? Could we--you and I sit down and try and work out something, or I could--when we meet with the Rules Committee or something on this thing?

**DELEGATE MURRAY:** I've been available since Friday.

**DELEGATE MAHONEY:** I have never been invited to the Rules Committee.

**DELEGATE MURRAY:** I haven't sent any special invitation to anybody, but I--

**DELEGATE MAHONEY:** Well, listen, I've never been invited. I'm trying to get--all that I'm working on is what you've set out here.

**UNIDENTIFIED DELEGATE:** Mr. President (Inaudible)

**PRESIDENT GRAYBILL:** The Chair is going to insist that the argument remain germane. Now, the question is, do you want Mr. Murray to pass this and consider it with Mr. Mahoney during the lunch hour. Do you--now I--nobody's made a motion of that effect. Do you want to or does he want to?

**DELEGATE MURRAY:** Mr. President, I move we pass consideration of Rule 26.

**PRESIDENT GRAYBILL:** All right, all in favor of that motion, say--Anyone want to debate that motion?

**DELEGATE SIDERIUS:** Mr. Chairman.

**PRESIDENT GRAYBILL:** Mr. Siderius.

**DELEGATE SIDERIUS:** I'm in the complete dark of this; I would like to have an explanation of the whole motion--of the Rule 26--the motion that Committee of the Whole rise. Just what does that mean?

**PRESIDENT GRAYBILL:** Well--

**DELEGATE SIDERIUS:** I'm in the dark.

**PRESIDENT GRAYBILL:** I'm going to rule that we're--the motion before us is whether or not to let them adjourn--now if they--let them consider this over the noon hour. If they don't pass that, then I'm going to have him explain it to you;

but otherwise, I'm going to let him explain it after he's fixed it. Now, is there other discussion? All those in favor of passing--of skipping, for the moment, consideration of Rule 26, say Aye.

**DELEGATES:** Aye.

**PRESIDENT GRAYBILL:** Opposed, No. (No response)

**PRESIDENT GRAYBILL:** The Ayes have it, and we've passed--or skipped Rule 26.

**CLERK HANSON:** "Rule 27--"

**PRESIDENT GRAYBILL:** Just a moment. And, Mr. Siderius, we will get him to explain it this afternoon. Okay, now Rule 27.

**CLERK HANSON:** "Rule 27: Reconsideration. A motion to reconsider shall be in order in the Committee of the Whole and may be presented no later than the next session day of the Committee of the Whole following the session at which the action to be reconsidered was taken."

**PRESIDENT GRAYBILL:** All right. Is there any discussion or debate about Rule 27?

**DELEGATE HARBAUGH:** Mr. President.

**PRESIDENT GRAYBILL:** Mr. Harbaugh.

**DELEGATE HARBAUGH:** Mr. President, did we establish yesterday that this motion would have to be--to be in order be made by a person voting for the motion in question on the prevailing side?

**PRESIDENT GRAYBILL:** I think that's a question addressed to you, Mr. Murray.

**DELEGATE MURRAY:** Mr. President, the matter was considered by the Rules Committee, and since it is silent--since this Rule 27 is silent as to the subject, the other rule relative to reconsideration--and I don't have its number on the tip of my tongue--would govern, and that one says, must be by somebody who voted on the prevailing side.

**PRESIDENT GRAYBILL:** So the sense of the rule is that you must be on the prevailing side in order to make the motion for reconsideration even in the Committee of the Whole.

Mr. Ask.

**DELEGATE ASK:** Mr. President, it's Rule 66.

**PRESIDENT GRAYBILL:** The other Rule is Rule 66. Is there further discussion of Rule 27, Reconsideration?

Mr. Mahoney.

**DELEGATE MAHONEY:** Mr. President, could I ask Chairman a question? Are we going to be able to finally dispose of a problem here? Are you going to let them reconsider Reconsiderations? Now this-I'm wondering if it's in Mason's Manual, and I haven't checked it-I see in New York or one of these others they said that there will be no reconsideration of Reconsideration.

**DELEGATE MURRAY:** That's the intent of the rules. Now, I don't know whether we expressly say that. I don't know what Mason's says on the subject.

**DELEGATE MAHONEY:** Well, Mr. President, I'd just like to ask you another question.

**DELEGATE MURRAY:** We want finally to end these things.

**DELEGATE MAHONEY:** That's right, and I think that should be spelled out that we finally end. One reconsideration is enough, and this is-I think we should spell it out in here.

**DELEGATE MURRAY:** All right, let's visit about that at lunch time, Charley, and perhaps that we can put it in Rule 66 and clarify both of them.

**PRESIDENT GRAYBILL:** All right, we've discussed but we have no amendments yet on Rule 27. Is there further discussion?

Mr. Cate.

**DELEGATE CATE:** Mr. President, this might be a good place to talk about the roll call on the voting machine, and maybe it ought to be included (Inaudible).

**PRESIDENT GRAYBILL:** Now, wait a minute. Explain to me-you want to discuss the roll call issue?

**DELEGATE CATE:** The issue is this-in order to know on a close vote the prevailing side, it's going to be necessary for the delegates to see the numbers up there. And in the vote we had this morning, the numbers were not revealed, and-do you understand the sense of—

**PRESIDENT GRAYBILL:** Well, if you're going to discuss the one about the voting machine, I don't want to debate the rule, but I'm perfectly happy that you point out that in conjunction with Reconsideration, there is sometimes the difficulty in determining who was on the prevailing side.

Mr. Berg.

**DELEGATE BERG:** Mr. President, I'd like to ask Mr. Murray this question. Does the Rule 27 apply only to the Committee of the Whole? Does Rule 21, that which we're now considering, as I understand it, apply only to the Committee of the Whole?

**DELEGATE MURRAY:** Yes, Rule 27 applies only to Committee of the Whole.

**DELEGATE BERG:** And does Rule 66 apply only to the Convention sitting—

**DELEGATE MURRAY:** No.

**DELEGATE BERG:** -as a Convention?

**DELEGATE MURRAY:** No. Rule 27, as it stands and as it differs from Rule 66, would apply to the Committee of the Whole. I'm not even sure it differs, because, you see, I didn't propose this rule. This is the committee's rule now. And I suggested that we not reconsider except within the Committee of the Whole at the time, and once we reported that, we don't do it. There are two philosophies on this. That ends the thing right there, but it seemed to be the sense of the committee that we go no later than the next session day. Now, Rule 66 may say the same thing. On any point that Rule 27 is silent on, Rule 66 would govern. So Rule 66 would apply to the Committee of the Whole, but Rule 27 would not apply to anything outside of the Committee of the Whole.

**PRESIDENT GRAYBILL:** Mr. Mahoney.

**DELEGATE MAHONEY:** Marshall-Mr. President, could I ask the Chairman of committee a question? This is tough and I hate to belabor it, but if you're going to let them reconsider the next succeeding day after this has been reported to the Convention, the Committee of the Whole does not have this proposal; it is gone back to the full body, the body itself. Now, I don't think we can possibly reconsider on the next succeeding day after it's been reported. Now, if you had a-if you had no break-do you see what I mean, Marshall?

DELEGATE MURRAY: I agree with you entirely, and that's the way I proposed the rule to the Convention.

DELEGATE MAHONEY: That's right. This is why-I think this is the thing-I hate to belabor-but these are the keen points of this whole thing is to get into there and this is where, Marshall-could this be passed consideration, worked this whole thing in with the other rule?

DELEGATE MURRAY: I'd be pleased to work it over with you. I'm not sure the committee would agree with our product, but I am in accordance with your thinking, yes. I move we pass it.

PRESIDENT GRAYBILL: All right, there's a motion to pass consideration of Rule 27. All in favor, say Aye.

DELEGATES: Aye.

PRESIDENT GRAYBILL: Opposed?  
(No response)

PRESIDENT GRAYBILL: Rule 27, Consideration has been passed. Now, for the edification of the chairmen, you might want to make note of Section 451 of Mason's, which says that an action cannot be reconsidered when for any reason it is not possible to reach it, and it points out Mr. Mahoney's point that after the committee has risen and reported, it's too late for the Committee of the Whole to reconsider. That's obviously got to be the case or you never end it. All right, you got your note. Would you read Rule 28.

CLERK HANSON: "Rule 28: Application of Convention rules. The rules of the Convention shall be observed in the Committee of the Whole so far as they may be applicable, except that: the Committee of the Whole cannot adjourn the Convention; the previous question shall not be ordered; a majority vote is necessary to approve a proposal; the Committee may rerefer any proposal back to the substantive committee from which it came or may refer it to any other substantive committee; and a motion to postpone indefinitely or a motion to table or for a call of the Convention shall not be in order. A member may speak more than once in the Committee of the Whole. A journal of its proceedings and a verbatim transcript of its debates shall be kept by the Committee of the Whole."

PRESIDENT GRAYBILL: All right, you've heard Rule 28. Is there comment, questions, discussion or amendment? (No response) Hearing none, the Chair will pass Rule 28. 29.

CLERK HANSON: "Rule 29: Limitation of debate. Before a proposal is taken up by the Committee of the Whole, any delegate shall be privileged to move that a limitation be placed upon the time of debate and consideration of such proposal by the Committee of the Whole, provided that equal time is to be afforded to the proponents and the opponents of such proposal, and the committee may fix in advance of consideration of a proposal or proposals a time for committee to rise and report."

PRESIDENT GRAYBILL: Any discussion of Rule 29? (No response) If not, the Chair will rule Rule 29 has passed. Will you do Rule 30.

Oh, all right-Mr. Murray, you want to make a motion on your chapter, with your proper deletions?

DELEGATE MURRAY: Mr. Chairman, I move that we adopt Rules 24, as amended; Rule 25, as amended; Rule 28; and Rule 29.

UNIDENTIFIED DELEGATE: Mr. Chairman.

PRESIDENT GRAYBILL: All right, the motion is to adopt these rules in Chapter 4, with the deletions noted.

Mr. Kelleher.

DELEGATE KELLEHER: Just before we pass on that-vote on it, Mr. President-I have a short question to Marshall, on Rule 29. If we're going to limit debate in the Committee of the Whole, we must decide to do it, apparently, before the debate. What if the debate goes on and on and on and the matter's already--are we limited, then, in moving to limit debate?

PRESIDENT GRAYBILL: Mr. Murray, you want to explain that?

DELEGATE MURRAY: We are limited, because we cannot move the previous question, and since the whole idea of Committee of the Whole is to continue with the debate once it's started, I presume that we will have to continue with that debate. If the rule's abused, then we will start with limitations in advance of hearing proposals.

**PRESIDENT GRAYBILL:** Now, do you understand the sense of the answer, Mr. Kelleher?

**DELEGATE KELLEHER:** I understand that once we start to debate something, if it does go on and on and on, it's too late.

**PRESIDENT GRAYBILL:** Right. That's right-in the Committee of the Whole.

**DELEGATE KELLEHER:** How do we know beforehand—

**PRESIDENT GRAYBILL:** Well, the problem—

**DELEGATE KELLEHER:** -that it's going to go on interminably?

**PRESIDENT GRAYBILL:** The problem is that we have a rule, which we also want, that you can't move the previous question in Committee of the Whole, and if you can do what you're saying, limit debate in the middle of the debate, then you have really in effect moved the previous question. So you—we all run the risk when we open a subject on Committee of the Whole of debating it forever.

**DELEGATE KELLEHER:** Thank you.

**PRESIDENT GRAYBILL:** And, knowing that we run that risk, I trust we'll be guided accordingly. (Laughter) All right, now, the motion is to adopt the rules of Chapter 4 that have previously been referred to. All those in favor, say Aye.

**DELEGATES:** Aye.

**PRESIDENT GRAYBILL:** Opposed, No. (No response)  
The Ayes have it. And those are adopted. Will you please read Rule 30.

**CLERK HANSON:** "Rule 30: Substantive standing committees. The substantive standing committees are: Bill of Rights, Legisla"—is that "...ture" or "...tive"?

**PRESIDENT GRAYBILL:** "Legislature" or "...tive", Mr. Murray?

**DELEGATE MURRAY:** I can't tell, what? I proposed (Inaudible)

**PRESIDENT GRAYBILL:** All right, "Legislature".

**CLERK HANSON:** "...Legislature, Executive, Judiciary, Local Government, Revenue and Finance, Education and Public Lands, Public Health, Welfare, Labor and Industry, Natural Resources and Agriculture, General Government and Constitutional Amendment."

**PRESIDENT GRAYBILL:** Now, is there any discussion of Rule 30?

**DELEGATE BABCOCK:** Mr. President.

**PRESIDENT GRAYBILL:** Mrs. Babcock.

**DELEGATE BABCOCK:** I believe the right word would be "Legislative" instead of "Legislature".

**PRESIDENT GRAYBILL:** All right, let's make it "Legislative". Is there any other discussion?

Oh, let's see-Mr. Gysler.

**DELEGATE GYSLER:** Mr. President, I move that Public Lands be put back with Natural Resources and Agriculture as it was before and taken out of the Education Committee. I realize that what the Education Committee said to us during our preliminary sessions is true, and this is the reason that this body put Public Lands in with Education, that reason being that they wanted to be sure that on these earmarked funds for Education that come out of Public Lands. There are so many other aspects of this that really don't tie into Education as a committee and, I feel, very certainly tie in with Natural Resources and Agriculture. I feel I'm not alone in this. One of the communications sent to the chairmen and myself from Doug Smith in the Governor's office to agricultural people around the state, suggesting things and articles to be looking at, and this committee, the Natural Resources and Agriculture Committee, is one to be going to it, and then this was sent by Mr. Smith to an awful lot of farm groups. It has been suggested that we hold dual hearings or both committees meet on this. To me, in the interests of the public, there are going to be times when I feel that this would be very difficult, so this is the reason for my motion.

**PRESIDENT GRAYBILL:** All right, now. The motion is that we amend Rule 30 by moving the words "and Public Lands" to the Natural Resources and Agriculture Committee, That is, remove the subject matter there and take the words off of Education. So we'll discuss that.  
Mr. Champoux.

**DELEGATE CHAMPOUX:** May I speak that motion, Mr. President? This came up yesterday. Actually it involves three committees—Taxation, Natural Resources and Education—and we discussed it in our committee, and the feeling was that since a number of people had made quite a bit an effort, spent a lot of time researching this out, that we do have a bit of talent in this area, we do feel that it is important to education in general. At a meeting this morning between the Chairman of the Natural Resources Committee, Mrs. Cross, I think—and Mr. Rygg, we thought perhaps a compromise to this would be that we include Article XVII under the—also as an area of study for the Natural Resources Committee and, at the appropriate time, that we hold joint hearings. Are there other members of my committee perhaps that would like to speak to this? Thank you.

**PRESIDENT GRAYBILL:** All right, is there further discussion?  
Mr. Davis.

**DELEGATE DAVIS:** Mr. President, I put my name in for Education and Public Lands. One reason was when Public Lands was assigned to it. I'm not concerned and have a great deal of confidence in whoever would be on the committee that receives it. What does concern me, though, is, coming from a county that's got 3 million acres and more public land than any other in the state, that all the communications that go around the different places, but my constituents have no way of knowing of it. For instance, they refer to letters that this gentleman received from so-and-so, the Governor, and I am concerned that it be some way you could keep track of those things if it's in an area that concerns you. That's why I wanted to be on a committee that concerned public lands. My fellow delegate, Mr. Anderson, from our district, is quite concerned about public lands, too. So, regardless of what committee it's under, it affects education, it affects many other things. It affects your environmental and natural resources. But I would like to see it stay in Education, or put it in each one and we can both work together on the aspects of it that affect each area.

**PRESIDENT GRAYBILL:** Mr. Kamhoot.

**DELEGATE KAMHOOT:** Mr. President, I rise in support of the motion by Delegate Gysler. I am a member of the Natural Resources and Agricultural Committee. With Delegate Wilson, I represent over 10 percent of the State of Montana,

2 percent of the people, and within this 10 percent we have a lot of public land. Now, the Natural Resources Committee is being charged with reclamation, and there probably will be much of this public land will be mined, and this is going to be of prime importance in our committee. So I would therefore like to support Mr. Gysler's motion that we do have a vital say-so in the public lands of Montana.

**PRESIDENT GRAYBILL:** Mr. Conover.

**DELEGATE CONOVER:** I rise in support of keeping the Public Lands in Education. As you know, I'm a farmer and a rancher and I also have public lands. But to take Public Lands out of Education, which is a vital support of our public schools—I know that there is a lot of conservation and improvement of lands on our state lands which is going to involve in the natural resources of agriculture, which I'm very interested in myself, and I'll probably have some—would have some say in thoughts of their deliberation. But to take it away from us, I think it would be wrong. Going back to our people at home who are really interested in our public schools today, in the financing, which we are in jeopardy as—on our schools, I think that we're going to have to work together with the Natural Resources and Agriculture with Education, and I don't see why that we should have to relinquish it, as I think it is real vital to our education.

**PRESIDENT GRAYBILL:** Mr. Blaylock.

**DELEGATE BLAYLOCK:** Mr. Chairman, since we adopted a rule here a few minutes ago that you should reveal your interest, I think I should say I am a public school teacher. And these public lands—there are over 4 million acres of public school lands which belong to the school children of the State of Montana. And this is an enormous amount of money. This is set up by the Enabling Act, Section 16 and 36 of every township, for the education of the children of Montana. And so I believe that this Public Land should stay in the Education Committee, or I would be agreeable with what Mr. Champoux proposes, that there be joint hearings on it, but definitely not taken away from Education.

**PRESIDENT GRAYBILL:** Mr. Furlong.

**DELEGATE FURLONG:** Mr. President, I, too, am a teacher, and I rise in opposition to the motion. Some 90 to 95 percent of the public lands

in the State of Montana are reserved to the schools of the State of Montana. I recognize the interest of the other areas, but I would certainly recommend that they utilize the joint-hearing system. I would remind the Convention that, during our organization session—it seems like a long time ago now—the motion to add Public Lands to Education passed 98 to nothing.

**PRESIDENT GRAYBILL:** Mr. Harbaugh.

**DELEGATE HARBAUGH:** I'm a member of the Education Committee and I, too, would favor retaining the Public Lands in the Education Committee. I think probably the basic reason has to do with the Enabling Act itself. I think that another very important reason is that if we were to change this, I think it would raise a great deal of concern among the citizenry of our state at this point. And, certainly, I think we're going to have to have joint hearings with several committees in this area, but it seems to me that, in the best interests of the Convention, that these should be kept—Public Lands should be kept with Education.

**PRESIDENT GRAYBILL:** Mr. Anderson.

**DELEGATE JOHN ANDERSON:** I am serving on Natural Resources and Agriculture Committee and, as Carl has pointed out, both Madison and Beaverhead County have a good share of the school lands of our state and it's of great interest, I'm sure, to that area. I personally am not concerned what committee has charge of public lands as such. I have complete confidence, I think, in any of the delegates that work on these committees. But we discussed this at great length in our committee yesterday, and a good share of the work will, it seems, come out of the Natural Resources Committee in regard to the school lands. Also, I think the Taxation Committee will have some responsibility in regard to this, as well as, of course, the school lands are set up for a definite purpose for our school children, as has been mentioned. So, in any event, whichever committee that it may be kept in, I would like definitely to see the Natural Resources and perhaps the Education Committee and the Finance Committee work very closely together on this. And I am sure that by doing that that we can work out something that is of great benefit not only to our school children, but to everyone that is involved. I thank YOU.

**PRESIDENT GRAYBILL:** Mr. Barnard.

**DELEGATE BARNARD:** I would like to rise in opposition to the motion. I am a member of the Education Committee. The Education Committee is not only concerned with the permanent school fund, they are concerned with every aspect of the income to the school system from the public lands. We recognize that there's a problem in conservation of school lands which possibly we should work out with the Agricultural and Natural Resources Committee. We recognize that there's possibly a problem that might be concerned with the Committee on Finance, and we are quite aware of these problems, and we are willing to work with these other committees, but again I'd like to state that I believe that the major concern and the most vital part of the thing is concerned with the Education Committee in its interest to derive the greatest amount of income from the school lands to the educational system.

**PRESIDENT GRAYBILL:** Mrs. Cross.

**DELEGATE CROSS:** Mr. President, as Chairman of the Natural Resources and Agriculture Committee, I would like to see the Public Lands in our committee. However, I understand the concern of the other two committees, and we have talked about this at great length. I honestly don't believe that we can resolve this without the cooperation of the three committees involved. If the Convention so deems that the Public Lands stay with Education, of course, we will do our best to not only consider them in our committee but will cooperate with the other two committees for the benefit of all of us.

**PRESIDENT GRAYBILL:** All right. We'll withhold debate for a moment while we put a new tape on.

(Five-minute recess)

**PRESIDENT GRAYBILL:** The Convention will be in order.  
Mr. Foster.

**DELEGATE FOSTER:** Mr. President, I rise in support of the motion. I am neither a member of the Natural Resources or the Education Committee, and I support the motion, not from the standpoint of what the determination of committees will be on the matter of public lands, but from the standpoint that the public lands seems, in my opinion, to be closer related to natural resources and agriculture than it does to education, and I feel that there may be a disparity of work between the Education Committee and the Committee on

Agriculture and Natural Resources, because I find that there may well be a good deal of constitutional work for the Education Committee, but there is, in my opinion anyway, not a great deal of constitutional area for Agriculture and Natural Resources, and that this division might give a more evenly balanced division of work between the two committees.

PRESIDENT GRAYBILL: Mr. Siderius.

DELEGATE SIDERIUS: Mr. President. I don't think this will be too big a problem. I think we can work together. The idea is to save our natural resources for the benefit of all. The way our natural resources go, so will go the nation. I think when we make good use of our natural resources, we're also making good use or setting that aside for our human resources. And I think that's what we should have in mind when we're working together on these two committees.

PRESIDENT GRAYBILL: Mr. Wilson.

DELEGATE WILSON: Mr. President, I rise in support of the motion. I think that this Convention must realize that there's many, many thousands of acres that are federal lands that are not school lands that properly belong in the Committee of Natural Resources and Agriculture. I appreciate the interest and the concern of the educational people in the public land, in the school lands of the State of Montana, and I am sure that we all appreciate the fact that we want to have as much revenue for the schools from the school lands as it's possible to obtain, but there is many ramifications that enter into this consideration. The Natural Resources and Agriculture Committee, in my opinion, would be the proper place for these deliberations to take place. There is many ramifications that could be taken up under natural resources, in the Natural Resources Committee, to increase funds for education if it is properly handled in the Agricultural Committee. The agricultural people themselves are concerned that they would have a natural reference to natural resources and agriculture in their communications.

PRESIDENT GRAYBILL: Is there further debate or discussion?

Mr. Harper.

DELEGATE HARPER: Mr. Chairman, I think all of us are in agreement on the fact that both of these committees will have to work on this subject. There just doesn't seem to be any way out

of that. As it is now, as I understand it, the Education Committee has it and the other one would have to meet jointly with them. I wonder if it would not solve the problem—it seems to me that some good reasons for putting it under Natural Resources—maybe one of them has been mentioned—that maybe they don't have quite as full a load as the public education one does—to just shift it, put the Public Lands in that committee with the understanding that the Education Committee then would meet jointly with them. The shoe would just be on the other foot, and the same thing would be realized in the end.

PRESIDENT GRAYBILL: Mr. Harrington.

DELEGATE HARRINGTON: Mr. Chairman, I rise in opposition to the motion. I feel that should this be put or taken out of the Education Committee, I think it will cause a great deal of consternation in the education community. And I think it could cause a problem. I think if there's going to be cooperation, it's going to be necessary, but I think this could cause quite a problem if it's taken out.

PRESIDENT GRAYBILL: Further discussion? (No response) Mr. Gysler, do you want to close in your motion?

DELEGATE GYSLER: Thank you, Mr. President. For the benefit of the people on the Education Committee, I'm a former teacher. I'm Chairman of the Trades and Industry Program in Fort Benton high schools. I was an invited participant in the Secretary of Health, Education and Welfare regional meeting in Denver last April on vocational education, and I was also an invited participant in the regional meeting of the American Industrial Arts Association in Denver in May of last year. I certainly know what you mean when you say the people in education are concerned with the money from public lands, and so forth. If this is moved to our committee, which I hope it will be, I would certainly hope that between Education and Finance and with us, maybe a little bit, that these other committees would take care of this aspect of it. I don't think that the greatest interest of the public in the long run is the dollars and cents that we initially get in our continuing school fund. The best interests of the public in the long run are to be assured that these public lands will be administered properly so that the funds will continue to come. We have to conserve our public lands, and so on. To me, this is the greatest interest for the pub-

lic. The reason I want to see it moved is I can foresee many of our committee hearings being greatly handicapped because of the overlap that we will have in discussing natural resources, agriculture and public lands. I think for the best efficient operation and everything on down the line, we're just so much more concerned with the total aspect than the Education Committee is, that I feel it should be moved. Thank you.

**PRESIDENT GRAYBILL:** All right, Mr. Murray, do you have anything further, or can we vote on this?

**DELEGATE MURRAY:** I have too many things in front of me. Mr. President, the committee doesn't choose to speak to the merits of what committee this Public Lands should be in. We recognize that it might be a problem. We have done so twice; once in the last sentence of proposed Rule 42, when we say, "Committees may meet jointly with the consent of their respective chairmen and the consent of the President"; and again in Rule 46, where we say, "Where a proposal embraces subject matter which falls within the proper consideration of several committees, the President, where practicable, shall divide the proposal, refer the parts to the appropriate committees. If it is not subject to such division, the President shall refer it to an appropriate committee, with instructions to consult with other committees on related matters." And, with that, we say no more.

**PRESIDENT GRAYBILL:** All right, we're ready for the question on this. The motion of Mr. Gysler is to move Public Lands from the Education Committee to the Natural Resources and Agriculture Committee. As many as are in favor of the motion, please say Aye.

**DELEGATES:** Aye.

**PRESIDENT GRAYBILL:** As many as are opposed, please say No.

**DELEGATES:** No.

**PRESIDENT GRAYBILL:** The Chair is in doubt. We'll use the voting machine. The Chair will open the ballot, and as many as are in favor will vote Aye; and as many as are opposed will vote No to the motion. Has every delegate voted?  
(No response)

**PRESIDENT GRAYBILL:** Does any delegate wish to cast his vote-change his vote?  
(No response)

**PRESIDENT GRAYBILL:** All right, I'll close the ballot. The tally is 52 Nay, 44 Aye. The motion has failed. So ordered. Now, for the edification of everyone, the Chair certainly intends to use the two motions referred to by Mr. Murray, and these three committees may rest assured that they're going to consider most of these matters jointly when they concern each other. I recognize there may be parts of the public lands issue that don't really affect the other committees, and those-I'm not going to require them to be considered jointly. But wherever there is any question about it, I trust these three chairmen will make their wishes known to me. All right, how about Rule 31, Mr. Clerk?

**DELEGATE HARPER:** Mr. Chairman.

**PRESIDENT GRAYBILL:** Just a moment. Mr. Harper.

**DELEGATE HARPER:** Question. Just for information, where did Suffrage and Elections finally end up? In Bill of Rights or in General Government?

**PRESIDENT GRAYBILL:** As a matter of fact, I am a little ahead of myself. We should go ahead and finish 30. At the moment the Chair has set-has moved material that normally was in Suffrage into General Government. We did not add it to the title because the title is already too long, and it's the sense of the present rules that the suffrage matters will be in General Government instead of in Bill of Rights. Now, if you don't want us to do that, now's the time to reestablish Bill of Rights or wherever else you want to go to, and we'll vote on that. But at the moment, Suffrage is in General Government. Is there any discussion of Rule 30? Other discussion of Rule 30?

Mr. Blaylock.

**DELEGATE BLAYLOCK:** Just a question, Mr. President. Is it true that that was done—it was taken out of Bill of Rights—because you felt that that committee had not enough to do and that they could better handle it?

**PRESIDENT GRAYBILL:** Well, we did think that it would give General Government another subject that they could profitably put some of their time on, I'll grant you that, yes. And again, if there's any-if the Bill of Rights people

feel strongly about this, we would certainly again use the rules and jointly consider it, but I'd await some request from some committee.

Mr. James.

**DELEGATE JAMES:** Mr. President, is it true that the section on water rights was taken out of Bill of Rights, to"? I think it's Article XV in there.

**PRESIDENT GRAYBILL:** Well, is there a water rights section in the Constitution that I assigned?

**DELEGATE DAHOOD:** That is correct. Article-w I should say Section 15 originally was assigned to another committee. It was never assigned to the Bill of Rights Committee.

**PRESIDENT GRAYBILL:** All right. Now, if you chairmen would like those assignments doubled up, I'd be glad to. I think I assigned water rights to Natural Resources. And if you want joint hearings on those, talk to me and, within reason and if you're correct on your subject matters, why, the Chair intends to jointly consider them. But I certainly think water rights is properly where it is, but it may also be properly somewhere else. Are there other questions about the substantive standing committees? If not and with the understanding that Suffrage is now in General Government, we'll pass Rule 30. Now, 31, please, Mr. Hanson.

**CLERK HANSON:** "Rule 31: Procedural standing committees. The procedural standing committees are: Administration, Public Information, Rules and Resolutions (Rules), Style, Drafting, Transition and Submission (Style)."

**PRESIDENT GRAYBILL:** Is there any discussion on Rule 31?

Mr. Brazier.

**DELEGATE BRAZIER:** Mr. President, after a hasty review of these rules yesterday, I failed to notice where any provision was made giving the Committee on Style and Drafting authority to arrange also. And in view of the recent discussion, which I think underscores the problem, I think it ought to be made clear somewhere. For example, our Committee on Natural Resources might not consider it necessary to come up with an entire article as such, then somebody would have to decide where to spot the proposals throughout the balance of the Constitution. With that in mind, I guess I'd just call it to the attention

of the Rules Committee that something should be said in the substance of the rules or in the title of that committee to clarify that they have authority to arrange or propose arrangement, also.

**PRESIDENT GRAYBILL:** You mean the Style and Drafting Committee?

**DELEGATE BRAZIER:** Yes.

**PRESIDENT GRAYBILL:** Well, is there some question that the Style and Drafting Committee doesn't have the right to suggest where it should go in the Constitution?

**DELEGATE BRAZIER:** Well, it may be there by implication, but I don't think it is set anywhere in the proposed rules.

**PRESIDENT GRAYBILL:** Well, I'm sure Jack Schiltz intends to exercise it, but if there's any question, we'll certainly talk about it.

**DELEGATE SCHILTZ:** Mr. President.

**PRESIDENT GRAYBILL:** Mr. Schiltz.

**DELEGATE SCHILTZ:** (Inaudible)—misunderstanding about it. We do intend to undertake that task.

**PRESIDENT GRAYBILL:** And Mr. Brazier (Inaudible).

**DELEGATE SCHILTZ:** It's really covered by the word "submission". We're not talking so much about submission to the public as we are submission to this body and to the public as well.

**PRESIDENT GRAYBILL:** And, Mr. Brazier, the report of that committee would come back and then would be debatable as to whether it went the right place. But-I don't know if it's debatable, but anyway it comes back here. Okay, is there other discussion on Rule 31? (No response) If not, we'll consider Rule 31 passed. Rule 32.

**CLERK HANSON:** "Rule 32: President ex officio member of all standing committees. The President shall be an ex officio member of all standing committees, substantive, and procedural committees, but shall not vote except to break a tie and shall not be counted for the purpose of determining a quorum."

**PRESIDENT GRAYBILL:** Any discussion of Rule 32? (No response) Hearing none, the Chair will pass Rule 32. Rule 33, please.

**CLERK HANSON:** "Rule 33: Select committees. The President may on his own initiative or at the direction of the Convention appoint such select committees as may be necessary to perform special functions."

**PRESIDENT GRAYBILL:** Any discussion of Rule 33? (No response) If not, we'll pass Rule 33.

**CLERK HANSON:** "Rule 34: Appointment of committee members. The President, after consideration with the Vice-president(s), shall appoint the committee members, but any appointment, on the announcement thereof, may be rejected by a majority of the members of the Convention prior to adjournment on January 19, 1972. Each member, except the President, shall be appointed to serve on one substantive standing committee."

**PRESIDENT GRAYBILL:** Any question or discussion on Rule 34? (No response) If not, 34 is passed. Rule 35.

**CLERK HANSON:** "Rule 35: Appointment of committee Chairman and Vice-chairman. The President, after consultation with Vice-presidents, shall designate the Chairman and Vice-chairman of every committee, and his designees shall be subject to the approval by a majority of the members of the Convention. In case of a vacancy or the prolonged absence of the Chairman and Vice-chairman, the President of the Convention shall appoint a Chairman to act until the Chairman or Vice-chairman shall return. The Vice-chairman shall perform all of the duties and functions of the Chairman in the absence of the Chairman. Committee Chairman and Vice-chairman should vote on all items before the committee the same as other delegates."

**PRESIDENT GRAYBILL:** Any discussion on Rule 35?  
Mr. Murray.

**DELEGATE MURRAY:** Mr. President, I believe that there's a typographical error in the last sentence. My recollection of the committee decision was that committee Chairman and Vice-chairman shall vote on all items before the committee the same as other delegates, rather than the word "should". That's the recollection of Mr. Eskildsen, and I submit that that's the way it should be.

**PRESIDENT GRAYBILL:** Allright, we'll

accept your amendment of your proposal so that it reads "shall" instead of "should". Now, as proposed, is there any discussion of Rule 35? (No response) If not, we'll pass Rule 35. 36.

**CLERK HANSON:** "Rule 36: Quorum and rules of committees. A majority of any committee constitutes a quorum, but the question of the presence of a quorum of a committee may not be raised on the consideration of a proposal before the Convention unless the question has been raised before the committee. The rule of the Convention shall be observed in all committees as far as may be applicable and, if applicable, may not be suspended."

**PRESIDENT GRAYBILL:** Any questions or discussions on Rule 36? (No response) If not, we'll pass Rule 36. Rule 37.

**CLERK HANSON:** "Rule 37: Calling of committees and agenda. Each committee shall meet at the call of its Chairman, who shall also set its agenda. Any three members of a committee may, in writing, request the Chairman to call a meeting of that committee, and upon his failure to do so within 48 hours, not including Saturdays, Sundays and legal holidays, a majority of the members of the committee shall have the right to call a meeting of the committee and set its agenda and place of meeting under the appropriate notice requirements. Each delegate proposal referred to a committee must appear on the committee's agenda at least once, but the committee shall not be required to report to the Convention thereon except as provided in Rule 41."

**PRESIDENT GRAYBILL:** Is there any discussion of Rule 37?  
Mr. Aronow.

**DELEGATE ARONOW:** Mr. President, may I ask from Mr. Murray-suppose we go to Tuesday through Saturday workweek and you have it not counting Saturdays and Sundays. I wonder if we could have some language to kind of cover that type of situation when and if the Convention acts?

**DELEGATE MURRAY:** Mr. President, if we decide to work differently, or other than Monday through Friday, the Rules Committee will come back with a different proposal.

**PRESIDENT GRAYBILL:** Okay.

DELEGATE MURRAY: We know that we have a problem, or are facing one, in that instance, yes.

PRESIDENT GRAYBILL: Mr. Mahoney.

DELEGATE MAHONEY: Mr. President. I ask a question. Do I determine here that the committee itself couldn't write its agenda, or is it going to be obligated only to the Chairman and can only take up what the Chairman wishes?

DELEGATE MURRAY: Mr. President, this rule encompasses two different thoughts, basically. I believe it is the intent of the committee that the Rules Committee—that any given committee could call a meeting when the Chairman refused to and set an agenda for that meeting. I don't think that it's consistent that the committee should be able to call a meeting and not have an agenda upon which to act. Perhaps this rule could be changed to clarify that, but it's the intent of the rule for the committee to act where the Chairman will not and to act upon an agenda.

DELEGATE MAHONEY: Mr. President, what's worrying me is the overaction of the Chairman, that you can't not let the committee take up anything only that he wishes. This is what I'm worried about. Under the regular procedure, he calls the meeting, he names the agenda, and I'm in hopes that this means that the committee itself decides it wants to take up something else, that they can't be limited. This is what's the point I'm bothered about is the reading of that word "and 'shall' set its agenda". I thought it was a little too-giving the committee Chairman a little too much power.

DELEGATE MURRAY: Well, the intent of the rule, Mr. President, is as I've explained it, for the committee to call a meeting when the Chairman will not do so or refuses or neglects to do so and to act upon an agenda which it will set. And if the rule doesn't say that to the satisfaction of this body, why, we'll make it say so.

DELEGATE MAHONEY: The only thing I'm worried about, Mr. President, is this: who shall set its agenda—also set its agenda? I'm just—that's too encompassing to the President. If he calls the meeting, there's no question then. This is—Marshall, this is the only part I'm worried about. Are we telling to the Chairman that they can't take up their—the committee itself can't take up anything that he doesn't put on the agenda?

DELEGATE MURRAY: At any time, you mean—whether they call the meeting or not?

DELEGATE MAHONEY: Yes, yes.

DELEGATE MURRAY: Well, if every proposal has to be upon its agenda, I suppose that the matter will always be considered as-to some extent. And I move at this time that we pass consideration of Rule 37 so that you and I can meet upon that.

PRESIDENT GRAYBILL: All right. The issue, unless I see someone wants to discuss it, is upon passing consideration of 37 until they've discussed it. All in favor, say Aye.

DELEGATES: Aye.

PRESIDENT GRAYBILL: Opposed, Nay.

DELEGATES: No.

PRESIDENT GRAYBILL: The Ayes have it, and so ordered. Mr. Murray, I want to inquire here. There's a 38 and a 38A. Are they separate rules?

DELEGATE MURRAY: They are not separate rules.

PRESIDENT GRAYBILL: All right—

DELEGATE MURRAY: They—I—

PRESIDENT GRAYBILL: Well?

DELEGATE MURRAY: Yes, let me explain this just a minute. Rule—what has been delivered to the desks in a mimeo form which is entitled Rule 38A, was intended by the committee on its final action this morning to be the second, third and fourth paragraphs of Rule 38, and it was improperly entitled before we took action on it in the committee.

PRESIDENT GRAYBILL: All right, may we consider Rule 38, sub. 1, then? Is that the way you want to do it?

DELEGATE MURRAY: Please.

PRESIDENT GRAYBILL: All right, let's read Rule 38, sub. 1.

CLERK HANSON: "Rule 38: Notice of committee"—and striking the words "meetings and"—"hearings. No substantive committee hearing may be held unless notice thereof is

posted in the following manner: The Secretary of the Convention shall be furnished an original and three copies of a written notice, signed by the Chairman or members of the committee calling the hearing. The notice shall state the date, hour, and place of the proposed hearing and the proposal number or subject matter to be considered. The Secretary shall post one copy thereof on a designated bulletin board, with an endorsement thereon of the hour and date of the posting, which may not be less than 3 days before the time of the hearing. The original notice shall be retained by the Secretary. The other copies shall be returned to the Chairman of the committee and the Public Information Director, with the endorsement of the Secretary. The substantive committee secretary shall deliver a copy of the notice to all members of the committee and to all members of the Convention who have introduced proposals on the subject matter to be considered."

**PRESIDENT GRAYBILL:** All right. The question, then, is open for discussion on Rule 38-1, which the Chair points out includes that 3-day rule.

Mrs. Bowman.

**DELEGATE BOWMAN:** Mr. President, I think, as a matter of making it easier for the delegates, these notices of committee hearings will actually go through the chief clerk's office, and I wonder if maybe the rule should indicate that rather than the fact that they're going to come through my office.

**DELEGATE MURRAY:** Mr. President, may I speak to that?

**PRESIDENT GRAYBILL:** Mr. Murray.

**DELEGATE MURRAY:** When drafting these rules, we didn't have any idea as to the titles of the various officers on the rostrum or elsewhere, and it was decided that we should place all clerical work under the title Secretary, she having the responsibility for the delegation of that work, and that's why the word "Secretary" is contained in the rule.

**PRESIDENT GRAYBILL:** And you may, Mrs. Bowman, make a rule that they hand it in at the clerk's office, if you want.

**DELEGATE BOWMAN:** For your information, would you please give it to John Hanson, who will sign it.

**PRESIDENT GRAYBILL:** All right, now. Any other discussion of Rule 38, sub. 1? (No response) Do I understand you're all happy with 3-I don't want anybody fooled here-3 days.

Very well, hearing no further discussion of Rule 38, sub. 1, we'll pass 38, sub. 1. Now, just a minute, Mr. Hanson.

**CLERK HANSON:** Mrs. Reichert-

**PRESIDENT GRAYBILL:** Oh, Mrs. Reichert, do you have something on 38, sub. 1?

**DELEGATE REICHERT:** Mr. President, I thought that we were going to also discuss 38, sub. 2; does this mean that if we do not discuss 38, sub. 1, we may not discuss sub. 2; right?

**PRESIDENT GRAYBILL:** We can come back to sub. 1 if you want to this afternoon. I'm just trying to find a point to cut off here, but at the moment nobody wants to discuss sub. 1, so we are passing sub. 1 for the moment. If you want it up again this afternoon, you ask.

Mr. Eskildsen, I have some announcements, but I think we should recess.

**DELEGATE ESKILDSEN:** Mr. President, members of the Convention. The Rules Committee will meet immediately on recess; and with that, Mr. President, I move that the Convention stand in recess until 2:00 pm. this afternoon.

**PRESIDENT GRAYBILL:** All right, before we vote on that motion, the Chair would like to announce that it's my intention to take up the skipped rules—19, 23, 26, 27, 37, first after lunch—well, yes, first. In other words, we're going to clean up the docket up to 38 and then proceed, so those of you who are to meet with the Rules Committee, please do so. We're going to adjourn until 2:00, so you have some time. Secondly, the Chair would like to remind delegates that if they want to come to that party tonight, please get your reservations in at the desk out there if you haven't done so. All those in favor of adjourning—

Just a minute-Mr. Toole?

**DELEGATE TOOLE:** Nothing.

**PRESIDENT GRAYBILL:** All those in favor of adjourning, say Aye.

**DELEGATES:** Aye.

**PRESIDENT GRAYBILL:** Opposed, **Nay.** (No response)

PRESIDENT GRAYBILL: The motion passed. Let the journal show recessed.

(Convention recessed at 12:04 pm. — reconvened at 2:05 p.m.)

PRESIDENT GRAYBILL: The Convention will be in order. Unless the Chair hears objection, we will resume Mason's Order of Business G, Reports of Standing Committees, and continue discussion of the Rules Committee. I am asked to make two announcements while you're getting settled. First of all, most of you have received a notice by mail here. It starts out, "Memorandum to all state employees about parking facilities", and it has this single-spaced typed message on the bottom, objecting on behalf of some of the employees to our parking. Mr. Saxby, the director of the Department of Administration, wants it clear to all of us that only the top, double-spaced part represents his office's and the state administration's sentiments. The rest of it was typed on here and is not his sentiments nor does it represent the sentiments of all of the state employees. In other words, he doesn't want you to think that he's telling you that he doesn't like your parking. Just half of them don't like it. So when you get that, bear in mind that that's a message from some of the Capitol employees and not all. (Laughter) The marvels of the duplicating machine. Mrs. Bowman, the reason you didn't get a notice is you're the only one that's got a sign up. Now, the second thing I'd like to mention is: the clerk here would like me to announce that he will turn on themikes, if he can, after I recognize you, and therefore, if you'll just pause slightly after I recognize you, it will give him a chance to get them on and you won't get the first three words cut off, as often happens. Secondly, if you have a question, please rise and, after you're recognized, say, "Does Delegate X yield." At that point-or "Will the President ask Delegate X to yield." At that point it gives me a chance to recognize you and get Delegate X and your mikes both on, and we won't be as confused as we were. Then the President will say, "Do you yield?" And then the other man will say, "Yes," and then you'll be able to talk. In other words, if we slow it up just a little, we won't be talking over each other. And he'd like one question-the recorder would like one question at a time. All right, we're now on the rules again, and we announced that we would take up, unless there's objection, the ones that we skipped this morning, and we started with Rule 19. Are we-I'll ask the clerk to read an amended Rule 19.

CLERK HANSON: "Rule 19: Contemptuous behavior of delegates. Any delegate who persists in disorderly conduct after being warned by the President or Chairman of the Committee of the Whole that he is out of order, may, by motion duly made and carried by a two-thirds majority of delegates elected, be held in contempt and be required to purge himself of such misconduct; and until such delegate has purged himself, he shall not be entitled to the privileges of the floor."

PRESIDENT GRAYBILL: Mr. Murray.

DELEGATE MURRAY: Mr. President, I move the adoption of the amended Rule 19. The committee has considered the matter; recognizes that Rule 19 which we proposed came from Illinois; after consideration and discussion with Mr. Cate, has agreed that the substitute rule may be better; and we propose it.

PRESIDENT GRAYBILL: Is there debate or discussion or amendment to the proposed Rule 19? Do you want it read again? Everybody have it? Any discussion of proposed Rule 19? (No response) Hearing none and the Chairman of the Rules Committee having met with Mr. Cate and settled this, we will pass Rule 19. All right, would the clerk read amended Rule 26.

CLERK HANSON: "Rule 26: Motion that Committee of the Whole rise. A motion that the Committee of the Whole rise and report progress shall always be in order unless a member of the committee is speaking or a vote is being taken, and such motion shall be decided without debate by vote of a majority of those present and voting; and provided, further, when the Committee of the Whole again sits-not sets-the subject under consideration prior to the motion to rise and report progress shall again be resumed."

PRESIDENT GRAYBILL: Mr. Murray.

DELEGATE MURRAY: Mr. President, we amended Rule 26 by stating that a motion that the Committee of the Whole rise and report progress shall always be in order. It is the thinking of the committee, after considering this matter with Mr. Mahoney, that because of our procedure here, where we might be continuing in the order of business General Orders and in the Committee of the Whole overnight, that we should probably have the rule amended as it now is; and the rule then provides, also, that when you again sit that you

will revert to wherever you were at the time that the committee did rise and report progress.

**PRESIDENT GRAYBILL:** Is there any discussion of the new proposed Rule 267 (No response) Hearing none, the Chair will pass Rule 26. Would you read proposed Rule 27.

**CLERK HANSON:** "Rule 27: Reconsideration. A motion to reconsider shall be in order in the Committee of the Whole by a majority vote of those present and voting, before the Committee shall rise and finally report, A motion to reconsider shall not be renewed."

**DELEGATE MURRAY:** Mr. President.

**PRESIDENT GRAYBILL:** Mr. Murray.

**DELEGATE MURRAY:** This is substantially different than the Rule 27 as we proposed it. Actually, in my drafting of Rule 27 and Rule 66, which we have not discussed but we probably should look ahead to, I anticipated the problem of the motion to reconsider within the Committee of the Whole and actually suggested to the committee in my draft that we come up with a rule such as we are now proposing. If you took the rule as the committee proposed it, it is more liberal than Rule 66, and I think if there is any liberality to the rule, it should be in Rule 66 rather than in Rule 27. This means where we think that we may be meeting from session to session and the Committee of the Whole, over recess and perhaps overnight, that the motion to reconsider can be made any time within the Committee of the Whole before the Committee shall arise and finally report. And that doesn't mean report progress and sit again; that means finally report as to the topic under discussion. Now this may mean that it may not be the next day or it may be 2 days later. We don't know just how we're going to run. Now the last sentence, "A motion to reconsider shall not be renewed", means that you cannot move to reconsider a motion to reconsider. And once you've defeated a motion to reconsider, if you do, that ends it.

**PRESIDENT GRAYBILL:** Is there any discussion of this rule? (No response) All right, hearing no discussion of this rule, the Chair will pass Rule 27.

Pardon? Oh, I beg your pardon-Mrs. Reichert.

**DELEGATE REICHERT:** Mr. President, this morning you mentioned Rule 23 also having

been postponed. Have you deliberately skipped that?

**PRESIDENT GRAYBILL:** Mrs. Reichert, I have not forgotten it. Don't worry. Is there any more discussion on Rule 27? (No response) If not, we'll pass Rule 27. Now, does the Rules Committee have other proposed rule changes?

**DELEGATE MURRAY:** Mr. President.

**PRESIDENT GRAYBILL:** Mr. Murray.

**DELEGATE MURRAY:** Let us look at Rule 23.

**PRESIDENT GRAYBILL:** Do you want us to read Rule 23, Mr. Murray?

**DELEGATE MURRAY:** No, I'd better read it, because we didn't have it duplicated, I don't believe. I think that we made the changes in the rule as is before the Convention right now. "All proposals reported by any substantive committee of the Convention shall be referred to the Committee of the Whole and become general orders to be placed upon the calendar and agenda of the Committee of the Whole by the President." There are no changes down to that point. From there on there are some. "No committee proposal shall be considered by the Committee of the Whole until"--and then strike out "the second session day after it has been referred to the Committee of the Whole, nor until the day"--the words "the second session day after it has been referred to the Committee of the Whole, nor until the day" have been stricken and substitute "48 hours", so that that sentence then reads: "No committee proposal shall be considered by the Committee of the Whole until 48 hours after the duplicated committee proposal has been placed on the delegates' desks unless the Convention agrees to its earlier consideration."

**PRESIDENT GRAYBILL:** I understand that the sense of the motion that the Rules Committee proposes now is to change the second session day and the 1 day on duplication to 48 hours, or 2 days, 2 full days, after it reaches the delegates' desks. Now is there discussion on that motion--that rule? (No response) Is there any discussion on that rule? Mr. Murray, are you up to discuss?

**DELEGATE MURRAY:** Well, I don't know whether I'm up to discuss or explain. It occurs to me that we asked to have duplicated this rule. Not having it, I didn't think that we did, but we have an additional sentence to add onto the

rule-if I can recall it-add this sentence: "No committee report shall be duplicated and placed on the delegates' desks until after it has been reported to the Convention under Order of Business Number 1". "No committee report shall be duplicated and placed on the delegates' desks until after it has been reported to the Convention under Order of Business Number 1."

**PRESIDENT GRAYBILL:** May I ask a question of the Chairman?

**DELEGATE MURRAY:** You bet.

**PRESIDENT GRAYBILL:** Does that mean that if the committee got its report out at noon some day but the Convention wasn't going to meet until the next day, that we can't run down and print it?

**DELEGATE MURRAY:** It has to be reported and announced.

**PRESIDENT GRAYBILL:** Well, but it says, can't be duplicated. Does that mean that the printing shop can't duplicate it and have it ready? I don't-I'm just trying to find out what it means.

**DELEGATE MURRAY:** The intent of the rule is that it shall not be at least placed on the desks until after it is reported to the Convention, because the 48 hours is the-from the placement on the desk. That's the time period—

**PRESIDENT GRAYBILL:** Could the Chair suggest that you might drop that duplicated word out?

**DELEGATE MURRAY:** I'm agreeable to that. "No committee report shall be placed on the delegates' desks until after it has been reported to the Convention under Order of Business Number 1."

**PRESIDENT GRAYBILL:** Now, if that isn't the sense of what the people that wrote this want, I don't want to disagree with them; but it looks to me like you've fixed it so if the committee got through at noon, you couldn't even print for another day and that—

**DELEGATE MURRAY:** We don't want to do that. The sense is as you suggested. We think that your suggestion is well taken.

**PRESIDENT GRAYBILL:** What that means is that preserves the full 48 hours, so that they couldn't throw it on the desk at 5 o'clock some

night and-when it hadn't been on the orders of the day, is that the idea?

**DELEGATE MURRAY:** Right. We're avoiding the counting of days and how you count days by getting to hours, and we feel that this will give every delegate an opportunity to invite the people in that they would like to invite for the debate itself and also give the delegates the time to review the proposal before it is debated,

**PRESIDENT GRAYBILL:** Now, is there discussion on the amended Rule 23 which has changed the time by-on which the Committee of the Whole has to have notice before it can debate to 48 hours and has protected that by saying that it can't be placed on the desks until after it has gone on General Orders. Is there any discussion on the amended-or proposed amended Rule 23? (No response) If not, we'll have it passed as amended.

**DELEGATE AASHEIM:** Mr. President.

**PRESIDENT GRAYBILL:** Mr. Aasheim.

**DELEGATE AASHEIM:** I should rise to a point of privilege of the chamber, I believe, but right now it just occurred to me that, after talking to one or two individuals during the recess, they are a little confused about what we are talking about. It might be quite a number. And it might be well now if Delegate Marshall could explain to the assembly what is meant by the Committee of the Whole and General Orders. I think maybe they don't quite understand this.

**PRESIDENT GRAYBILL:** Mr. Murray, you had to explain that to the Rules Committee. Would you mind explaining it to the rest of us?

**DELEGATE MURRAY:** Mr. President, I'm not sure I can. If you will refer to the order of business that we've proposed-whatever rule that might be-54-you will see how we suggest that this Convention operate. It is different from the order of business proposed by Mason's, and there are reasons for that. As we hope to operate this Convention, or as we propose to you that you operate it, we are attempting to keep the debate on the committee proposals within the Committee of the Whole, and when we have an order of business, such as Order of Business Number 10, General Orders of the Day, Committee of the Whole, that is that order of business. Now General Orders of the Day is broken down in a later rule to two categories. One has to do with the Committee on Style

and its proposals and the other has to do with the substantive committee proposals, and that's why you call it General Orders of the Day. Everybody calls it General Orders of the Day or Committee of the Whole, and as I put the rules together and submitted them to the committee, it would have been a major undertaking to have used either solely Committee of the Whole or General Orders. But that is, as we think of committee proposals, the debate stage in this Convention. With respect to resolutions, and the rule provides that they shall be debated in either Order of Business Number 1 or in Order of Business Number 2, depending upon the nature of the resolution and how it is referred or handled. But Committee of the Whole is the debate stage. Now, when we talk about the term "rise"—the committee "rise"—that's the term we mean when it recesses or adjourns, depending on the nature of the motion that is made. If it rises and reports progress and takes leave to sit again, it is recessing, unless it is overnight and then, naturally, it's an adjournment. But it's in the nature of a recess, rather than an adjournment. And if it rises and finally reports, it then is adjourning. Now, when it adjourns, it can go to another order of business. If it's in recess and you beg leave to sit again, you go automatically back to that order of business and continue with General Orders of the Day or Committee of the Whole.

**PRESIDENT GRAYBILL:** In other words, isn't it true, Mr. Murray, that the Committee of the Whole cannot recess and adjourn and walk out? It has to recess and adjourn and go back into Convention and then recess and adjourn. Isn't that right?

**DELEGATE MURRAY:** Essentially so, yes.

**PRESIDENT GRAYBILL:** All right. And, secondly, aren't we saying that, for purposes of Rule 23, the way it would work is this—when the committee got ready to report, the Chairman would come in on rule-Orders of Business Number 1—and he'd report that the X committee is ready to report and here's its report, and it then goes on General Orders of the Day. In other words, it's placed on General Orders of the Day, and at that point the 48 hours starts to run. Isn't that right?

**DELEGATE MURRAY:** No, no. The 48 hours runs—

**PRESIDENT GRAYBILL:** All right, the 48 hours then runs as fast as we get it printed and on their desks after that.

**DELEGATE MURRAY:** When it hits the desk—

**PRESIDENT GRAYBILL:** I see.

**DELEGATE MURRAY:** -there shall have to be a report by the clerk—

**PRESIDENT GRAYBILL:** But the point is—

**DELEGATE MURRAY:** -that it was distributed at such an hour.

**PRESIDENT GRAYBILL:** I see—

**DELEGATE MURRAY:** Notice, I suppose, on the board and then placed on the calendar in accordance with the 48 hours.

**PRESIDENT GRAYBILL:** I see. But—and the reason we put that last sentence on is so that you couldn't put the report out before you really made it and then catch some time by that?

**DELEGATE MURRAY:** Yes.

**PRESIDENT GRAYBILL:** Okay. Now, I then after it's been printed, in 48 hour--and distributed, in-48 hours runs; then any time after that, we may resolve ourselves into Committee of the Whole and consider it and debate it, right?

**DELEGATE MURRAY:** Under the-in order of referral, yes, unless we change that order.

**PRESIDENT GRAYBILL:** Okay—Now, I don't know, Mr. Aasheim, if that sufficiently clarifies or confuses the issue for you.

**DELEGATE AASHEIM:** I was not asking for myself, I was asking (Inaudible).

**PRESIDENT GRAYBILL:** Okay. Are there other questions about what Rule 23 may mean, or are you ready—or I have passed, at the moment, as amended, Rule 23. (No response) All right. Now, then, Mr. Murray, what about Rule 37?

**DELEGATE MURRAY:** Mr. President, the difficulty with Rule 37, as explained to us by Mr. Mahoney, was that we gave the absolute power to the Chairman to establish the committee agenda, and we feel that with the amendment we will soon announce that we have given some of

that authority and responsibility to the committee. We propose to add to the end of sentence one, which is: "Each committee shall meet at the call of its Chairman, who shall also set its agenda", the language: "with the advice and consent of the committee." Later in the rule, if the committee should force the calling of a meeting because the Chairman doesn't do so, it can then establish its agenda, but we don't seem to have the machinery for the committee to assist with the establishment of its agenda if the Chairman calls the meeting. And since we require everything to be on the agenda once, it seemed that the committee thought that this language would be proper, and so we recommend it.

PRESIDENT GRAYBILL: All right. We're considering Rule 37 which was passed—was skipped this morning, and the committee—the rule now reads: "Each committee shall meet at the call of its Chairman, who shall also set its agenda with the advice and consent of the committee." And then it goes on the same as it did this morning, and we have Mr. Aronow's point about changing the words "Saturday, Sunday and holidays", depending upon the workweek. Now, is there any discussion of this proposed amended Rule 37?

Mr. Davis.

DELEGATE DAVIS: Mr. President, would Mr. Murray—would you consider if you had "not including Saturdays and Sundays and legal holidays", to substitute the word "nonwork days and legal holidays"—would that then take care of the results of any discussion tomorrow on what our workweek would be without prejudicing the committee's work?

PRESIDENT GRAYBILL: Mr. Murray.

DELEGATE MURRAY: Mr. President, I'm agreeable to that, and I don't think the committee would mind at all.

PRESIDENT GRAYBILL: All right, now, are you going to make an amendment, Mr. Davis?

DELEGATE DAVIS: I move that Rule 37 be so amended—

UNIDENTIFIED DELEGATE: By deleting—

DELEGATE DAVIS: -by deleting "Saturdays, Sundays" and substituting therefor "non-work days".

PRESIDENT GRAYBILL: All right, Mr. Davis has proposed an amendment to Rule 37, as proposed by the committee, to say "within 48 hours, not including nonwork days and legal holidays" in place of "Saturdays, Sundays and legal holidays". Is there discussion of the amendment? (No response) If not, so many as are in favor of the amendment, please say Aye.

DELEGATES: Aye.

PRESIDENT GRAYBILL: And as many as are opposed, please say No.  
(No response)

PRESIDENT GRAYBILL: The Ayes have it, and so ordered. All right. Now we're back on Rule 37. Are there any other proposals to the amended-the committee-amended Rule 37? (No response) Hearing none, the-Mr. Murray, are you going to amend it?

DELEGATE MURRAY: No. Mr. President—

PRESIDENT GRAYBILL: Yes?

DELEGATE MURRAY: Before we continue on with this chapter, I would move that, since we want to get this into the journal, that we adopt the amended Rules 19, 23, 26, and 27.

PRESIDENT GRAYBILL: How about 37?

DELEGATE MURRAY: I was going to take that up as we got into the chapter itself.

PRESIDENT GRAYBILL: Oh, that's the next one.

DELEGATE MURRAY: Yes.

PRESIDENT GRAYBILL: Well, the Chair is going to pass 37, since nobody stood up before Mr. Murray; and now that we've passed 37, your next matter is in order. And is there any discussion? That's chapter what-3? 4? All right, skipped-over Rules 19, 23, 26 and 27 in Chapter 4, which have now all been passed—the motion is to incorporate them in Chapter 4. So many as are in favor of the motion, say Aye.

DELEGATES: Aye.

**PRESIDENT GRAYBILL:** So many as are opposed, say No. (No response)

**PRESIDENT GRAYBILL:** The Ayes have it, and so ordered. All right, now, 37 has been passed; 38-1 was passed this morning. Unless someone cares to reopen that now, we'll go to 38-2. Will the clerk please read-Wait a minute.  
Mr. Toole.

**DELEGATE TOOLE:** Does 38-1 replace the 3-day notice, or is that 38-I'm not-

**PRESIDENT GRAYBILL:** It includes the 3-days' notice.

**DELEGATE TOOLE:** Well, I don't want to make the same speech I made yesterday, Mr. President. But on behalf of the Public Information Committee, we think this should be changed to 5 days, and I made my remarks about that yesterday and I won't repeat them, but I would like to move at this time that the "3" be stricken and the number "5" substituted in line 9—

**PRESIDENT GRAYBILL:** All right.

**DELEGATE TOOLE:** -of Rule 38.

**PRESIDENT GRAYBILL:** Mr. Toole has made an amendment-or proposed an amendment to Rule 38-1, changing the number "3 days" notice to "5 days". Is there further discussion on that?

Mr. Habedank.

**DELEGATE HABEDANK:** Mr. President, I rise in opposition to the amendment. I can appreciate the feeling of the Public Information Committee. I appreciate the feeling of the public, who feels that they should have notice. I think every committeewill givethepublic5 days or more notice in situations where it's possible. But I do not think it's wise to tie the hands of this Convention to-or the committees in doing things in the latter days when time is essential. And I feel for this reason the 3 days should stand.

**PRESIDENT GRAYBILL:** Mrs. Reichert.

**DELEGATE REICHERT:** Mr. President, I wish to speak in support of Delegate Toole's amendment. I feel that it's imperative that people all over the state have an opportunity to be heard

at our public hearings. If insufficient notification is given, we're defeating the very purpose of our public hearings. In a state our size, I believe it's very vital and necessary that we give at least 5 days' notice.

**PRESIDENT GRAYBILL:** Mr. Arbanas.

**DELEGATE ARBANAS:** I'd like to inquire of someone just how those days are computed-whether the day of notice and the day of the meeting are counted or whether the-just how it's computed.

**PRESIDENT GRAYBILL:** "...which may not be less than 3 days before the time of the hearing". So if the hearing is set for 10:00 a.m., I suppose the notice has got to be posted 10:00 a.m., 3 days before. Now, if that isn't right, the Rules Committee can correct me, but it's 72 hours before the notice-the beginning time of the hearing. Is there further discussion?

Mr. Berg.

**DELEGATE BERG:** Mr. President, I rise in opposition to the motion. I note that Mr. Holland of the Judiciary Committee is not here today, I would like to remind you of what he said yesterday regarding the work of the Judiciary Committee. We have already published and posted notice of our initial hearings commencing on January 20th, 1972. These were posted yesterday in conformance with the 3-day notice. It is almost imperative, so far as Judiciary is concerned, that we get on with our work, and if we're compelled now to redo this notice to a 5-day, we lose nearly a week.

**PRESIDENT GRAYBILL:** Is there any further discussion?

Mrs. Pemberton.

**DELEGATE PEMBERTON:** Mr. Graybill, I would like to support Mr. Berg's statement. This is very important to the workings of the Judicial Committee. If it should be set at 5 days, may I suggest you have it in some other committee and let the Judicial Committee go ahead on the 3 days. (Laughter)

**PRESIDENT GRAYBILL:** If we lose, we'll probably let you have a whack at a special rule.

Mr. Scanlin.

**DELEGATE SCANLIN:** Mr. President, I'd like an interpretation of that word "posted", Does that mean published in the newspapers of

the state or just a notice hung on the wall out here somewhere?

**PRESIDENT GRAYBILL:** Well, Mr. Murray, can you explain that?

**DELEGATE MURRAY:** There is—"posted" means put on the bulletin board, and there's a very fancy, expensive one right out here by the counter where you buy the goodies, and that's the board we're talking about on posting. And it does not mean publication, and if we have to publish and pay the cost of publication, why, we're not going to be able to meet for 9 weeks.

**DELEGATE SCANLIN:** Mr. President, it's going to take quite a while for anyone to get from Glendive up here to read that bulletin board.

**PRESIDENT GRAYBILL:** Mr. Scanlin, I'm just going to mention that the press—we're depending upon the media—and they'll be disappointed if we don't let them do that for us. (Laughter) Wait a minute—  
Mr. Martin.

**DELEGATE MARTIN:** Mr. Chairman, I'm wondering if the Chairman of our Executive Committee would explain what we think is a meeting, a public meeting, and a hearing. Would you explain and tell what we've got scheduled for this week?

**PRESIDENT GRAYBILL:** Mr. Joyce, you have been asked a question.

**DELEGATE JOYCE:** Mr. President, the Executive Committee and its Chairman has interpreted the word "hearing" to mean any meeting of the committee at which the general public would be invited, and we interpreted it to mean that if a hearing would not mean that the committee could not meet with certain people at its choosing without giving any notice whatever. And in that connection, the Executive Committee has, through work set in motion during the recess, invited—or requested Governor Anderson to appear before our committee, and arrangements—tentative arrangements were made to meet with Governor Anderson tomorrow morning at 10:30 in the Governor's reception room with the Executive Committee. We do not interpret that meeting that we are going to have tomorrow morning at 10:30 as a hearing, and I hope that clarifies it, Mr. Martin.

**PRESIDENT GRAYBILL:** I take it that was by way of example and not by way of announcement, Mr.—(Laughter) Are you satisfied, Mr. Martin?

**DELEGATE MARTIN:** (Inaudible).

**PRESIDENT GRAYBILL:** Pardon?

**DELEGATE MARTIN:** I'd also ask that the Chairman also tell about the meeting that we have scheduled Thursday, at which the press or delegates could also attend. Would you like to do that?

**PRESIDENT GRAYBILL:** Will you yield again, Mr.—

**DELEGATE JOYCE:** Well, I intended to do it at a more appropriate time, but I'm glad to do it now.

**PRESIDENT GRAYBILL:** By way of example?

**DELEGATE JOYCE:** By way of example. The Executive Committee is also going to have a nonhearing but a meeting on Thursday night at 7:30 in the Executive Committee room, in which time Mr. Richard Roeder, a member of our committee, is going to inform and elucidate for the other members of the committee and anybody else who wishes to attend his article that he has recently written and published in the *Montana Law Review* in connection with the Executive Article of the Constitution. All of it (Inaudible).

**PRESIDENT GRAYBILL:** Mr. Murray.

**DELEGATE MURRAY:** Mr. President, only one state had such a thing as a citizen's suggestion, one other state, and that was Hawaii. Only a few states had things called a Public Information Committee. We have both the Public Information Committee and the citizen's suggestion incorporated into our rules, if they are adopted. Some states, including Illinois, a major state in this country, only gave 48 hours' notice of a committee hearing, not taking advantage of citizens' suggestions, and I think that we have gone a long ways toward doing every reasonable, practical thing that we can under these rules to make certain that the public participates and feels that it is participating in this Constitutional Convention and the giving of reasonable notice without hindering ourselves from making decent progress.

And I submit, as I did yesterday to this group, in hearing yesterday, of course, that the 3 days doesn't mean that that is the notice that you have to give. You can give a longer period of time, but to make it 5 then requires that you must give 5 days' notice, and I think the 3 days is reasonable and suggest we stay with it.

**PRESIDENT GRAYBILL:** Let's see. Mr. McNeil.

**DELEGATE McNEIL:** Mr. President, I rise to propose an amendment at that portion of Rule 38 immediately preceding the phrase—

**PRESIDENT GRAYBILL:** All right, Mr. McNeil, unless it's an amendment to the number "3"—to the number "5", it's out of order. We have an amendment—Mr. Toole's amendment—to change "3" to "5" before us. Now, if you want to change it to some other number, okay; if not—you've gotta—you've got to amend the amendment.

**DELEGATE McNEIL:** Is discussion still in order under the 5-day?

**PRESIDENT GRAYBILL:** You can certainly discuss it, and I don't say that you're not in order, but I want to point out that you've got to be—you've almost got to be another number, because you can't hardly amend a number by anything but another number.

**DELEGATE McNEIL:** Well, my suggestion would be to precede that clause with the phrase "with as much notice to the public as is practicable", so that this would, I think, provide what Mrs. Reichert is concerned with—

**PRESIDENT GRAYBILL:** Now, that—

**DELEGATE McNEIL:** —so the committees would give as much as practicable. It would still preserve the notices—

**PRESIDENT GRAYBILL:** All right.

**DELEGATE McNEIL:** —already posted by the—

**PRESIDENT GRAYBILL:** Mr. McNeil, the Chair is going to rule that will be in order after we get through with this amendment, but we're going to stick to the amendment, which is "3" or "5" days.

Mrs. Pemberton.

**DELEGATE PEMBERTON:** Thank you, Mr. President. Is this right? All right. I would like to tell the reasoning back of this, as long as Mr. Holland is not here as President of the Judicial Committee. He felt that as long as there was a plan ready to present, that this would be furthering the business of the Convention by getting a hearing started immediately if it was agreeable to the rest of the committee, and the rest of the committee said this was agreeable to them, and the notice of a committee hearing is officially posted on the board outside, and it was posted at 3 o'clock yesterday.

**PRESIDENT GRAYBILL:** All right, Mr. Ask.

**DELEGATE ASK:** Mr. President, the Rules Committee has discussed this, and we want the public to participate, and if the delegates will refer to 38, subparagraph 3, they will note that there is another type of hearing or invitation given to the public that will call for '5 days' notice, and I think this will answer the objection of most of them here that is trying to extend the time.

**PRESIDENT GRAYBILL:** All right. Is there further discussion on the proposed amendment? If not, we'll vote—

Oh, pardon me, Mrs. Robinson.

**DELEGATE ROBINSON:** I'd like to speak in favor of the proposed amendment changing this to 5 days. I refer to Mr. Murray's comments about what other states have done in this regard, and that's well and good, but not very many of the states are as large as Montana is. You know, many of these conventions weren't held in the wintertime when travel is not as easy as it might be in summertime. I am sympathetic to the problems of the Judicial Committee, but there are other matters that can be taken care of before you have this public hearing, and I wouldn't be opposed to them having this 3-day meeting, but I think it's essential that we give 5 days' notice to the people who are interested enough in these articles to come and testify. We have all kinds of things we can do in that 5-day interim to get things done on committees, but the public involvement is necessary to get this document ratified, and I think that's just the least we can do for the people of Montana.

**PRESIDENT GRAYBILL:** Mr. Vermilion.

**DELEGATE VERMILLION:** Mr. President, I'd like to speak in favor of Mr. Toole's motion. I'd like to point out that, in terms of newspapers, with a 3-day notice-if it were posted one day, the newspapers would not publish the notice till the next day, so in effect it would be a 2-day notice, and with many people around the length and breadth of this state with perhaps a full day's travel or more, they might have to make a decision in a matter of just a few moments of whether or not they're going to attend a particular committee meeting, so I would suggest that, in terms of the press releases, that 5 days would be the preferable.

**PRESIDENT GRAYBILL:** Mrs. Babcock.

**DELEGATE BABCOCK:** Mr. President, I'd just like to point out that you can get from Billings to Helena in 45 minutes by jet. (Laughter)

**PRESIDENT GRAYBILL:** Now, now, Mrs. Robinson, you've spoken once, and-(Laughter)

Mrs. Bates.

**DELEGATE BATES:** Mr. President. In regards to this 3 and 5 days, if we could include the rest of this rule, the next three paragraphs that I think most of you are overlooking, and take this into consideration, then I have the feeling that this group will be agreeable with this 3 days. The other is a 5-day.

**PRESIDENT GRAYBILL:** Mr. Berg. Wait a minute. Now, wait a minute, Mr. Berg. Mrs. Robinson may get me in trouble, because you have spoken before. Is there anybody that hasn't spoken that wants to speak.

Yes, Mr. Scanlin.

**DELEGATE SCANLIN:** I beg your pardon, Mr. President, but in order to clarify what I said before, I didn't say that I was in favor of the amendment. Thank you.

**PRESIDENT GRAYBILL:** All right, Mr. Berg.

**DELEGATE BERG:** I'd like to know if Mrs. Robinson would yield to a question.

**DELEGATE ROBINSON:** I yield.

**DELEGATE BERG:** I just really want to inquire as to how you would relieve Judiciary of the predicament it puts us in if our 3-day notice now is not adequate? Are we to publish another

5-day notice and delay for more than a week any hearing on the major program before the committee? This is a serious problem to us.

**DELEGATE ROBINSON:** It is a serious problem. The Judiciary Committee published notification of their hearing before the rules were even adopted. And now, that's a problem in itself. I'm sure that some special rule can be made for committee hearings that have already been set up, that those committees may go ahead and meet as scheduled. I see no problem there. But just for future matters, if we could have a 5-day limit.

**PRESIDENT GRAYBILL:** Mr. Siderius.

**DELEGATE SIDERIUS:** Mr. President, I favor the 5-day notice. Now, we was told a few minutes ago we could get from Billings to here in 45 minutes, but I've seen the time when the planes couldn't land in Kalispell for about 2 or 3 days, and the same way in Missoula, so I think the 5-day period-I'd favor that 5-day period.

**PRESIDENT GRAYBILL:** Mr. Champoux.

**DELEGATE CHAMPOUX:** Part of the problem seems to be—as a committee Chairman I can see a lot of this. We're all chomping at the bit, waiting to get ready-to get with this thing. I was hoping to hold public meetings all next week, general public meetings. Perhaps we could work something around this where we could agree, say, to accept these meetings that have been already announced and, except for maybe the second week, have hearing notices-since they're going to be general hearings, we'll accept the 3-day limit, but after the second week, we should accept maybe the 5-day limit. That's just a suggestion.

**PRESIDENT GRAYBILL:** Mr. Murray, before you speak, let's get the rest of them. Mr. Swanberg.

**DELEGATE SWANBERG:** Mr. Chairman, I would like a clarification of Rule 1 of Section 38, as compared with Rule 3 of Section 38. I notice that Rule 1 has the 3-day time requirement and Rule 3 has a 5-day time requirement. I take it that Rule 1, calling for the 3-day time requirement, is for local distribution-for our own benefit--and that Section 3 has to do with people outside of the body, the state as a whole. Am I right in that? If so,

the rules as they stand call for 5 days' notice to people throughout the state.

**PRESIDENT GRAYBILL:** Mr. Murray, I wonder if it isn't necessary at this time to expand the discussion of Rule 38-1 to include 38-3, so that at least there's an explanation of it so people understand what you're proposing.

**DELEGATE MURRAY:** Mr. President, when I rose a moment ago, I was about to suggest that we pass further consideration of Rule 38-1 and proceed through the entire rule so that Mr. Romney—and 38-2, -3, and -4 are the Romney Rules—Mr. Romney will have an opportunity to explain how Rules 2, 3, and 4 will fit in with Number 1 in his thinking. I think that when he does so, you will recognize some of your thinking.

**PRESIDENT GRAYBILL:** Mr. Toole, would you allow us to hold your motion until we've read Rules 38-2, -3, and -4, or do you want to vote?

**DELEGATE TOOLE:** I will, Mr. President.

**PRESIDENT GRAYBILL:** All right, let's have the clerk read 38-2, -3 and -4 all at once, and then we'll at least know what we're debating here.

**CLERK HANSON:** "2: Each substantive committee shall hold a public hearing in the Convention Hall, at which time citizens of Montana will be invited to appear and testify, and file statements containing their testimony and views, upon any and all phases of the proposed Constitutions being considered by such committee. Such witnesses may be questioned by committee members to better—"

**PRESIDENT GRAYBILL:** Elucidate.

**CLERK HANSON:** --"elucidate their testimony. All delegates to the Convention not members of the committee conducting the hearing may attend the hearing as auditors, to better inform themselves of the committee's progress. The substantive committee will hold their hearings, designed to secure statewide participation in deliberations on the Constitution, in a series at times fixed by the President of the Convention, so that the hearing will not interfere one with another. The President will make such announcement and invitation via the news media so that Montana citizens, near and far, will have no less than 5 days' notice so they may be able to avail themselves of an opportunity to appear, testify,

participate. These statewide general hearings will in no way inhibit standing committees to follow up with additional hearings or special character as provided elsewhere in this rule."

**PRESIDENT GRAYBILL:** Now, Mr. Murray, do you want-or shall we have Mr. Romney explain these—

Mr. Romney, would you care to explain these three subrules?

**DELEGATE ROMNEY:** Mr. President, I would be delighted to endeavor. I am going to identify myself as a newspaperman, in accordance with the rule. (Laughter) I think it might be pertinent to read a rationale of this Rule 38-2, -3, and -4, whatever it is, so I will read this rationale which I prepared some time back prior to abbreviating this section of the rule to the size that it is now after several amputations. I read: "It is desirable to have as much public participation in the deliberations of the Constitutional Convention as is possible. Such participation will permit the public to learn about the proposals offered for incorporation into the new Constitution and to offer proposals which delegates can accept for incorporation in the document. It is not practical to have delegates travel about the state holding hearings on the entire fabric of the proposed Constitution because the cost would be prohibitive, the number of localities at which such hearings would have to be held to properly cover the state is too great, and any endeavor to hold a hearing on the entire Constitution in a single session at any of the places at which such hearing would be held would cover too wide a scope to make a good showing. If individual committees went into the hustings to conduct hearings, the confusion would be multiplied, the cost increased, and the public further confused. It can be argued that citizens will not go to Helena to participate in hearings because of expense, leaving their work, and for other reasons, and these arguments possess a validity. However, if citizens do possess deep-felt views on how the Constitution should be remodeled or kept intact as of today, et cetera, they can pick up the hearings of committees considering portions of the document in which they are interested and participate or send representatives to make the points clear. Some citizens will participate by offering testimony or by mailing it to the committee, and all citizens will be provided the invitation to participate. The media will doubtless attend and report that which transpires at the hearings, thus affording the unattending public information concerning prop-

osals offered. By holding a series of committee hearings, the nonmembers of each of the standing committees in attendance-members can learn about proposals that are being offered so that they can debate the propositions involved with better understanding if and when such proposals emerge on the Convention floor from a committee. This should have a salubrious effect." Parenthetically, at this point, I wish to point out that, after the debate this morning concerning the location of a subject, whether it should be in the Education, Finance or Natural Resources Committee, is a very good illustration of how necessary it is for the members of all committees to attend and participate-or view-hear the discussions of hearings of other committees. In this way they will be able to educate themselves on that which is transpiring in all the other committees of the Constitution as well as in their own. In other words, they will get a wide knowledge of the subject. I continue my reading: "In legislatures, too often members, from lack of personal knowledge of a proposal, are forced to rely upon committee reports. Unless some system such as suggested in this proposed rule is adopted, the same situation will face delegates in the Convention. It is a sad situation when people endeavor to debate propositions concerning which they are inadequately informed. If ordinary committee sessions are held, noncommittee members are not likely to be in attendance at sessions other than the substantive committee of which they are a member. Although a number of days would be consumed in the early part of the Convention, during which the proposed 10 or more hearings would be held, the grasp of the proposals confronting each of the committees, as well as the overall situation, ought to make it possible for delegates to perform their work with greater alacrity and more positive results. If this proposed rule were pondered by the Rules Committee"—I can leave this out because this is no longer pertinent. "Of course, in order to get this head start it would be necessary for the chairmen of the substantive committees to agree and for the plan to be adopted as a rule for the membership of the Convention." I end reading. I wish to point out that this rule, which is 38-2, -3, -4, in no way takes away the operation of 38-1; it merely amplifies it. And I think that perhaps the 3-day period might suffice in the operation of Rule 38-1. I admit that this Rule 38-2, -3, -4, is perhaps verbose. It is something like putting upon vanilla ice cream some chocolate sauce and a maraschino cherry in order to make it a little bit more attractive to the public. What we're trying to do is-if I sense this right-is to get the people to come in

here, and if they do not come in, at least they have been invited. This is a proposition of getting Mohammed to come to the mountain.

**PRESIDENT GRAYBILL:** All right, the Chair understands it to be the sense of Mr. Romney's three subparagraphs to Rule 38, that a series of 10 hearings be held in this room, to which all the other delegates would come or would be invited, to let the public in general present their matters to the committee. And that for purposes of these hearings, there would be at least a 5-day notice. Now, with that in mind, and before you speak, Mr. Davis, I'd like to remind you that I think we're really still discussing Mr. Toole's amendment, "3" to "5" days, and I'd like to finish that up, and then we can go ahead and amend 2, 3 and 4 if we want to. We're on Mr. Toole's motion as to 3 or 5 days. Is there any further discussion?

Mr. Martin.

**DELEGATE MARTIN:** Mr. Chairman, I think you all know that I'm an advocate of openness. I am a newspaperman and certainly think that we should give as much time, but we need to stir the pot, and I think we do that by 38-1, and I cordially-or heartily agree with my colleague, Miles Romney, that we should also adopt -2, -3, -4.

**PRESIDENT GRAYBILL:** All right, now. The Chair may have been a little too lax here, because I want to get a ruling on this, so I'm going to ask you not to speak unless you've spoken before on the issue of 3 or 5. Is there further discussion?

**DELEGATE SWANBERG:** Mr. President.

**PRESIDENT GRAYBILL:** Mr. Swanberg, didn't you speak to this?

**DELEGATE SWANBERG:** Yes, I did,

**PRESIDENT GRAYBILL:** Okay, well, then, you're out of order.  
Mr. Cate.

**DELEGATE CATE:** Mr. President. Mr. Toole, would you yield to a question?

**PRESIDENT GRAYBILL:** Mr. Toole, do you yield to a question?

**DELEGATE TOOLE:** Yes.

**DELEGATE CATE:** If there was added to your motion an amendment to follow the end of

the sentence which you are amending-in other words, "before the time of the hearing"--"except for hearing notices issued previous to the adoption of this rule", would that eliminate the conflict that the Judiciary Committee presently has?

**DELEGATE TOOLE:** I'm sure it would eliminate the conflict of the problem of the Judiciary, yes.

**DELEGATE CATE:** Okay, thank you.

**PRESIDENT GRAYBILL:** Is there further discussion?

Mr. Mahoney.

**DELEGATE MAHONEY:** Mr. President, this is what's bothering me. I think this is fine for the 5 days, but imagine-now you've set-you've talked this morning on threecommittees handling one thing and all of a sudden they in turn take it. Now we could get to the last end here and all of a sudden, by a majority vote of this body, send something back to the committee. And held it-now, if they're going to have to be stuck with 5 days on that to hold a hearing, I wonder-I just wonder if we couldn't go along here and space these out to 5 but leave this 3 days here-that we get to the last end of this session and all of a sudden something happens, I'd hate to be tied to the 5 days. That's what would worry me.

**PRESIDENT GRAYBILL:** Any further discussion of the proposed amendment of Mr. Toole?

Mr. Studer.

**DELEGATE STUDER:** Mr. President, Studer from District 8. I think we're losing sight of the fact that we have a 3-day minimum for this notice but the committees can use 5, 6, or whatever number of days they wish if they want to. We're also forgetting that the notices are publicized by radio and television, as well as the papers, and the full time allowed will be utilized. I would be against the change to the 5 days.

**PRESIDENT GRAYBILL:** Mr. Holland.

**DELEGATE HOLLAND:** Regarding the change from the 3 days to the 5 days, if this is adopted, and as of today no committee as I know has given any 5-day notice on a hearing-we adopt these rules today, probably the first notice can be given would be tomorrow. The first hearing then, if I count correctly, would be Wednesday-or Tuesday or Wednesday of next week. If we go into the

further question of 2, 3 and 4, where each committee is going to hold a public hearing with which no other committee can have a conflict-we've got 10 committees-if their hearings take 5 days apiece, that's a week apiece, we're going in-now then, into 10 weeks beyond the proposed budget as I understand we have to operate. Now, the reason we've been resolved into committees is so we can separate and do our work, come back and report to the rest of the Convention. If we're going to, in effect, prohibit the other committees from working during the time the one committee is working and we're all to come in and listen to the testimony between--before each committee, what is the sense of resolving into substantive committees at all? Why not just work as a Committee of the Whole? If we adopt the rule in its entirety, it would seem to me there would be no chance we could finish this Convention on time, where you're going to have 10 separate committees and none of the committees-the other 9 committees cannot function when there is-when one of the committees is holding hearings. I don't know what kind of a study the other chairmen and vice-chairmen have made, but the members of the Judiciary Committee, and particularly the Vice-chairman and myself, have been working hard on our hearings. We've approximately 10 days of hearings scheduled now, with another 4 days at the end. I'm talking about 14 days for our committee. Now if, by the rule that's proposed here under subdivision 3, it would mean that for 14 days the rest of the Convention would be at a standstill unless--while they sat here and listened to us interview the witnesses we propose to bring before it. We, in turn, would sit aside for the period of time they're going to do work. Now-it would seem to me that this is the purpose of the Convention, is to break up into committees and receive the testimony so we can get down to work and report back to the rest of the Convention. We come down to the fact which I think is well known-the Judiciary Committee has already scheduled hearings commencing for Thursday. We've got witnesses scheduled out of Missoula, out of Chicago, and out of Billings, out of various places that these people have been asked to come in. If this rule is passed in its present form, then all of these witnesses will have to be rescheduled. Some of them, I know, won't be able to come in for a matter of a week to 10 days. It isn't a question that any citizen wouldn't be heard before the committee, because we intend to give more than 5 days' notice of most hearings; and at the end, it is the intention of the committee to have a space of approximately 4 days in which people

could be heard on anything on the Judiciary Committee--which they'd probably have a week to 10 days' notice of that hearing. It wouldn't be a question of people being shut out. The question is, are we going to settle down and get to work or are we going to sit here for 5 or 6 days while we wait for the county newspapers to publish notice? Now, I'm all for the county newspapers publishing the notice, but the truth of the matter is, the *Billings Gazette*, the *Great Falls Tribune*, the *Montana Standard*, the *Missoula Sentinel*, the TV stations and the radio stations will have this stuff hot, they'll expect us to get down to work and earn our money around here, and I, for one, am not looking forward to sitting here for 4 or 5 days with my hands tied when we're ready to go to work and come back here to the Convention with something they can consider and adopt. And I suggest that if we pass this rule, it isn't to protect the public at all, it's just to hamstring the committees so they cannot do the work which they've been appointed to do. And I will have an amendment to make at the time to offer to the Convention in the event the rule is adopted with the 5-day notice.

**PRESIDENT GRAYBILL:** Is there other discussion of the 3 and 5 days?  
Mr. Johnson.

**DELEGATE JOHNSON:** Mr. President, would I be in order to present a substitute motion to Mr. Toole's motion?

**PRESIDENT GRAYBILL:** If it's a substitute for the 3 and the 5 days.

**DELEGATE JOHNSON:** It says in the Rule Number 38 that it not be less than 3 days. A substitute motion would be for "not less than 3 days and not more than 5 days" and get the Judiciary Committee off the hook.

**PRESIDENT GRAYBILL:** Well, what you've done, then, is said you can't give notice of more than 5 days, and that means you can't give 7 days' notice. Now, if you want to do that, you say so and we'll vote on it. Do you want to make that amendment?

**DELEGATE JOHNSON:** Yes, Mr. President, I would.

**PRESIDENT GRAYBILL:** All right, the sense of Mr. Johnson's amendment is to change the word "3" to "not less than 3 nor more than 5" days before the time of hearing. Now is there dis-

cussion, or are you ready to vote on that amendment?

**UNIDENTIFIED DELEGATE:** Question.

**PRESIDENT GRAYBILL:** All right, now, if anybody wants to discuss it, stand up. Okay, the sense of Mr. Johnson's amendment to the amendment is that the notice which--would not be less than 3 days nor more than 5 days before the time of hearing. All in favor of that amendment, say Aye.

**DELEGATES:** Aye.

**PRESIDENT GRAYBILL:** Opposed, No.

**DELEGATES:** No.

**PRESIDENT GRAYBILL:** The Noes have it, and that failed. Now we're back on Mr. Toole's amendment, 3 and 5 days. Is there further discussion?

**UNIDENTIFIED DELEGATE:** Question.

**PRESIDENT GRAYBILL:** All right, the sense of his motion is to change the notice from 3 to 5 days before the time of hearing. So many as are in favor of Mr. Toole's motion to make it 5 days, say Aye.

**DELEGATES:** Aye.

**PRESIDENT GRAYBILL:** Opposed, say NO.

**DELEGATES:** No.

**PRESIDENT GRAYBILL:** The Noes have it, and the motion fails. We're back on 38-1. Are there other amendments? (No response) 38-1 will be repassed. Now we're where we were at noon --38-2. (Laughter) Now, we've read 38-2, -3 and -4, and I don't think we need to reread them, but if anyone has any amendments or any suggestions or any discussion or questions about 38-2, we're ready.

**DELEGATE BOWMAN:** Mr. President.

**PRESIDENT GRAYBILL:** Mrs. Bowman.

**DELEGATE BOWMAN:** I would like to ask if it in the third line of 38-2, does it mean, Mr. Murray, that citizens must file statements con-

taining their testimony or only that they may if they choose to?

**PRESIDENT GRAYBILL:** Mr. Komney, you're asked if that means must or may file statements.

**DELEGATE ROMNEY:** Mr. President, I think that they should. The reason is that if you have a hearing--any of these hearings--and there are a lot of witnesses that appear, they cannot all have as much time as we're taking here to discuss this matter--2 or 3 minutes, perhaps, would [be] all that they could each have, so it's wise for their protection that they file a statement to--so that the committee would have the benefit of their views. Personally, I don't care, but I think it's for their own protection.

**PRESIDENT GRAYBILL:** Mrs. Bowman, have you got that material?

**DELEGATE BOWMAN:** Yes. If that is the sense of that particular paragraph, then I move that it be amended to read that they may file statements. I feel that many people who otherwise might come to testify will be scared away when they realize that they have to write it all down and present it to us first. I think it makes it too formal if we're trying to encourage citizen participation.

**DELEGATE MURRAY:** Mr. President.

**PRESIDENT GRAYBILL:** Mr. Murray.

**DELEGATE MURRAY:** I don't find any requirement in that language that anybody have to either appear, testify or file statements, and certainly not do all three. It says, "will be invited", which means we request them to come, and I read the rule to mean appear, testify or file statements. I don't think it's a problem.

**PRESIDENT GRAYBILL:** Now, Mrs. Bowman, I take it that to be the sense of Mr. Murray's interpretation, as Chairman of the Rules Committee, he doesn't think your amendment is necessary. Do you still want to--

**DELEGATE BOWMAN:** Fine. If that's the sense of it, I don't think it's necessary either; but if it isn't the sense of it, then I do feel that it's necessary.

**PRESIDENT GRAYBILL:** Well, let's assume that the sense of it is that it means "and may file" when it says "file", and they're not

required to file. And then will you withdraw your amendment?

**DELEGATE BOWMAN:** Yes.

**PRESIDENT GRAYBILL:** Okay, it is withdrawn. Now we're down to Mr. Delaney.

**DELEGATE DELANEY:** May I ask Mr. Murray a question?

**PRESIDENT GRAYBILL:** Yes. Mr. Murray?

**DELEGATE DELANEY:** Does the Rules Committee recommend 38-2, -3, and -4?

**DELEGATE MURRAY:** Yes. We put it out of committee with a do pass recommendation.

**DELEGATE DELANEY:** Thank you.

**PRESIDENT GRAYBILL:** Mr. Champoux.

**DELEGATE CHAMPOUX:** I'm concerned about the logistics of this. I'd like to ask Miles Romney a few questions if I may.

**PRESIDENT GRAYBILL:** Just a sec... Beg your pardon?

**DELEGATE CHAMPOUX:** I'd like to ask Mr. Romney--

**PRESIDENT GRAYBILL:** All right. Mr. Romney, will you yield to a question?

**DELEGATE ROMNEY:** Certainly.

**DELEGATE CHAMPOUX:** What I was interested in, do you see this as all happening perhaps next week, with maybe one committee meeting in one morning, one in the afternoon? Is that the idea that you have? Or do you see it happening throughout the Convention?

**DELEGATE ROMNEY:** It states, I believe: "at times fixed by the President of the Convention". He could have two or three of them going at the same time and each of-in that event, if you had too many running at the same time, then all of the delegates would not be able to sit in on all of them, but you have to be practical in this world.

**DELEGATE CHAMPOUX:** Right. What I was concerned about was--

**PRESIDENT GRAYBILL:** Mr. Champow, if I may—

**DELEGATE CHAMPOUX:** I can see, for instance, in our committee, where are we going to put all these people, for one thing. And the time factor—are we going to limit the time here? I think it's kind of loose. What do you have in your mind, for instance, Mr. President, as to when you're going to call these meetings, if you've thought about it at all, and do you intend to duplicate the meetings—that is to say, have two at one time, and so forth? I'd like to hear a little bit more on this.

**PRESIDENT GRAYBILL:** Mr. Romney, would you care to explain further?

**DELEGATE ROMNEY:** I was diverted. I didn't get the second question.

**PRESIDENT GRAYBILL:** Well, he wanted to know whether you'd explain a little further about these hearings; isn't that right, Mr. Champoux? The hearings would be held in this room? Ask him the question again.

**DELEGATE CHAMPOUX:** Well, it says here, "times fixed by the President of the Convention". I was directing the second question at you, and that was, do you have any thought in mind as to when you see this happening? Do you see, for instance, two or three committees holding their hearings at the same time, for instance?

**PRESIDENT GRAYBILL:** Well, if you ask my opinion, I would think that we could do this, and I had hoped that we would do it a little later, when the committee had drafts, so that the people could comment on the drafts, but maybe they'd want to do that too. But if this Convention passes this, I'm sure we'll do it. I would think we would probably schedule them for fairly short periods, maybe two a day for a while, and see what happened, and if we needed more time we'd have more later. Now, that would be my impression.

**DELEGATE TOOLE:** Mr. President.

**PRESIDENT GRAYBILL:** Mr. Toole.

**DELEGATE TOOLE:** I've just been thinking about this, and I wonder whether we're not going to get ourselves into a situation where we're going to have a lot of duplication, where we're going to have people coming back here two, three times to testify on the same subject. And from the standpoint of getting people in here, from the

standpoint of public relations, I think maybe it would gouge this thing up a little bit. I'm speaking off the top of my head now, but that's my offhand feeling about it.

**PRESIDENT GRAYBILL:** Mr. Harper.

**DELEGATE HARPER:** This will be a little off the head, but it will be from the heart, too. (Laughter) We've been sitting here all day, talking about rules and all; we're getting a little tired now, and when somebody gets up to speak, I notice the rest of us don't pay much attention and we'd just like to finish the thing. But when we're talking about whether we're going to have public hearings or not, we're on an issue that the people are interested in. Now, the people of this state could hardly imagine a Constitutional Convention without our having public hearings so that every individual and group who wanted to be heard on an issue important to them could be heard. Now, I know we want to get through in X amount of weeks, and we already are beginning to talk as if we are harried and harassed—and 9 weeks, we're making that seem like a very short time, and so maybe we don't want to take a few days for public hearings, but let me ask you delegates this question. You and I were elected to vote on the whole Constitution. You came, and we are all now divided into substantive committees. I'm on one. There are nine others. All nine others deal with issues with which I am vitally concerned. And if I had to stand on any one of these issues, I would—according to the rule we passed, I'd have to say that I have a very personal interest as a citizen of the State of Montana in any one of these things we're talking about. What kind of a setup—I think this is what Mr. Romney is trying to address himself to—what kind of a setup can we get up intelligently here, now, so that we, as well as the rest of the public, can know the kind of input that the other committees are getting, so that when we come to vote on your committee's recommendations, we have some way of assessing what kind of information you had to deal with before you arrived at your conclusion? Because I notice this happens in church work all the time—I think it's been happening in humanity ever since we began—we're always taking shortcuts which end us up just a little bit back from where we started, and your remark a moment ago that we were back up to where we were at noon is a study of mankind's history, I think. We can, in an effort to save time and to cut short public hearings and to ram our own little committee's work through, come to a situation toward the end of time when we will be

asking questions and carrying on debate on little issues that could have been cleared up if we could have taken this kind of procedure earlier in the Convention. So I am very much for this kind of a suggestion Mr. Romney makes or something else that will accomplish pretty nearly the same thing.

**PRESIDENT GRAYBILL:** Mrs. Reichert.

**DELEGATE REICHERT:** Mr. President. I too am in support of Mr. Romney's suggestions, and I think that the announcement made before, perhaps prematurely, about the Executive meeting being held Thursday at 7:30 in the Executive Committee room is going to mean that many of us who are not on the Executive Committee will be there. I'm sure that that Executive Committee room is going to be overflowing within 5 minutes after 7:30. I think we are all interested in what goes on at the other committees, and therefore I thoroughly support Delegate Romney.

**PRESIDENT GRAYBILL:** Mrs. Reichert, that's Wednesday.  
Mr. Aasheim.

**DELEGATE AASHEIM:** Mr. President, I have to apologize to you members of my committee for not calling to your attention the plan that I had to take care of this that you have brought out. Now, I have thought about this matter very seriously and for a long time. How am I going to be informed about what is going on in the Judiciary? How am I going to go back to my people and give them the reasons why we should do away with the magistrate system or why we should retain the justice of the peace system? This suggestion of being able to go to these individual hearings is very good, but I wonder [if] it's practical, and in order to overcome this, I have assigned to my intern the job of outlining the reasons for and against propositions like unicameral, the bicameral, continuous Legislature, the salaries, and so forth and so on. This intern will have a job of making a comprehensive report. He will also do like the *Wall Street Journal* or the *U.S. News*, make a brief report of one or two pages, so that each delegate will be able to summarize the reasons for and against such proposals. And I think that you'll be able to take this material back with you. By the way, we would have 100, at least, of these copies made for your use. And I wonder if each committee could do that, because if I were to go to the Judiciary Committee and listen to their hearings—my memory is not that good that I could remember all the things that

went on in there, and I think we're going to have to have something concrete to take home with us. And I am concerned about my—Mr. Romney's—my good friend, Romney, and member of my committee; I appreciate your interest and your concern, but if we are going to have all these hearings, I'm concerned about the time element and also about having this material available for us to use.

**PRESIDENT GRAYBILL:** Further discussion? If there is—  
Mr. Scanlin.

**DELEGATE SCANLIN:** Mr. President, I think I was dozing a while back when the Chairman of the Judiciary Committee gave an interpretation of this paragraph 3. I caught some implications there that didn't sound good. I wonder if he'd want to repeat his interpretation of paragraph 3—something about taking 10 to 12 weeks for this thing.

**PRESIDENT GRAYBILL:** I don't think so, but do you want to ask—do you want to yield to a question, Mr. Holland?

**DELEGATE HOLLAND:** Thank you, I'll yield to a question. What is your question?

**DELEGATE SCANLIN:** I missed your interpretation of that paragraph 3.

**DELEGATE HOLLAND:** Well, it was my understanding of the proposed amendment that each substantive committee shall hold a public hearing in the Convention and that, at the time of the holding of that committee's public hearing, that no other of the substantive committees shall hold hearings of their own, and the hearings will be held in this chamber so that everyone can attend and there will be no conflict between committees. That was my understanding of the meaning of this. Is this accurate, Mr. Romney?

**DELEGATE ROMNEY:** I'm happy to answer that question.

**PRESIDENT GRAYBILL:** Now, just a minute. You can't yield. You've got to go back to Mr. Scanlin, so you can't—you're just answering Mr. Holland.

Mr. Scanlin, do you have anything further?

**DELEGATE SCANLIN:** Well, if it takes an interpretation from Mr. Romney, I certainly would yield to whoever I got to yield to.

**PRESIDENT GRAYBILL:** All right, (Laughter) do you want to yield—

**DELEGATE HOLLAND:** All right, Mr. Studer, I'll read the part I had reference to and then Mr. Romney will explain it, if it's all right.

**PRESIDENT GRAYBILL:** Mr. Romney, would you like to answer Mr. Scanlin's question?

**DELEGATE ROMNEY:** I will make an endeavor to answer him. First of all, there is no reason why hearings could not be held simultaneously. I did not hear the question Mr. Scanlin propounded to Delegate Holland, so I've got to ask for the question—

**DELEGATE HOLLAND:** Can I read the portion I had reference to?

**PRESIDENT GRAYBILL:** All right, we'll let you.

**DELEGATE HOLLAND:** "The substantive committee will hold their hearings designed to secure statewide participation in deliberations on the Constitution in a series of times fixed by the President of the Convention so that hearings will not interfere with one another." Now, I would take the sense of that was that the President will set, if we're going to have-for each committee have 10 public hearings, he would set them in rotation-in some rotation or another-the nine committees could not hold public hearings while the one committee was having it, and then we would rotate, one manner or another. We would be in a situation, if I understood the rule, where the President would do the setting of the committee's work, set time. Those other nine committees could not have public hearings; this would be held in abeyance; and we would be-we'll take the Legislative Committee first; if they were the first ones, they would hold their public hearing. There could be no other committee hearings that would interfere with that. That is the way I understood the rule.

**DELEGATE ROMNEY:** Well, that is the way the gentleman understood the reading, but that is not the way that I expect it would transpire. I would think that the President would set the hearings and perhaps have more than one. The thing says "in Convention Hall". It might be that one of the hearings would have to be here and one in the Senate chamber. The idea is to get the people like Delegate Aasheim to be able to sit in on the Judiciary hearings, as he so carefully explained. It

would also permit delegates to secure the information personally and not vicariously, as Delegate Aasheim indicated could be done through the use of interns. I would prefer to have my information secured personally, rather than secondhand.

**PRESIDENT GRAYBILL:** Mr. Romney and Mr. Murray, since these-since it's very difficult for the delegates to discuss these one at a time, I'm going to open up 2, 3 and 4 and you can discuss any of 2, 3 and 4. We'll consider them all at once because we're not-we're really not limiting ourselves to 2 and we might just as well go ahead and consider 2, 3 and 4 at once.

Now, Mr. Aasheim, you've spoken, so I'm going to Mr. Davis.

**DELEGATE DAVIS:** Mr. President, since the time is kind of dragging on, some of the people-it might be appropriate at this time to establish for the benefit of the interns, the pages and the public that we are not constitutionally trying to change the word "substantive" to "substantive." (Laughter)

**PRESIDENT GRAYBILL:** Mr. Wilson.

**DELEGATE WILSON:** I think that our Rules Committee has done a magnificent job here in trying to set up a set of rules that would provide the public to participate in the workings and the deliberations of this Convention. And I, for one, think that Rules 2 and 3, when attached to 38, certainly provides us [a] way of the public having access to this Convention, and I think this Convention should be able to rely on you, the President, to set practical times and hearings that will be practical, that will not interfere-perhaps evening meetings and so forth-and I would certainly, for one, rely on your discretion in this matter.

**PRESIDENT GRAYBILL:** Mrs. Payne.

**DELEGATE PAYNE:** Thank you. Mr. Chairman, we, on the Local Government Committee, had decided to hold meetings next week, and we also hear that the Legislative Committee is holding meetings next week, and I thought maybe they'd be held concurrently. I think that, you know, that I like this idea. I approve of what Mr. Romney is trying to do, but I don't see how it can be practical. If people come from Missoula, maybe they would like to go, you know, tell two, three committees what they want.

**PRESIDENT GRAYBILL:** Mr. Dahood.

**DELEGATE DAHOOD:** Mr. President, I think if we analyze the entire Rule 38, we're going to see a great deal of wisdom in what Mr. Romney has done. The committees are going to be meeting. They are not going to coordinate necessarily with respect to their dates and times. There are going to be people in the State of Montana who are going to be interested in several subjects that are going to be covered by the several committees. It may be impossible for them to attend to those several subjects at any particular time because of conflict. There is only one way to resolve it. That is the solution that Mr. Romney has presented to us by the other subparagraphs of Rule 38, and that is, later on during the Convention, to schedule general meetings of the various committees on days when there will be no conflict. It will serve two purposes: one, it will give every citizen of the State of Montana access without conflict to that committee as to which they have some interest; second, it will give all of us a chance to sit in on that committee meeting so that we will be familiar with the real pressing problems that are assigned to that committee, because in the final analysis, we and we alone are going to cast the vote that represents the vote of the people upon that particular subject. I'm not too concerned about the 60 days or the 9 weeks. I think there is adequate time in which to do our work. If the committees will pay attention to the subjects they have assigned to them, do their work as they should, they will have adequate time to hear the citizens at their committee meetings, to have the general meetings, to have time to deliberate, debate and vote. If that time is not enough, then when we provided our citizens with a chance to elect us as delegates, we told them we would make whatever sacrifices necessary. If additional time is necessary to turn out the type of Constitution that will serve all the people of the State of Montana, then I think we're required to give that additional time, whether it's with or without compensation. I pray and hope that will not be necessary, but I suggest that Rule 38, as it stands now, is the only practical and wise way to have this Constitution serve all the people of the State of Montana. I support it.

**PRESIDENT GRAYBILL:** All right, is there further discussion of Rules 38-2, -3 and -4? And bear in mind there are no amendments at the moment. All right, Mr. Harbaugh.

**DELEGATE HARBAUGH:** Mr. President, I would call your attention to the fact that we have two phrases in 2 and 3 which seem to me to be

in conflict with one another. In part two, it says that each substantive committee shall hold a public hearing in Convention Hall. I don't have Rule 2 before me, but I believe that Convention Hall is this room and the lounge immediately adjacent.

**PRESIDENT GRAYBILL:** Right.

**DELEGATE HARBAUGH:** Then, in Section 3, the phrase "so that the hearings will not interfere with one another." It seems to me that there is no way that you can have more than one hearing at a time with these two provisions, because the hearing has to be in this room and obviously you can't have two hearings going on in this room at the same time. Now, this is fine, I think, if we want to extend the time involved in having these hearings. It seems to me, however, that we would be-we could progress much better and, I think, do away with a lot of time-consuming things here that aren't going to get us anywhere and could expedite the work of the individual committees if we did not have this time conflict, and therefore I would offer the amendment that we strike the phrase "so that the hearings will not interfere with one another" and also strike the phrase in Section 2, "in the Convention Hall". It seems to me this gives us a little more liberty to establish the time and place of these hearings.

**PRESIDENT GRAYBILL:** The sense of the proposed amendment is to strike the words "in the Convention Hall" from subparagraph 2 and the words "so that the hearings will not interfere with each other" in subparagraph 3. Is there debate on the amendment? (No response) Hearing none, all those in favor of Mr. Harbaugh's proposed amendment, say Aye.

**DELEGATES:** Aye.

**PRESIDENT GRAYBILL:** Opposed, No.

**DELEGATES:** No.

**PRESIDENT GRAYBILL:** The Chair is in doubt. Use your voting machines. So many as shall favor the amendment to strike these two phrases from subrule 2 and 3, vote Aye; so many as are opposed, vote No. Have all the delegates voted?

(No response)

**PRESIDENT GRAYBILL:** Does any delegate wish to change his vote?

(No response)

**PRESIDENT GRAYBILL:** We'll close the vote. Will the clerk announce the tally.

**CLERK HANSON:** 51 delegates voting Aye, 39 voting No.

**PRESIDENT GRAYBILL:** So by your vote you have stricken the words "in the Convention Hall" in the first one and "shall-so as not to interfere with one another" in the second one. I take it that will include a period after the word "Convention". All right, now. We're still discussing subrules 2, 3 and 4, as amended.

Mr. Felt.

**DELEGATE FELT:** Mr. President and members of the Convention. We are-1 am going to support this-these amendments-or this portion of the rules 2,3 and 4. I honestly don't believe they belong in the rules of procedure, but I think we might as well include them since we have devoted this much time to it. I think that a simple resolution expressing our concern, which all of us feel and which has been orally expressed very capably on several occasions during this discussion period, that we want to be informed ourselves of what goes on in the committees, we want the public to be informed, we want the public to be able to participate. These are not really matters that we need to spell out with careful wording in the form that you would put into rules of procedure, and that is why, I believe, we're having so much difficulty with this. There are questions of interpretations of certain words that trouble us. I'm afraid, really, that we are becoming somewhat unrealistic or emotional in our concern and that we are expressing a lack of confidence in ourselves, in the chairmen of our committees, in the officers of our Convention, which is not necessary, and that all will do everything that is humanly possible to meet all of those objectives. Yet we feel the frustration because we know it will not be perfect, and in our desire to do what might become a perfect job, we are straining over a gnat, and we could deal with this as the time goes on in the best manner possible and regardless of what words we use in these particular paragraphs. Thank you.

**PRESIDENT GRAYBILL:** Any further discussion of 38-2, -3 and -4?

**UNIDENTIFIED DELEGATE:** Question.

**PRESIDENT GRAYBILL:** Well, we don't need a question.  
Mrs. Babcock.

**DELEGATE BABCOCK:** I believe in line 6 there should be the word "only" or "just" after the word "not". "All delegates to the Convention, not only members of the committee conducting the hearings, may attend."

**PRESIDENT GRAYBILL:** Mr. Romney, are you with her on that?

**DELEGATE ROMNEY:** I could not hear.

**PRESIDENT GRAYBILL:** She suggests that in the sixth line of your subrule 2, the sentence should read: "All delegates to the Convention, not only members of the committee conducting the hearing, may attend." Or do you mean "All delegates to the Convention not members of the committee"-I suppose your point is that the members have the right to attend as members. Did you suggest an amendment or did you just call that to his attention?

**DELEGATE BABCOCK:** I'll make that in the form of an amendment.

**PRESIDENT GRAYBILL:** All right, Mrs. Babcock proposes that it say "not only members", and that requires a comma, I think, after the word "hearing"-so it would read: "All delegates to the Convention, not only members of the Convention conducting the hearing, may attend the hearing as auditors." That means all can attend, not only those conducting it.

**DELEGATE ROMNEY:** I accept that.

**PRESIDENT GRAYBILL:** Do you accept that amendment? Unless there's objection to that amendment, we'll just make that interlineation. Is there objection to that amendment?

**DELEGATE DAVIS:** Mr. President.

**PRESIDENT GRAYBILL:** Mr. Davis.

**DELEGATE DAVIS:** Are we losing sight of the fact that the word "auditors"—the rest of us can attend the Judiciary hearing to listen, the members of the committee are going to be participants. So I think the word "auditors" in there makes it, in its present form, satisfactory. The rest of us can attend to audit-the members of the committee, of course, will be participating in asking questions, perhaps.

**PRESIDENT GRAYBILL:** Actually it's good either way. Now, I don't care how you settle it.

Mr. Habedank.

**DELEGATE HABEDANK:** I agree with Mr. Davis, because the members of the committee would not be attending as auditors, and I feel the—

**PRESIDENT GRAYBILL:** Mrs. Babcock, it has been suggested that it really makes sense either way and that you're confounding the thing because of the members.

**DELEGATE BABCOCK:** I just don't want the members of the committee left out is all. It just should read, "All delegates to the Convention, not only members of the committee", should attend. It sounds like the committee itself can't attend.

**PRESIDENT GRAYBILL:** Yeah, but the sense of it now is, if you do it that way, all delegates to the Convention may attend as auditors, and the point is—Mr. Davis' point is that, the members of the committee don't attend as auditors; it's the extra members that attend as auditors. Now, with your permission, we'll withdraw your amendment then.

All right, we've withdrawn her amendment, Mr. Komney.

**DELEGATE ROMNEY:** Thank you.

**PRESIDENT GRAYBILL:** Now, let's see—Mr. Brazier.

**DELEGATE BRAZIER:** Mr. President, I would move to amend proposed Rule 38, subparagraph 2, to make the number of committee hearings plural. That is, by striking the article "a" in front of "public hearing" on line 1 and changing "hearing" to "hearings".

**PRESIDENT GRAYBILL:** What line are you on this?

**DELEGATE BRAZIER:** Line 1.

**PRESIDENT GRAYBILL:** Of what?

**DELEGATE BRAZIER:** Of Rule 38-2, so it would read: "Each substantive committee shall hold public hearings in the Convention", and so forth. The reason I—

**PRESIDENT GRAYBILL:** Well, now, is the President supposed to, under your theory, schedule more than one of these?

**DELEGATE BRAZIER:** Well, that's what I was going to say. I think what we want to preserve an element of flexibility here and the reason is self-evident. And I won't burden the delegation with any further argument on that point.

**PRESIDENT GRAYBILL:** Mr. Romney, do you mind striking "a" and adding "s" to "hearing"?

**DELEGATE ROMNEY:** Mr. President. No, because this is designed to hold one full-dress hearing and one only. Subsection 4 ties in with 38, the original 38, and it provides for additional hearings, so there's no need for having a plural there.

**PRESIDENT GRAYBILL:** All right now, Mr. Brazier, he won't do it unless you want to make an amendment. Mr. Brazier is caucusing. (Laughter)

**DELEGATE BRAZIER:** I have to get a clear sample of opinion from my caucus yet, Mr. President. (Laughter) What concerns me is, some of the committees that aren't concerned with the classic articles may have more than one distinguishable subject matter and therefore it may call for more than one hearing.

**PRESIDENT GRAYBILL:** Well, now, we can do it either way, and you make your amendment if you want to, but it would seem that if the President has to schedule one on all subject matters, you've got a new ball game.

**DELEGATE BRAZIER:** Well, I'm just talking about flexibility. I'll move for an amendment and yield to the wisdom of the Convention.

**PRESIDENT GRAYBILL:** All right, the proposed amendment is to put the-is to strike the word "a" in the first sentence and make it plural, so that "the substantive committees shall hold public hearings" instead of "a public hearing" under 2, 3 and 4. I trust there's not much discussion of this. All in favor of that motion, say Aye.

**DELEGATES:** Aye.

**PRESIDENT GRAYBILL:** Opposed, say NO

**DELEGATES:** No.

**PRESIDENT GRAYBILL:** Mr. Brazier, the Noes have it. It's "a public hearing". Is there other discussion of 2, 3 and 4?

Mr. Driscoll.

**DELEGATE DRISCOLL:** Are we going to get an opportunity to vote on acceptance of these three proposals? I think the Convention should get an opportunity to vote on acceptance of these three proposals.

**PRESIDENT GRAYBILL:** Well, if you want—

**DELEGATE DRISCOLL:** They did not come from the Rules Committee, they are for proposal. I think the Convention should have an opportunity to vote on them.

**PRESIDENT GRAYBILL:** All right, the Chair would entertain from you, Mr. Driscoll, a motion that we—well, when we're through, unless somebody else has amendments, we'll entertain a motion to drop them, and then you can either win or lose, or else to adopt them. Any other amendments to these three subsections? (No response) All right. If not, Mr. Driscoll, will you make a motion to either accept or reject 38-2, -3 and -4.

**DELEGATE DRISCOLL:** I so move.

**PRESIDENT GRAYBILL:** Well, now, wait a minute—see—Mr. Driscoll, you've got to choose. (Laughter)

**DELEGATE DRISCOLL:** I move we reject subsections 2, 3 and 4.

**PRESIDENT GRAYBILL:** That we what?

**DELEGATE DRISCOLL:** Reject.

**PRESIDENT GRAYBILL:** We reject 1—

**UNIDENTIFIED DELEGATE:** —2, 3 and 4.

**PRESIDENT GRAYBILL:** —2, 3 and 4. Now, Mr. Driscoll has made a motion that subsections 38-2, -3 and -4 be rejected. The purpose of this is to test whether the Convention wants them all or it doesn't want them all, since they're now—we're all through amending them. Are you ready to vote on that one?

**UNIDENTIFIED DELEGATES:** Question.

**PRESIDENT GRAYBILL:** All right, now, the sense of Mr. Driscoll's motion is that we reject these three and we'd have only 38-1. Or, if you—So all those in favor of Mr. Driscoll's motion to reject, say Aye.

**DELEGATES:** Aye.

**PRESIDENT GRAYBILL:** All those in favor of—all those opposed to Mr. Driscoll's motion, say Nay.

**DELEGATES:** Nay.

**PRESIDENT GRAYBILL:** The Chair is in doubt. We'll "pen the ballot; and all those in favor, please vote Aye—that's in favor of rejecting them. All those opposed to rejecting them, vote Nay. So you're voting Nay if you want them in and you're voting Aye if you want them out. Have all the delegates voted?

(No response)

**PRESIDENT GRAYBILL:** Does any delegate wish to change his vote?

(No response)

**PRESIDENT GRAYBILL:** The Chair has closed the ballot. Will the clerk announce the ballot?

**CLERK HANSON:** Mr. President, 31 delegates voting Aye; 59 voting Nay.

**PRESIDENT GRAYBILL:** What was it—31—

**CLERK HANSON:** 31 voting Aye, 59 voting Nay.

**PRESIDENT GRAYBILL:** By your vote of 59 voting Nay, you have adopted 2, 3 and 4. Mrs. Bates.

**DELEGATE BATES:** I misunderstood the way we voted, and I think I voted wrong.

**PRESIDENT GRAYBILL:** Do you want to explain your vote?

**DELEGATE BATES:** I was voting to retain this.

**PRESIDENT GRAYBILL:** Well, if you voted Nay, you did that.

**DELEGATE BATES:** I didn't. (Laughter)

**PRESIDENT GRAYBILL:** Well, it got retained anyway, Mrs. Bates. (Laughter) You're—I'll say this: you're one of the most honest voters I've generally, when they've made a mistake, they don't admit it. (Laughter) All right, now, what that means is that the sense of the Convention is that 2, 3 and 4 should be neatly in there; and

since I presume there are no more amendments, we'll add that to 1 and now we will pass 38-1, -2, -3 and -4. Would the clerk read 39.

**CLERK SMITH:** "Sitting of committees during sessions of the Convention. No committee shall sit during the sessions of the Convention or of the Committee of the Whole without having first obtained special leave of the Convention."

**PRESIDENT GRAYBILL:** Is there any discussion of Rule 39? (No response) If not, we'll pass 39. Read 40, please.

**CLERK SMITH:** "Rule 40. Subcommittees. A committee, by the affirmative vote of a majority of its members, may provide for the appointment by the committee Chairman of subcommittees composed of members of the committee. Reports of the subcommittees shall be considered by the entire committee before the committee recommends any action thereon by the Convention. All rules applicable to committees shall be applicable to subcommittees."

**PRESIDENT GRAYBILL:** Is there any discussion of Rule 30-or Rule 40? We'll pass Rule 40. Rule 41, please.

**CLERK SMITH:** "Rule 41: Committee proposals. The affirmative vote of a majority of members of a committee shall be necessary to report a proposal out of a committee. A committee, by a majority of its members, may submit alternative proposals to the Convention and may report proposals with or without a recommendation for action. The proposal of a minority of at least 25 percent of the members of any committee shall be received, duplicated in the same manner as the majority proposal, and treated as an amendment or substitute offered to or for the report of the committee if offered as such on the floor."

**PRESIDENT GRAYBILL:** There's more on the other side.

**CLERK SMITH:** "All proposals reported by a committee to the Convention shall be reported as committee proposals and shall be referred to the Committee of the Whole."

**PRESIDENT GRAYBILL:** Is there any discussion of proposed Rule 41? (No response) If not, Rule 41 will be passed. 42.

**CLERK SMITH:** "Rule 42: Committee meetings and hearings. All committees and sub-

committee meetings and hearings shall be open to the public and news media. Committees and subcommittees shall hold meetings, at which action may be taken on proposals, in the City of Helena or any other place which may be temporarily the seat of the Convention and, upon the affirmative vote of a majority of the members of the committee and after consultation with and approval by the President, may hold hearings at any other place in the state. Committees and subcommittees may take testimony under oath or affirmation. The Chairman of a committee or subcommittee may request the President of the Convention to subpoena documents and witnesses. A witness shall have the right to be represented by counsel of his own choosing. A recorded roll call vote on any matter on the agenda of a committee and on which a vote is to be taken shall be taken on demand of any member of the committee. A committee, after consultation with and approval by the President, may direct that verbatim record to be kept of any portion of its proceedings. Committees may meet jointly with the consent of their respective chairmen and consent of the President."

**PRESIDENT GRAYBILL:** Is there any discussion of Rule 42?

Mr. Vermillion.

**DELEGATE VERMILLION:** Mr. President, I was wondering if we might amend that, reading up from the bottom-one, two, three, four, five, six lines up, beginning with the words "on demand of any member of the committee" and possibly delete that section of the sentence, so that it would read, "A recorded roll call vote on any matter on the agenda of a committee and on which a vote is to be taken shall be taken period".

**PRESIDENT GRAYBILL:** Mr. Vermillion's amendment is to strike out the words "on demand of any member of the committee", so that the sentence reads, "A recorded roll call vote on any matter on the agenda of a committee and on which a vote is to be taken shall be taken."

**UNIDENTIFIED DELEGATE:** Mr. President.

**PRESIDENT GRAYBILL:** Does that require, Mr.--let me ask Mr. Vermillion a question first. Does that mean that we have to take a recorded vote?

**DELEGATE VERMILLION:** That's what I had in mind, yes, to record pretty much all the deliberations of the committees.

**PRESIDENT GRAYBILL:** In other words, the result of the amendment would be to make committee votes recorded votes.

Okay. Mr. Marshall Murray.

**DELEGATE MURRAY:** I rise in opposition to the amendment. I think the sense of this assembly already today is that we should have roll call upon a proper demand. This rule is in accordance with a proper demand, and I suggest we just do away with the amendment or reject the amendment and approve the rule and go on with the other 30-some rules we have to do, because we're going to be very late to dinner if we don't.

**PRESIDENT GRAYBILL:** Is there other discussion of the proposed amendment? (No response) All right, we'll vote on the proposed amendment by the Ayes and Nays, and the purpose of the proposed amendment is to make committee votes recorded votes rather than recorded only on demand. All those in favor of Mr. Vermillion's amendment, say Aye.

**DELEGATES:** Aye.

**PRESIDENT GRAYBILL:** All opposed, say No.

**DELEGATES:** No.

**PRESIDENT GRAYBILL:** The Nays have it. Is there other discussion of Rule 42? (No response) If not, we'll pass Rule 42.

**CLERK SMITH:** "Rule 43: Consideration of proposals without committee recommendation. After 1 day's notice to the Convention, on motion passed by affirmative vote of a majority of members, may require a committee to return, with or without a recommendation, any proposal referral to the committee."

**PRESIDENT GRAYBILL:** Is there discussion of Rule 43?

Mr. Mahoney.

**DELEGATE MAHONEY:** Would the Chairman read-answer a question? As I understand, we will report these things back and, say, the committee has a lot of them. All I'm wondering is, you aren't going to make them return each thing back-this is what's bothering me. Now maybe I'm reading it wrong, but they may report

the whole works back, but I would take it here that if somebody submitted a—one of the delegates submitted a proposition, then you would have to report that back individually. Now this is—I hope I'm wrong, because I'm sure this isn't what you intended, but that's the way I read it.

**DELEGATE MURRAY:** Charley, this rule is the force-out rule. This rule means that if I, as a delegate, introduce a proposal and it is placed in a committee and nothing is happening and I'm able to convince this Convention that something should happen on that and I want it back out of that committee and I can bring it here, and if the Convention decides that it should be taken away from that committee so that I get some action, they can do it. It's the force-out rule. It's to make things move.

**DELEGATE MAHONEY:** (Inaudible).

**PRESIDENT GRAYBILL:** Wait a minute, Mr. Mahoney, let's get your mike on. (Laughter) Are you through? You can certainly-you have the floor.

**DELEGATE MAHONEY:** The thing that's bothering me is that there's going-maybe there's 10 or 15 items that comes out and relating to one section. Well, I'm afraid that somebody could go around here and say, "My thing wasn't referred out," and I just want to be sure that we understand that that's not the case. If you refer out an article and everything is taken care of-even if you didn't handle his particular position-now, this is what's worrying me.

**PRESIDENT GRAYBILL:** That's the idea here. If a delegate is unhappy that his proposal wasn't considered, he has the right to try and get the Convention to get it out. You're right, and if they let it out, then we'll have to do something with it. (Laughter) Is there further discussion on that rule? (No response) All right, if there's no further discussion, we'll pass Rule 43.

**CLERK SMITH:** "Rule 44: Last day for committee proposals. The Committee of the Whole will receive no final proposal of a substantive committee after the deadline established under Rule 79."

**PRESIDENT GRAYBILL:** Any discussion of Rule 44? (No response) Notice the amendment to Rule 79 instead of 81.

**DELEGATE MURRAY:** Mr. President.

**PRESIDENT GRAYBILL:** Yes.

**DELEGATE MURRAY:** Rule 79 is the rule which says that the President, with the advice of the Committee on Rules and Administration, shall submit a schedule, and the reason for Rule 44—may not be necessary, but it occurs to the committee that there has to be some cutoff date for this committee work. And with this rule in the rules, why, we feel that the committees will be much more inclined to get their work done.

**PRESIDENT GRAYBILL:** Any discussion of 44? (No response) All right, we'll pass 44.

**CLERK SMITH:** "Rule 45: Power to incur expenses. No delegate or committee shall incur any expense chargeable to the Convention unless such expense is approved by the President or is authorized by resolution of the Convention. No motion or resolution calling for an expenditure of money shall be acted upon by the Convention without first being referred to the Administrative Committee for consideration and recommendation."

**PRESIDENT GRAYBILL:** Any discussion of 45? (No response) If not, 45 is passed. Mr. Murray, that's the end of a chapter.

**DELEGATE MURRAY:** Mr. President, I move that we adopt Rules 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44 and 45, as we have amended them individually.

**PRESIDENT GRAYBILL:** All right, that's Chapter 5. All those in favor of adopting Chapter 5, say Aye.

**DELEGATES:** Aye.

**PRESIDENT GRAYBILL:** Opposed, No. (No response)

**PRESIDENT GRAYBILL:** The Ayes have it, and so ordered. All right, Rule 46.

**CLERK SMITH:** "Chapter 6, Rule 46: Proposals-introduction. Any suggestion, proposition, or draft intended to become a part of any revised Constitution or amendment or alteration of the existing Constitution which is introduced by one or more delegates shall be called a delegate proposal. A delegate proposal shall be endorsed by the delegate or delegates introducing it. No delegate proposal may be introduced later than the deadline established under Rule 79. When a dele-

gate proposal is introduced, it shall be referred by the President to the proper standing committee, except when he refers it to the Committee on Rules and Resolutions to determine whether its content is on the appropriate order of business. By vote of at least one-third of the Committee on Rules and Resolutions, any proposal shall be referred to a standing committee. Where a proposal embraces subject matter which falls within the proper consideration of several committees, the President, where practicable, shall divide the proposal and refer the parts to the appropriate committees. If it is not subject to such division, the President shall refer it to an appropriate committee with instructions to consult with other committees on related matters."

**PRESIDENT GRAYBILL:** All right, is there discussion about Rule 46? (No response) If not, we'll pass 46.

**CLERK SMITH:** "Rule 47: Forms. 1: The Executive Director, under the supervision of the President, shall prepare forms in accordance with these rules for delegate proposals, citizen suggestions, resolutions and committee proposals. 2: The delegate proposals shall be reproduced or duplicated. The original of all proposals shall remain in the custody of the Convention. The Secretary shall, as soon as any proposal is reproduced or duplicated, place it on the desks of the delegates. 3: All proposals must be approved as to form by some person or agency designated by the President before being introduced or submitted. 4: Any delegate proposal which does not comply with the provisions of these rules as to form shall be referred to the appropriate committee as a citizen suggestion."

**PRESIDENT GRAYBILL:** Is there any discussion of Rule 47? (No response) We'll pass 47.

**CLERK SMITH:** "Rule 48: Resolutions. Resolutions may be introduced by delegates or committees. Delegate resolutions shall be given to the Secretary, assigned a number, and referred to the appropriate committee by the President. After consideration, the committee shall report the resolution to the Convention, with or without recommendation, and the resolution shall be considered under Order of Business Number 1. If the rules are suspended, the early consideration, the Secretary shall read the resolution and it shall be considered under Order of Business Number 7. Committee resolutions shall be read by the Secretary under Order of Business Number 7 and considered under

Order of Business Number 7. No recorded roll call vote shall be taken under the consideration of the resolutions."

**PRESIDENT GRAYBILL:** All right, Rule 48. Is there any discussion of Rule 48? (No response) We'll pass Rule 48.

**CLERK SMITH:** "Rule 49: Citizen suggestions. Any subject matter presented to the Constitution suggested by a nondelegate shall be called a citizen suggestion. Citizen suggestions shall be given a number by the Secretary, and the original shall be referred by the President to the appropriate committee for consideration but need not be placed on the agenda of the committee. Before the Convention adjourns sine die, he shall sign"—

**UNIDENTIFIED DELEGATE:** —the original—

**CLERK SMITH:** Oh. "—the original shall be returned to the Convention Secretary.

**PRESIDENT GRAYBILL:** Any question about Rule 49? (No response) We'll pass 49.

**CLERK SMITH:** "Rule 50: Present constitution-referral. The President shall refer—(Inaudible)"

**PRESIDENT GRAYBILL:** Just a minute—have we got 50?

**CLERK SMITH:** "Rule 50: Present—

**PRESIDENT GRAYBILL:** Just a minute. Does everybody have 50? The journal and the Chair don't have 50. All right, now we have 50. And the delegates do have 50?

**DELEGATES:** Yes.

**PRESIDENT GRAYBILL:** All right, go ahead and read 50.

**CLERK SMITH:** "Rule 50: Present constitution-referral. The President shall refer each section of the present Montana Constitution to the appropriate Committees."

**PRESIDENT GRAYBILL:** Any discussion.

Mr. Champoux.

**DELEGATE CHAMPOUX:** I have a question about this, Mr. President, if I may direct it at

you at this point. On this business—I don't want to bring up this public lands thing again, but we talked a little bit about it at noontime. Now, if we hold the hearings, is it my understanding, after you've given the sections, the committee that has the designation for the article will come out with the proposal; is that correct?

**PRESIDENT GRAYBILL:** Not necessarily. I have assigned them. Now, if there's a committee that feels that there should be a different assignment, I wish they'd bring it to my attention. I might change it—certainly would consider it. If you're talking about one of the committee—one of the present Constitutional parts.

**DELEGATE CHAMPOUX:** Well, we were referring—we had a little talk about Public Lands at noontime. We were going to talk about it with you after the meeting—

**PRESIDENT GRAYBILL:** Right.

**DELEGATE CHAMPOUX:** —today, and if you, for instance, give certain sections—and you take the Public Lands Article and you give certain sections to the Natural Resources Committee—now, how are we going to come out with a proposal in terms of the Public Land Article? Are we going to come out with it, individual sections, from the Natural Resources Committee and the Education Committee? Do their proposals come to the Education Committee and then we develop a proposal in consultation with them, or—do you see the problem?

**PRESIDENT GRAYBILL:** Well, the Chair would like to speak to this and try to answer it for you. First of all, all Rule 50 does is suggest that I do what I've already done, which is divide up the Constitution. And I'm suggesting if you have any problems, let me know. And, third, if you don't like the way I've divided up the Constitution, I'm sure you can do what you're going to be able to do when I refer delegate suggestions to you. You're going to be able to appeal from the decision of the Chair and get a ruling of the body as to whether or not my division is correct, after I refuse or don't refuse to do it. Now, secondly you're—that's how we get it into the committee. Now, your question really is how we get it out of the committee. It would seem to me that the committee it's assigned to certainly has the duty to at least consider it. If another committee wants to consider it, under the rules that we've discussed and are still discussing, there are chances for you to ask to make it joint, at

which time, if you can't agree, I'll be glad to help, and I suppose in a pinch, both of you could report it out and the Style and Drafting and/or the Convention would have to sort it out, so I think it can be done either way and it might depend on—and I suppose we'd have to work with the situation, Mr. Champoux. Any further discussion on Rule 50?

**DELEGATE McNEIL:** Mr. President.

**PRESIDENT GRAYBILL:** Mr. McNeil.

**DELEGATE McNEIL:** Mr. President, if it would not be too great an administrative burden, I, for one, would like to know to which committees the articles and sections of our present Constitution have been referred. I, of course, know which articles and sections have been referred to the committee that I'm on, but I am particularly interested in certain articles and sections of our present Constitution, and without knowing to which committee they've been referred, it's very difficult to assert some particular effort to keep track of their progress.

**PRESIDENT GRAYBILL:** All right, I will make a note to get it to you, and I'll have my secretary post the assignments that I've already made. They did appear in the press, but I'll have them posted. Is there further discussion of Rule 50? (No response) All right, we'll pass Rule 50.

**CLERK SMITH:** "Rule 51: Order of consideration of proposals. The prescribed order in which proposals introduced in the Convention are to be considered shall be as follows: Introduction: Delegate proposals shall be filed with the Secretary. Delegate proposals shall be assigned a number by the clerk, referred to the appropriate committee by the President, duplicated and distributed to delegates. Standing committee considerations: Standing committees shall consider all delegate proposals referred to the committee, prepare committee proposals, report committee proposals under Order of Business Number 1. Committee proposals will be received by Convention without a debate or vote. The President shall refer all committee proposals to the Committee of the Whole. The committee proposal shall be duplicated and distributed to the delegates. Minority committee proposals signed by 25 percent of any committee will be duplicated and referred to the Committee of the Whole. Committee of the Whole consideration: Committee proposals will be consid-

ered, debated, amended by the Committee of the Whole in order placed on General Orders of the Day. The Committee of the Whole shall debate and adopt by section the committee proposal. The Committee of the Whole shall report to the Convention under Order of Business Number 7 and refer the proposed article to the Committee on Style. A motion to segregate a report of the Committee of the Whole shall not be in order. Consideration and report of Committee on Style--articles: The Committee on Style shall make only changes as to style and form and grammar. The report of the Committee on Style on each article shall be made on Order of Business Number 1. The report shall be received by the Convention without debate or vote, and the President shall refer the report to the Committee of the Whole. The report shall be duplicated and distributed to delegates, Committee of the Whole consideration of report of Committee Style: The report of the Committee on Style shall be considered, debated and amended by the Committee of the Whole, section by section, as to style, form and grammar. The report of the Committee of the Whole shall be referred to Order of Business Number 5 for adoption. Adoption of articles: The Convention shall adopt individual article at Order of Business Number 5, section by section, by a majority of elected delegates and referred to Committee on Style for incorporation in proposed Constitution. Consideration and report of Committee on Style of proposed constitution and ballot: The Committee on Style shall prepare for submission to the electorate the proposals of the Convention and a ballot. The report of the Committee on Style on its proposals shall be made on Order of Business Number 1 and shall be received by the Convention without debate or vote, and the President shall refer the report to the Committee of the Whole. The report shall be duplicated and distributed to the delegates. Committee of the Whole consideration of proposed constitution and ballot: The proposal of the Committee on Style shall be considered only as to the form of the proposed Constitution and the form and style of the ballot. The report of the Committee of the Whole shall be referred to Order of Business Number 6. The vote on Order of Business Number 6 shall be without debate and be recorded roll call vote of all delegates elected to the Convention. Enrolling: The President shall direct the enrolling of the final proposal or proposals of the Convention. Signing of the Constitution: The enrolled copy shall be signed by the President, attested by the Secretary, and then signed by the other delegates in alphabetical order."

**PRESIDENT GRAYBILL:** Is there discussion on Rule 51?

Mr. Schiltz.

**DELEGATE SCHILTZ:** Mr. President, the Committee on Style had better start working right now. There's a typo on the second page where it does not-in the second major heading, there should be the word "on" after "committee".

**PRESIDENT GRAYBILL:** Would you read the whole heading? Is it under—

**DELEGATE SCHILTZ:** The whole heading should then read: "Committee of the Whole consideration of report of Committee"—inserting "on" between "Committee" and "Style"—"Committee on Style." It's okay in the body of the rule.

**PRESIDENT GRAYBILL:** You don't want a report on—you don't want to talk about the other committees specifically. In other words, you want the word "on" in between—"Committee on"—

**DELEGATE SCHILTZ:** Well, I think that's what they mean.

**PRESIDENT GRAYBILL:** Right.

**DELEGATE SCHILTZ:** I don't understand anything else from it.

**PRESIDENT GRAYBILL:** All right, I trust the Rules Committee will accept that amendment. Is there further discussion of 51? (No response) All right, we pass 51.

**CLERK SMITH:** "Rule 52: Required vote—"

**UNIDENTIFIED DELEGATE:** Mr. Graybill? Mr. Davis—

**PRESIDENT GRAYBILL:** Wait a minute—Mr. Davis, are you on 51?

**DELEGATE DAVIS:** Mr. President, it may be a point that we should clear up at this time on the last portion of that, where it says, "Committee of the Whole consideration of proposed constitution and ballot." The last line says: "The vote on Order of Business Number 6 shall be without debate and be a recorded roll call vote of all delegates elected to the Convention." It's a possibility that we might all not survive the Convention, there may be substitutions or other people, so

maybe the word "elected" should be given some consideration there. It's just a thought.

**PRESIDENT GRAYBILL:** It's kind of a macabre thought, but what do you want to do about it? Mr. Murray, do you think that "elected" would be presumed to mean elected or replacement for an elected delegate?

Mr. Davis.

**DELEGATE DAVIS:** Well, sir, it appears to me that it also seems to be a mandatory thing, that every one of the elected delegates has to vote, not only death but also serious illness and absenteeism of other things might be interpreted as being restrictive there.

**PRESIDENT GRAYBILL:** Mr. Murray.

**DELEGATE MURRAY:** Mr. President, I have a solution. Suppose we amend the language of that particular sentence to read: "The vote on Order of Business Number 6 shall be without debate and be a recorded roll call vote of all delegates"—"all delegates period". We'll strike "of the delegates"—maybe that will be the solution, huh?

**PRESIDENT GRAYBILL:** All right, we've amended the proposal so that the sentence reads: "The vote on Order of Business Number 6 shall be without debate and be a recorded roll call vote of all the delegates period", striking "elected to the Convention". So it would be whatever delegates we had at the time.

**DELEGATE MURRAY:** Right.

**PRESIDENT GRAYBILL:** Is that all right with you, Mr. Davis?

**DELEGATE DAVIS:** (Inaudible)

**PRESIDENT GRAYBILL:** All right, now, we'll assume that that's amended automatically unless we hear other discussion about it, and we've already passed the rule unless somebody else says something else. We'd be glad to come back to it, but-okay, we've passed 51; go to 52.

**CLERK SMITH:** "Rule 52: Required vote on final consideration and adoption. On final consideration of committee proposals, a roll call vote shall be taken, section by section, and entered in the journal. On adoption of the proposed Constitution and ballot, a roll call vote shall be taken on the proposed Constitution and on the ballot and shall be entered in the journal."

**PRESIDENT GRAYBILL:** Is there any discussion of Rule 52? (No response) Rule 52 is passed.

**CLERK SMITH:** "Rule 53: Unfinished special orders. Any subject matter which has been made a special order for a particular day but which is not reached on that day shall then come up for consideration under the order of unfinished business at the next succeeding session of the Convention."

**PRESIDENT GRAYBILL:** Is there any discussion of Rule 53? (No response) Rule 53 is passed.

**CLERK SMITH:** "Rule 54: Order of business--"

**DELEGATE MURRAY:** Mr. President.

**PRESIDENT GRAYBILL:** Just a moment.

Mr. Murray.

**DELEGATE MURRAY:** Somehow in our typing--retying of Rule 54, we neglected to put on that that's the start of a new chapter entitled "Transaction of Business", so Rules 46 through 53, I think, are due for a motion, and I at this time move that we adopt Rules 46 through 53, as they have been respectively amended.

**PRESIDENT GRAYBILL:** Is that Chapter 6?

**DELEGATE MURRAY:** And that is Chapter 6, yes.

**PRESIDENT GRAYBILL:** Very well. The motion has been made that we adopt Chapter 6. All in favor of that motion, say Aye.

**DELEGATES:** Aye.

**PRESIDENT GRAYBILL:** Opposed, No. (No response)

**PRESIDENT GRAYBILL:** The Ayes have it, and so ordered. Now, 54.

**CLERK SMITH:** "Rule 54: Order of business. After call to order, invocation and roll call, the order of business of the Convention shall be as follows: 1: Reports of Standing Committees; 2: Reports of Select Committees; 3: Communications; 4: Introduction and Reference of Delegate Proposals; 5: Final Consideration of Proposals; 6:

Adoption of Proposed Constitution and Ballot; 7: Motions and Resolutions; 8: Unfinished Business; 9: Special Orders of the Day; 10: General Orders of the Day-Committee of the Whole; 11: Committee Announcements and Notices. To revert to or pass to a new order of business requires only a majority vote. Unless otherwise specified in the motion to recess, the Convention shall revert to Order of Business Number 1 when reconvening after a recess."

**PRESIDENT GRAYBILL:** Is there any discussion of Rule 54? (No response) If not, Rule 54 is passed.

**CLERK SMITH:** "Rule 55: Roll call. The Secretary shall call the roll at the opening of each session of the Convention, and the President shall announce whether a quorum is present. The President shall announce and the Secretary shall enter in the journal the names of delegates absent with leave of the Convention and the names of the delegates absent without such leave. Vote by machine may be taken whenever a roll call or a vote by Ayes and Nays is directed by or in accordance with these rules."

**PRESIDENT GRAYBILL:** Is there any discussion on 55? (No response) If not, 55 is passed. 56.

**CLERK SMITH:** "Rule 56: Petitions entered in journal. No memorial, remonstrance, or petition shall be read or be entered in full in the journal unless ordered read or entered in the journal by the Convention."

**PRESIDENT GRAYBILL:** Any discussion of 56? (No response) 56 is passed. 57.

**CLERK SMITH:** "Rule 57: Motions. When a motion is made, it shall be stated by the President or, if in writing, it shall be handed to the clerk and read aloud to the Convention before being debated."

**PRESIDENT GRAYBILL:** Any discussion of 57? (No response) If not, it's passed. 58.

**CLERK SMITH:** "Reduced to writing. Every motion or amendment shall be reduced to writing if the President or any delegate shall request it and shall be entered upon the journal, together with the name of the delegate making it, unless the motion is withdrawn by the maker or is ruled out of order by the President."

**PRESIDENT GRAYBILL:** Any discussion of 58? (No response) 58 is passed.

**CLERK SMITH:** "Rule 59: Withdrawal of motions. After a motion has been stated by the President or read by the Secretary, it shall be deemed to be in the possession of the Convention, but it may be withdrawn by the delegate at any time before being amended or put to a vote."

**PRESIDENT GRAYBILL:** Any discussion of 59? (No response) 59 is passed.

**CLERK SMITH:** "Rule 60: Privileged motions. When a question is under debate, no motion shall be received except: 1: To fix the time at which to adjourn; 2: To adjourn; 3: To take a recess; 4: To reconsider; 5: To lay on the table; 6: For a call of the Convention; 7: To move the previous question; 8: To limit debate; 9: To postpone to a day certain; 10: To commit; 11: To amend; 12: To postpone indefinitely. The motions listed in this rule shall take precedence in order which they stand arranged. All of them shall be decided by the affirmative vote of a majority of those present and voting, except that a motion for the previous question requires the affirmative vote of two-thirds of those present and voting and a motion to postpone indefinitely requires the affirmative vote of a majority of elected delegates. When a recess is taken while a question pending, consideration of such question shall be resumed when the Convention reassembles unless it determines otherwise. No motion to postpone to a day certain or to commit, having been decided by the Convention, shall again be in order on the same day or at the same stage of the question. Whenever a proposal is being considered and a motion is then made, either to postpone indefinitely or to commit, amendments to the pending proposal shall first be in order before any vote is taken on any such motion."

**PRESIDENT GRAYBILL:** Is there any discussion on Rule 60?

Mr. Kelleher.

**DELEGATE KELLEHER:** I just have a couple of questions. To commit, does that mean return to the committee from whence it came, or what? Number-the motion, Number 10, "to commit"—what does that-Marshall, what does that mean?

**PRESIDENT GRAYBILL:** Mr. Murray, you are being asked a question. He wants to know what "to commit" means.

**DELEGATE KELLEHER:** He's got to look it up in the book. I'm sorry, Marshall, I can look it up in the book. Well, I-the other one, "except that a motion for the previous question requires the affirmative vote of two-thirds of those present." What does that mean? The previous question--say we're debating something and we want to cut off debate, is that what that means, Marshall?

**DELEGATE MURRAY:** Mr. President. Yes, the effect of moving the previous question is to close the debate.

**DELEGATE KELLEHER:** And that would require two-thirds?

**DELEGATE MURRAY:** That requires two-thirds of those present and voting.

**PRESIDENT GRAYBILL:** Are there other questions or discussions about Rule 60? Rule 60.

Mr. Blaylock.

**DELEGATE BLAYLOCK:** A question for Marshall. That means, though, that can't be passed or moved in the Committee of the Whole, is that right?

**PRESIDENT GRAYBILL:** Other questions on Rule 60? (No response) If not, Rule 60 will be passed. Oh, wait a minute.

Excuse me, Mr. Scanlin.

**DELEGATE SCANLIN:** Mr. President, I don't understand that "commit", other than it refers to a committal service. (Laughter)

**PRESIDENT GRAYBILL:** Is there other discussion?

Mr. Brazier.

**DELEGATE BRAZIER:** Mr. President, I really feel that a number of us uninitiated probably really don't appreciate what some of those motions are, and I would respectfully request Mr. Murray to attempt to describe them in substance to us. I refer to—

**PRESIDENT GRAYBILL:** Mr. Murray, do you want to give them a rundown on the committees?

**DELEGATE BRAZIER:** -lay on the table, call of the Convention, to commit-such things as that which are probably new to a good many of us.

DELEGATE MURRAY: Mr. President, I'm not sure that I can answer very many of these. These are privileged motions, and they are privileged in the order that they are listed. And I'm sure that "to fix the time to which to adjourn" is self-explanatory. Surely, "to adjourn" is clear. "To take a recess" is obvious. "To reconsider", we've already gone through that. "To lay on the table"—I think we're all familiar with what "to lay on the table" means—it means we're not going to discuss that matter any more, unless we say "to lay on the table to a day certain", which—and that's the same thing as "to postpone to a day certain"—basically the same rules. "For a call of the Convention" means that outside of the Committee of the Whole, since that motion cannot be made in that committee, if you call for the Convention, we will go look for you if you are not on this floor and we will bring you back, and if we cannot find you and we have made enough progress so that we can continue with the business, we'll discontinue having a call of the Convention. And we have "a call of the Convention"—I think there's a later rule in here that says that the Sergeant-at-Arms and his assistants may go places and bring you back. "To move the previous question" is effectively the same thing as to limit debate, which is the next one. "To postpone to a day certain" is, again, basically the same thing as "to lay on the table". It's to get rid of a matter for consideration. And "to commit"—it's in almost every privileged motion list that I can find, but I must confess that I don't know what that means, and I'll defer to my parliamentarian, who is Charles Mahoney. (Laughter) Number 11, "to amend", I think is self-explanatory. And "to postpone indefinitely" is to kill. There isn't any question about that, and because it is to kill, that means that you have to have the majority of all the delegates—not present and voting, but all of them.

PRESIDENT GRAYBILL: Go ahead, Mr. Brazier.

DELEGATE BRAZIER: Well, Marshall, perhaps a little further discussion will clarify it, but it seems to me that laying on the table, postponing to a day certain and postponing indefinitely somewhat overlap. Does laying on the table, first of all, make it possible to kill something without a vote at any future time?

DELEGATE MURRAY: Well, I have not examined Mason's, which must be our Bible with respect to these matters, Goeff, and I am not prepared to discuss them in detail as such. Each of

these motions can be made, and as they can be made they are discussed within this book, and there are different rules legally and procedurally that apply to the making of each motion. And I'm not prepared at this time to discuss all those matters with you, but I'll make a book available if you'd like to become familiar with them and wish to make any motion at any time.

PRESIDENT GRAYBILL: Mr. Brazier—

DELEGATE MURRAY: The reason they are here is because they are the common motions which have ordinarily been made in parliamentary circles.

PRESIDENT GRAYBILL: "To lay on the table" is to postpone temporarily, according to Mason's, and "to commit" is the same as "to refer". In other words, if something were brought back or were before us and we wanted to refer it to a certain committee, it's sometimes called a motion to commit it to such and such a committee. Do you have other questions?

DELEGATE BRAZIER: Well, then, if I understand correctly, to postpone to a day certain is like laying on the table, only it may continue it over until the next day or some future date.

PRESIDENT GRAYBILL: But—Laying it on the table—it's there until somebody lays it off the table.

DELEGATE BRAZIER: All right, and to postpone indefinitely may have the effect of killing the proposal then?

PRESIDENT GRAYBILL: I think that's right.

DELEGATE BRAZIER: Thank you, one and all.

PRESIDENT GRAYBILL: Now, Mr. Kelleher.

DELEGATE KELLEHER: What's the difference—

PRESIDENT GRAYBILL: Well, I submit that we can study Mason's. The point here is to list these motions, and I'll be glad to read them for you, but it might take us a long time and we got other things—it's all discussed in detail in Mason's. We have to go to Mason's and if somebody knows, I'm perfectly happy to have them tell you, but the point is—

**DELEGATE KELLEHER:** I don't want to pass on something, Mr. Chairman, that I don't know what I'm doing.

**PRESIDENT GRAYBILL:** All right, ask your question. I'll look it up.

**DELEGATE KELLEHER:** What is "the previous question" and what is the difference between "the previous question" and "the present question", or is there such an animal as "the present question"?

**PRESIDENT GRAYBILL:** "The previous question" is that I move the question.

**DELEGATE KELLEHER:** The one that's under discussion here and now?

**PRESIDENT GRAYBILL:** Right.

**DELEGATE KELLEHER:** That's all I wanted to know. Thank you.

**PRESIDENT GRAYBILL:** That's right. It's not a new, fancy one; it's the same one we've been talking about all the time.

Mr. Studer.

**DELEGATE STUDER:** I would like to know how you get a motion back on the floor that has been laid on the table?

**PRESIDENT GRAYBILL:** It takes a two-thirds vote to bring it off the table is my understanding at the moment. Now, I may be wrong.

**DELEGATE BLAYLOCK:** Mr. President.

**PRESIDENT GRAYBILL:** Mr. Blaylock.

**DELEGATE BLAYLOCK:** Mr. President. No, I think it will take a majority vote. All you have to do, if it has been laid on the table, is to say, "I move that we take from the table the motion"—whatever was before the house--and it's seconded and it's passed by a majority vote, that question is back before the house.

**PRESIDENT GRAYBILL:** All right, that's right I guess, it isn't one of those taking two-thirds, so you just have to take it off like you put it on.

**DELEGATE ETCHART:** Mr. Chairman.

**PRESIDENT GRAYBILL:** Mr. Etchart.

**DELEGATE ETCHART:** Mr. Chairman. These privileged motions, some of them, are also applicable to our operation during Committee of the Whole. And I think it would maybe be a little more understandable in these rules if we would take the motions which are not applicable, which is Number 2, Number 5, Number 6 and Number 7, and then in parenthesis put Not in Committee of the Whole; so this way, looking at this rule, we would know which motions were allowable in Convention and which were allowable in Committee of the Whole.

**PRESIDENT GRAYBILL:** May I point out a difficulty? The point is that the line on the top of the next page makes these puts these in an order of precedence, and that's why they're in that order there. Do you follow me? So you've got a problem if you do that. The motions listed in this rule shall take precedence in the order in which they stand arranged, so you can't really withdraw them. Now if you want to mark them or not them, that would be all right with me.

**DELEGATE ETCHART:** Well, this doesn't change anything. I just thought, as a suggestion, maybe the members might want to do this in their own rules, but they could take this, and by taking Rule-Motion 2, rather, 5, 6 and 7, they could note that these motions are not allowed in Committee of the Whole.

**PRESIDENT GRAYBILL:** Mr. Murray, that is correct, is it not, that they are not allowed in Committee of the Whole?

**DELEGATE MURRAY:** Yes, and specified back in the rule of the Committee of the Whole, which I think is 28.

**PRESIDENT GRAYBILL:** I wonder if the Chair would be out of order if it entertained a motion that those be asterisked and the asterisk put at the bottom saying, "not in the Committee of the Whole".

**UNIDENTIFIED DELEGATE:** That's a good idea.

**DELEGATE MURRAY:** Mr. President, I think it's a good idea.

**PRESIDENT GRAYBILL:** Mr. Etchart, would you make that kind of an amendment?

**DELEGATE ETCHART:** Yes, I would so move.

**PRESIDENT GRAYBILL:** All right, the purpose of this is to show any delegate looking for this information quickly that Motions 2, 5, 6 and 7 should have an asterisk before or after them, asterisk, and then at the bottom it should say, "not applicable in Committee of the Whole" or "not usable in Committee of the Whole". And I take it that's the sense of Mr. Etchart's motion-or his amendment to Rule 60. Is there any discussion of his proposal? (No response) If not, all those in favor of his amendment, say Aye.

**DELEGATES:** Aye.

**PRESIDENT GRAYBILL:** Opposed, No. (No response)

**PRESIDENT GRAYBILL:** The Ayes have it, and so ordered. All right, is there other discussion of Rule 60? (No response) If not, Rule 60 is passed. Hold up just a minute on the tape.

(Recess to change tape on recorder)

**PRESIDENT GRAYBILL:** The Convention will be in order.  
Mr. Arness.

**DELEGATE ARNESS:** Mr. President, in Rule 60, shouldn't Section 12 also be one of the asterisked sections? That could also-can't be called under in the Committee of the Whole, as I understand it.

**PRESIDENT GRAYBILL:** Mr. Murray.

**DELEGATE MURRAY:** Mr. President, I didn't understand Mr. Arness. If he might say that again.

**PRESIDENT GRAYBILL:** His question is, isn't the Motion Number 12, the motion to postpone indefinitely, also not available in Committee of the Whole?

**DELEGATE MURRAY:** Under Rule 28, it says that clearly.

**PRESIDENT GRAYBILL:** All right. Well, then, we'd have to have an asterisk after 12, too; is that correct?

**DELEGATE MURRAY:** Rule 28 says, "A motion to postpone indefinitely or to table or call of the Convention shall not be in order in Committee of the Whole."

**PRESIDENT GRAYBILL:** All right, will you please all add an asterisk to Rule 12, and we'll

consider it amended.

Mr. Felt.

**DELEGATE FELT:** In connection with that matter, there are some of the others here, too, that would not be available in Committee of the Whole, but I didn't think it was necessary to make any point of it. I believe that we can end up with a very brief list of the motions that are in order while in Committee of the Whole and showing those that-of course, those motions would all be debatable, but others-you could not have your Number 1 or Number 3, Number 8 or Number 9 or Number 10. I think the only ones you could have that are on this list would be Numbers 4, which we provide for by a special rule in a very limited sense, and Number 11.

**PRESIDENT GRAYBILL:** Well, let's add asterisks to all the rest of them.

**DELEGATE FELT:** Well, you can do that. As I say, really, the more helpful thing would be a list of those that are in order while in Committee of the Whole, so that everyone would have that to use while they are under consideration of business, under second reading, or Committee of the Whole house.

**PRESIDENT GRAYBILL:** Mr. Murray.

**DELEGATE MURRAY:** Mr. President, earlier I agreed with some of these people, but I would be happy to sit down and do this. I don't see that it needs to be made a part of these rules, but I will be happy to prepare a list of the motions that can be made under Committee of the Whole, since the rule that we have specifies those that cannot be made, and I will furnish it to all of the delegates.

**PRESIDENT GRAYBILL:** Would it be the sense, then, of the Convention that we ought to take all the asterisks out and do this by a separate list that the Rules Committee will supply to us?

**UNIDENTIFIED DELEGATE:** Okay.

**PRESIDENT GRAYBILL:** Let's take all the asterisks out. Now, we're back where we were. All right, Rule 61.

**CLERK SMITH:** "Rule 61: Motions not debatable. A motion to adjourn is always in order except when a motion to fix the time to which to adjourn or a motion to amend the calendar and agenda is pending. A motion to adjourn, a motion to lay on the table, a motion for recess pending the consideration of other business, and all matters

relating to questions of order shall be decided without debate."

**PRESIDENT GRAYBILL:** Any discussion of Rule 61? (No response) All right, pass 61. 62.

**CLERK SMITH:** "Rule 62: Order of putting questions. All questions shall be put in the order in which they are moved, except in the case of privileged motions."

**PRESIDENT GRAYBILL:** Any question on 62? (No response) We'll pass 62.

**CLERK SMITH:** "Rule 63: Amendments must be Germane. No motion or proposition relating to a subject different from that under consideration shall be admitted under color of amendment or its substitute."

**PRESIDENT GRAYBILL:** Any discussion on 63? (No response) All right, we'll pass 63. 64.

**CLERK SMITH:** "Division of question. Any delegate may call for a division of the question, which shall be divided if it includes propositions which are so distinct in substance that, when one is removed or deferred, a substantive proposition remains for the decision of the Convention. A motion to strike out and insert shall be subject to division within the meaning of this rule."

**UNIDENTIFIED DELEGATE:** Shall not be subject—

**CLERK SMITH:** "...will not be subject"—excuse me.

**PRESIDENT GRAYBILL:** "-shall not be subject to division within the meaning of this rule." Is there any discussion of 64? (No response) All right, we'll pass 64. 65.

**CLERK SMITH:** "Previous question. The method of ordering the previous question, which shall not be made in the Committee of the Whole, shall be as follows: Any delegate may move the previous question, and unless otherwise stated, the motion shall apply to the immediately pending question only. The presiding officer shall put the question: 'Shall the main question now be put?' This shall be ordered only by affirmative vote of two-thirds of the delegates present and voting. Prior to the ordering of the same, a call of the Convention may be moved and ordered, but after ordering the previous question, nothing shall be in

order prior to the decision of the pending question or questions, except demands for the Ayes and Nays, points of order, appeals from the decision of the Chair, and motion to adjourn or to take a recess, all of which shall be decided without debate. The effect of ordering the previous question is to put an end to all debate and bring the Convention to a direct vote upon the immediately pending question, and such other pending questions as we specified in the motion in their order down to and including the main question; provided, however, that when previous questions is ordered, amendments then on the Secretary's desk shall be acted upon. When a motion to reconsider has been taken under the previous question and decided in the affirmative, the fact that the previous question has been ordered shall have no operation or effect with respect to the question for which reconsideration has been ordered. If the Convention refuses to order the previous question, it shall resume consideration of the pending subject as though no motion for the previous question has been made."

**PRESIDENT GRAYBILL:** All right, is there any question about the-or discussion or amendment about Rule 65, on previous question?

**DELEGATE FELT:** Mr. President.

**PRESIDENT GRAYBILL:** Mr. Felt.

**DELEGATE FELT:** This motion for the previous question is actually being made by him whenever he says, "Question".

**PRESIDENT GRAYBILL:** Right.

**DELEGATE FELT:** And while it is very tempting to all of us, many times, to make the motion because we are weary or unhappy for one reason or another, the fact that you're taking away from someone their opportunity to talk, no matter how tedious or wrong they may appear to be, is something that I hope everyone would consider as a very serious matter and that it would not be used unless you feel that someone is really hampering the conduct of business to such an extreme degree that you just couldn't possibly abide by it. And perhaps this is an unnecessary comment, but since there have been a few questions asked about some of these procedural matters, and this one, which is really quite important, that I felt might deserve that little comment.

**PRESIDENT GRAYBILL:** Mr. Blaylock.

**DELEGATE BLAYLOCK:** Mr. President.

would Mr. Felt yield to a question? Did I understand you, Jim, to say, that when somebody out here yells "Question", that's like moving? I disagree.

PRESIDENT GRAYBILL: Well—

DELEGATE BLAYLOCK: In order to move the previous question, you have to make a formal motion saying, "I move the previous question" or "I call for the question". It has to be seconded and moved by a two-thirds vote of the body.

PRESIDENT GRAYBILL: May the Chair point out—I think you're both right. You're right, Mr. Blaylock, except we don't have to have seconds here, so let's understand that. We don't need seconds. I'm not asking for seconds. Secondly, all I think Mr. Felt is saying is that when someone says "Question", they mean if they were on their feet and had their mike in their hand and had been recognized, they would have moved the previous question. It certainly is an indication they want the Chair to move, but I'm not suggesting you do it, and we certainly won't recognize previous questions until somebody stands up and makes the motion. Is that right, Mr. Felt? Is that what you understood?

DELEGATE FELT: Yes, that is the way that it's actually interpreted, I think, is that you don't treat it as a motion unless somebody insists by standing and demanding recognition. But in the general, technical sense, and I think it's so interpreted in Mason's Manual, that someone saying "Question" is, in effect, making a motion and often ignored, but they could insist that that's what they had done and demand that attention be paid to it.

PRESIDENT GRAYBILL: Right, but the Chair will generally not recognize it until you stand and ask for the floor, and then do you agree with me, Mr. Blaylock? I just wanted you to understand about the seconding. You don't have to have a second here. Okay?

DELEGATE BLAYLOCK: No, not okay.

PRESIDENT GRAYBILL: Well, that's the sense of Mason's and that's the sense of the rules and that's the way I intend to operate. Now, if you want a second to be required for every motion, then we better get going here, but on a—you mean just on the previous question?

DELEGATE BLAYLOCK: If a member

stands up here and wants to stop debate while we're in Convention and he wants debate cut off formally, he has to move that, and it has to be seconded and passed by two-thirds of this body. If you just holler or yell "Question", we're just—that's just a general indication out here that we'd like to vote, but if any member rises, it's the Chair's job to recognize that person so debate can go on until a formal motion is made.

PRESIDENT GRAYBILL: Right, but I want to point out to you, and I think it was in one of the drafts of the rules, that we took out the requirement for a second here, so it doesn't take two people to move the previous question. I just don't want you—anyone misinterpreting this. Mr. Romney, am I correct?

DELEGATE ROMNEY: I think so. I'd like to ask—

PRESIDENT GRAYBILL: Mr. Romney.

DELEGATE ROMNEY: I'd like to ask Mr. Felt a question.

PRESIDENT GRAYBILL: Mr. Felt, will you yield to a question?

DELEGATE FELT: Yes, indeed.

DELEGATE ROMNEY: Jim, in view of the fact that moving the previous question is not allowed under the rules for the Committee of the Whole here, and in view of the fact there will only be one vote on each of the 10 packages that we get from the committees, how are you going to move the previous question?

DELEGATE FELT: Well, I think that there will perhaps be more than one opportunity. It would have to arise, perhaps, under the order of business calling for motions and resolutions or during debate, such as we're having now, where matters are being considered by the Convention. I wouldn't attempt to try to peek into the future to determine just how it might come up, but the motion—it would seem to me—could be in order and we're providing for it, at least, in our rules, and so that it is important that we have a general understanding of how you make the motion and the effect of the motion, knowing that it would be nondebateable and that it would serve the purpose of cutting off debate. As to exactly when or how it might come up, I don't attempt to predict where it might fit in, but it must be contemplated that it would be used or it wouldn't have any reference to it at all.

**PRESIDENT GRAYBILL:** Is there other—

Yes, Mr. Harbaugh.

**DELEGATE HARBAUGH:** Mr. President, I would like to ask if the sentence, I believe it's the fifth one down, "The presiding officer shall put the question"—does this imply that when the motion is made by a delegate, calling for the previous question, that then he must be recognized by the Chair?

**PRESIDENT GRAYBILL:** Well, it's the Chair's interpretation that if you get the floor and you do move the previous question at a proper time and are not out of order, like in Committee of the Whole, then the Chair must put the previous question.

**DELEGATE HARBAUGH:** Thank you.

**PRESIDENT GRAYBILL:** Then the body must vote on whether or not to vote. Any other discussion on Rule 65? (No response) All right, we'll pass 65. 66.

**CLERK SMITH:** "Motion for reconsideration, Any delegate who voted on the prevailing side may move for a reconsideration of any question at the same session day of the Convention or may give notice that he will make such a motion not later than the next succeeding session day. If the delegate who gave the notice does not make the motion at the next succeeding session day, any delegate may do so. The Committee on Style, Drafting and Submission may move for reconsideration of any subsequent day if 1 session day's notice of its intention to do so is given in writing to the necessary and entered upon the journal oh...writing to the Secretary and entered upon the journal. A motion to reconsider shall take precedence over all other questions except a motion to fix the time to which to adjourn, a motion to adjourn and a motion to recess. A motion to reconsider shall not be renewed."

**PRESIDENT GRAYBILL:** On the same day—is that in there, Mr.—? That's out? Mr. Murray?

**DELEGATE MURRAY:** Mr. President, the last sentence should read: "A motion to reconsider shall not be renewed period".

**PRESIDENT GRAYBILL:** Strike "on the same day". Mr. Murray, I think I'd also like to ask that the committee amend so that it says "the Committee on Style". Let's strike out "Drafting

and Submission" so we don't have to put in the rest of the title.

**DELEGATE MURRAY:** I agree.

**PRESIDENT GRAYBILL:** That's in the middle of the paragraph. Any other discussion of Rule 66?

Mr. Schiltz.

**DELEGATE SCHILTZ:** Mr. President, in connection with the Committee on Style clause in there, as I understand that section—it's the first time I've paid too much attention to it—it seems to me that the Committee on Style would have to make that decision on the—I guess, in other words, it doesn't have one day's leeway. It would have to make its decision to move for reconsideration 24 hours before it can make that motion. In other words, it must give a day's notice. Is my understanding of that correct? I'm sure we can do it, but I want to be sure that that's what—

**PRESIDENT GRAYBILL:** I would understand that to say that you can use—the things that the matter considered has been handed to your committee and you may have it for a considerable period of time.

**DELEGATE SCHILTZ:** Oh—I see.

**PRESIDENT GRAYBILL:** And the point is, any time after you get it, you can move to reconsider it, but you've got to give everybody 1 day notice. You're the only one who can give—that can reconsider 3, 4, 5, 6 days later, if you haven't been forced to report by then.

**DELEGATE SCHILTZ:** I'm with you now. Thank you.

**PRESIDENT GRAYBILL:** Okay. Anything else on 66? (No response) If not, we'll pass 66. 67.

**CLERK SMITH:** "Ordering calls of the Convention. Calls of the Convention may be ordered upon motion by the affirmative vote of a majority of the delegates present and voting, but the total vote in favor of such call shall not be less than 12."

**PRESIDENT GRAYBILL:** Any discussion of 67 (No response) Passed. 68.

**CLERK SMITH:** "Procedure on call of Convention. After a call of the Convention is ordered, the doors shall be closed and the delegates shall not be permitted to leave the floor of the

Convention without permission of the President of the Convention. The sergeant-at-arms shall notify all members within the hall of the Convention of the call. The roll of the Convention shall be called and the absentees noted. The sergeant-at-arms may, upon motion, be dispatched after the absentees. In such case, a list of absentees shall be furnished by the Secretary to the sergeant-at-arms, who shall bring such absentees to the floor of the Convention with all possible speed. In case of the sergeant-at-arms requires assistance in addition to the regularly appointed assistant sergeant-at-arms of the Convention, the President, upon motion, may deputize as a special assistant sergeant-at-arms any person properly qualified. The Convention may proceed to business under a call of the Convention pending the arrival of any absentees."

**PRESIDENT GRAYBILL:** Any discussion of 68? (No response) 68 is passed. 69. Oh, that's the end of a chapter. May we have a motion, Mr. Murray, that Chapter 7 be approved.

**DELEGATE MURRAY:** Yes, Mr. President, I move that Chapter 7, Rules 54 through 68, be adopted.

**PRESIDENT GRAYBILL:** The motion is to adopt Chapter 7. All in favor, say Aye.

**DELEGATES:** Aye.

**PRESIDENT GRAYBILL:** Opposed, Nay. (No response)

**PRESIDENT GRAYBILL:** The Ayes have it, and so ordered. 69.

**CLERK SMITH:** "Chapter 8, Rule 69: Registration and regulation. Section 15 of the Enabling Act regulating lobbying during the Montana Constitutional Convention is adopted by this Convention by reference. Lobbying on the floor and foyer of the Convention Hall and south Senate lobby is prohibited one-half hour prior to the commencement of the session, during the session and within one-half hour after adjournment."

**PRESIDENT GRAYBILL:** Any discussion of Rule 69? (No response) 69 is passed. That's the end of a chapter; and all in favor of Chapter 8, say Aye.

**DELEGATES:** Aye.

**PRESIDENT GRAYBILL:** Opposed, Nay. (No response)

**PRESIDENT GRAYBILL:** The Ayes have it, and so ordered. 70.

**CLERK SMITH:** "Rule 70: Reading of documents. When the reading of a document is called for and an objection is raised to such reading, the Convention shall determine without debate whether the document shall be read."

**PRESIDENT GRAYBILL:** Any discussion of 70? (No response) 70 is passed.

**CLERK SMITH:** "Rule 71: Putting the question. The President shall put all questions substantially in this form: 'As many are as in favor of, as the question may be, say Aye' and, after the affirmative vote is expressed: 'As many as are opposed, say No'. If the President is in doubt as to the vote, he may order a division or roll call of the Convention. A division of the Convention may be had upon the demand of five delegates. When a division of the Convention is ordered, the President shall declare the result. A recorded roll call may be had upon the demand of 10 delegates. On a tie vote, the question shall be determined as lost."

**PRESIDENT GRAYBILL:** Mr. Murray, do I understand we've added the word "a recorded roll call"? Mr. Murray? Give Mr. Murray power, will you?

**DELEGATE MURRAY:** Mr. President, we have added "a recorded roll call may be had upon the demand"-and I suggest and submit we say "five delegates" to conform to what we have previously done in Rule 24.

**PRESIDENT GRAYBILL:** All right, the submitted Rules Committee rule, unless the rest of the committee stands and shouts, will be reduced to "five", too, to conform with our action this morning and the word "recorded" is added there.

Mrs. Bowman.

**DELEGATE BOWMAN:** Mr. President, there is a proposed amendment to this rule on everybody's desk. It's mistyped Rule 72, but it should be Rule 71. There are also two changes which need to be made in that proposal. I have a horrible feeling you may not have gotten one.

**PRESIDENT GRAYBILL:** I have a horrible feeling I didn't, too. Is there an extra one?

**DELEGATE BOWMAN:** I'm sorry, you may have mine.

**PRESIDENT GRAYBILL:** There may be—

**DELEGATE BOWMAN:** After the word "President" should be inserted the words "or Chairman", in the first paragraph. And in the second paragraph, after the word "Convention" should be inserted the words "or Committee of the Whole".

**PRESIDENT GRAYBILL:** All right, are you making this proposed amendment?

**DELEGATE BOWMAN:** Yes, I am. With those two inclusions in the form which is before you, I am proposing that this be adopted.

**PRESIDENT GRAYBILL:** All right, Mrs. Bowman's proposed amendment to Rule 71 is: "The President or Chairman shall put all questions substantially in this form: 'As many as are in favor of, as the question may be, say Aye' and, after the affirmative vote is expressed, 'As many as are opposed, say No'. A roll call vote shall be taken, except that it may be dispensed with if there is no objection from any two delegates. A division of the Convention or Committee of the Whole may be had upon demand of five delegates. When a division of the Convention is ordered, the President shall declare the results. On a tie vote the question shall be determined as lost". Mrs. Bowman, do you care to explain any difference between that and the present Rule 71 or comment on it?

**DELEGATE BOWMAN:** Well, I'd like to offer that this makes in our rules—makes it mandatory for an open vote unless delegates request that the vote be not recorded. The way it is written, now it would have to be asked to be open.

**DELEGATE MURRAY:** Mr. President.

**PRESIDENT GRAYBILL:** Mr. Murray.

**DELEGATE MURRAY:** Will Mrs. Bowman yield to a couple of questions?

**PRESIDENT GRAYBILL:** Mrs. Bowman.

**DELEGATE MURRAY:** Mrs. Bowman, is it your intention to leave out the sentence, "If the President is in doubt as to the vote, he may order a division or roll call of the Convention"?

**DELEGATE BOWMAN:** Yes, that is my intent.

**DELEGATE MURRAY:** You don't think that he should have that prerogative if he doesn't understand or hear clearly one way or the other which side may have won or lost?

**DELEGATE BOWMAN:** I feel that the wording, "As many as are in favor of say Aye; and opposed, say Nay" can be interpreted the way I interpret it is that it would automatically come onto the board. There would be no voice vote unless on the demand—

**DELEGATE MURRAY:** Well, now, let's—assuming that there is a voice vote now—let's assume that—we've gone to that stage. If your rule should be passed.

**DELEGATE BOWMAN:** And no—

**DELEGATE MURRAY:** Now, doesn't the Chairman or the President have the opportunity to call for a division on his own if he's in doubt—not us, but him. It appears to me that, if the way you propose the rule, that he couldn't ask for it, and that's why I inquire.

**DELEGATE BOWMAN:** Yes, I think you're right, Mr. Murray.

**DELEGATE MURRAY:** One further question. As I read the rules, as I interpret your amendment, if 98 of us decide that we should object but 2 do not, we have to have a roll call vote.

**DELEGATE BOWMAN:** That's right. I think that's extremely unlikely, but I realize that that can happen.

**DELEGATE MURRAY:** And that's the way you want the motion to read?

**DELEGATE BOWMAN:** Right.

**DELEGATE MURRAY:** All right. Mr. President, I'd like to speak. I thought we had the matter of roll call settled once and for all, having debated it at length yesterday and again today. I respectfully submit that not enough consideration has been given to the amendment as been proposed, and I suggest that we reject it and proceed with our business.

**PRESIDENT GRAYBILL:** Mr. Harper.

**DELEGATE HARPER:** Mr. Chairman, I appreciate Mr. Murray's suggestion that we ought to move along. I take it that the only reason for suggesting that we not have roll call votes is that we want always to keep moving along; that is, we

want to save time. I've heard that expressed a number of times, because again and again in this Convention we have said we are for committee hearings being open, for everything being open, for votes being recorded, for ourselves to be always on record on any substantive issue. Anywhere along in the committee process, all the way through the final document, we want people to be able to know where we stood at any particular point of progress; that some people feel that we can hurry the process along by cutting out roll call votes. I think what we've done is, we've put the cart before the horse, or we put the shoe on the wrong foot, or the emphasis on the wrong syllable, or any way you want to put it, and Mrs. Bowman's suggestion here, I think, changes it back to where it should be. As a rule, our votes on all substantive issues should be a matter of public record, not an exception but as a rule, and that the if the President decides, and he can usually decide whether or not this vote ought to be just taken by voice vote, he probably will be challenged very seldom by any member of the floor, he can go ahead according to this new resolution and ask for that. Calling for roll call votes, asking for divisions of the house, if we pass the rule as it is without amending it, I think may take more time in the long run than simply allowing the President or the Chairman to suggest dispensing with the roll call, because if any one or two people in this body feel very strongly about having votes recorded, then what we must now do is, that person will rise and will call for a roll call vote. Now, we have been assured by men who have been here before in the Legislature that, if this occurs, everyone is going to be courteous enough that 5 or 10 people will immediately pop up and allow that to be done. So that, if just one person here makes up his mind that everything is going to be a roll call vote, we will have to go along with it, plus all the extra baggage of going through this cumbersome process every time. Why not simply use that little machine? We can punch it almost quickly as we can holler "Yay" and a "Nay", and this allows for this to be done on issues that really have some substance to them and not on every little maneuvering procedure.

**PRESIDENT GRAYBILL:** Is there further discussion on the amendment?  
Mrs. Robinson.

**DELEGATE ROBINSON:** I rise to support the amendment as proposed by Mrs. Bowman, primarily because, after reading back over the rules that we approved this morning and realizing

in Rule 24 we made roll calls the exception rather than the rule, and I think that that's a drastic mistake for this Convention. I think that roll calls should be the rule, and where procedural matters may take up too much time, there is adequate provision in the amendment that the roll call may be dispensed with. But in the interests of the public's right to know where we stand and how we vote, recorded votes should be the rule.

**PRESIDENT GRAYBILL:** Is there further discussion? Are you ready for the question?  
All right, Mr. Foster.

**DELEGATE FOSTER:** Would Mrs. Bowman yield to a question?

**PRESIDENT GRAYBILL:** Mrs. Bowman?

**DELEGATE BOWMAN:** Yes.

**DELEGATE FOSTER:** My question is, would you—was your intent of the motion to have this procedure, namely, of having a roll call at all votes, apply to the Committee of the Whole as well as other functions of the Convention?

**DELEGATE BOWMAN:** Do you mean to be sitting in Convention or are you referring to committees—substantive committees?

**DELEGATE FOSTER:** Committee of the Whole.

**DELEGATE BOWMAN:** You're talking about Committee of the Whole?

**DELEGATE FOSTER:** Right.

**DELEGATE BOWMAN:** Yes, I asked that the words "Committee of the Whole" be inserted after the word "Convention" and that the word "Chairman" be inserted after the word "President", because when we're in the Committee of the Whole, we call him Chairman.

**DELEGATE FOSTER:** So your intent was that your motion would apply—

**DELEGATE BOWMAN:** To both Committee of the Whole and the Convention.

**DELEGATE FOSTER:** Thank you. I would like to speak in opposition to the substitute motion for the simple reason that I think this morning we discussed, rather extendedly, the need to keep the debate and movement of the Convention going. As a result of that, we voted to dispense

with roll call votes unless five delegates called for a roll call vote. I think that to include this back to the Committee of the Whole would, in a sense, go over what we have done this morning. I don't, however, favor the motion as proposed by the Rules Committee, and I would submit a substitute motion if the present proposed amendment fails.

**PRESIDENT GRAYBILL:** Mr. Artz.

**DELEGATE ARTZ:** Mr. President. Unfortunately, this morning when we were discussing Rule 24, I had not had sufficient time to fully explain what we were trying to do. Now, this movement was not initiated by me; it was a spontaneous one. I certainly appreciate it, and I certainly will support the motion.

**PRESIDENT GRAYBILL:** Mr. Champoux.

**DELEGATE CHAMPOUX:** There is only one point I want to raise here. It may be a minor one, but it may be important later on and it may be something Mrs. Bowman might want to speak to, and that is: under Rule 24, we were talking about a recorded roll call vote. Now, in the amended Section 72, there isn't any roll recorded-the emphasis on the word "recorded". Is there any importance to that at all? Please.

**PRESIDENT GRAYBILL:** He's asking you to yield to that question, Mrs. Bowman.

**DELEGATE BOWMAN:** I'm sorry. I realize that I'm sharing this with two other people. Could I ask you to repeat it, please.

**DELEGATE CHAMPOUX:** All right, if you look at the accepted, passed Rule 24—

**DELEGATE BOWMAN:** Right. Okay.

**DELEGATE CHAMPOUX:** It talks about a recorded roll call vote.

**DELEGATE BOWMAN:** Yes.

**DELEGATE CHAMPOUX:** This may be a point that has no importance at all, but you may-it has something, in terms of time, as I see it. Now, if you look at your amended motion 71, it speaks just of a roll call. The emphasis—

**DELEGATE BOWMAN:** Recorded is implied there, Mr. Champoux.

**DELEGATE CHAMPOUX:** That may change the picture.

**PRESIDENT GRAYBILL:** Well, what do you mean, now? I understand that he-is he asking you to change it, or do you make an amendment, Mr. Champoux? Or are we going to—

**DELEGATE CHAMPOUX:** I was asking for the intent of the motion--whether it was to be recorded or not. She's indicated by her statement that it is to be recorded. Is that right?

**PRESIDENT GRAYBILL:** So we're then (Inaudible). May I add the word "recorded" before "roll call"-is that the sense? And you're amending your own amendment here. Okay? So that the second sentence now reads: "A recorded roll call vote shall be taken, except that it may be dispensed with if there is no objection from any two delegates." Any other discussion? Oh, Mr. Heliker.

**DELEGATE HELIKER:** Mr. President, I rise to support the intention of Mrs. Bowman's motion; however, I think that the language needs some cleaning up, and if it's in order, I would like to move that the question be referred back to the Rules Committee with instructions to report out tomorrow morning a new section which will achieve the objective that Mrs. Bowman wishes to reach, which I think is the sensible approach to this problem, because I think that the Convention can be guaranteed that there will be five people requesting roll call votes on practically every vote, and this is simply a waste of time. It would be much more sensible to follow Mrs. Bowman's suggestion that we have an automatic roll call unless the President requests that it be dispensed with, as suggested here.

**PRESIDENT GRAYBILL:** All right, the Chair will treat your motion as one to commit. So that means that you've asked to commit this matter back to the Rules Committee. That's the sense of the motion. It takes precedence. Mr. Murray.

**DELEGATE MURRAY:** I hope that it does not carry, for the reason that I'm not sure that the Rules Committee would take any type of action on it, were it given to it with the directions to take the actions specified in the motion. I don't like, really, to see any motion made in any deliberative body where a committee is directed to do something specific in that fashion. If the committee is directed to take further action, that's one thing. If it's directed to do something specific, then I think it is wrong. At least, I think our committee would treat it as such.

**PRESIDENT GRAYBILL:** Will you-Mr. Heliker, what are you directing? If this motion to commit prevails, what do you want the Rules Committee to do? What's your instructions-to be included in the commitment?

**DELEGATE HELIKER:** My motion was that they reconsider this question and report out language which would implement the intent of Mrs. Bowman's proposal.

**PRESIDENT GRAYBILL:** All right, that's the motion to commit. Is there any other discussion?

Mr. Drum.

**DELEGATE DRUM:** Mr. President, I would like Mr. Heliker to clarify the procedure as to the intent of this--what he understands the intent here is-or, as I understood him to say, that the President or Chairman would request permission to do away with the roll call vote. Now, would that decision be put to a vote and would that decision have to become a roll call vote in order to determine whether the Chairman had the right to—

**PRESIDENT GRAYBILL:** Now, Mr. Drum, is that discussion germane to his motion to reconsider-I mean, to commit?

**DELEGATE DRUM:** I think it's germane to the point he made as he closed his comment.

**PRESIDENT GRAYBILL:** All right, we'll call it germane. Is there any other discussion of the motion to commit? Wait a minute now—

Mr. Choate.

**DELEGATE CHOATE:** Mr. President, I think we're overlooking one thing here. I think that we're failing to consider that the Chair or the President would exercise some judicious use of the request to dispense with a roll call vote. Now, we've gotten along all day today with a voice vote on most issues on these rules, and it has saved some time. We've spent enough time on it, it seems, but even so, the voting has gone along pretty well. I don't think the Chair would abuse the right to request a dispensing of a roll call vote, and on any issue that it certainly ought to be called for by roll call, I'm sure that the Chair would call for a roll call vote and record it. But items that are of not major concern and items like we've been going through today, while they're of considerable concern, I think we we can expedite the voting, and I don't see very much wrong with this system

because if the Chair asks to have-to dispense with roll call and anyone objects to it and wants a roll call, then it can be called for.

**PRESIDENT GRAYBILL:** All right, now, the Chair will entertain further debate on the motion to commit, but let's limit ourselves to that issue, whether you want it committed or not. (No response) Seeing none, the Chair will put that motion-My. Heliker's motion to commit this matter to the Rules Committee with instructions to consider other language that might, however, do what Mrs. Bowman-the sense of what Mrs. Bowman's motion says. All in favor of this motion, say Aye.

**DELEGATES:** Aye.

**PRESIDENT GRAYBILL:** Opposed, No.

**DELEGATES:** No.

**PRESIDENT GRAYBILL:** The Noes have it, and the motion to commit fails. Now we're back on Mrs. Bowman's amendment to Rule 71.

**DELEGATE FOSTER:** Mr. President.

**PRESIDENT GRAYBILL:** Mr. Foster. He beat you. (Laughter)

**DELEGATE FOSTER:** I would yield to Mr. Murray.

**PRESIDENT GRAYBILL:** Okay, Mr. Murray.

**DELEGATE MURRAY:** Fine. Thank you. I want to direct another question, if I may. Mrs. Bowman, will you yield again, please?

**PRESIDENT GRAYBILL:** Mrs. Bowman, will you yield to a question?

**DELEGATE BOWMAN:** Wish me luck. (Laughter)

**DELEGATE MURRAY:** Do I-I'm not sure that I fully understand the import of your amendment. By reference to the language in the second paragraph, a division of the Convention or Committee of the Whole may be had-are you attempting to impeach anything that we've done today, earlier, in Rule 24?

**DELEGATE BOWMAN:** No, I'm not at all, Mr. Murray.

**DELEGATE MURRAY:** Okay.

**DELEGATE BOWMAN:** The only thing I'm trying to do is be positive in alignment with what Mr. Harper and Mr. Heliker have said, to make roll call votes the rule rather than the exception, and my intent is not at all to undo what we did in Rule Number 24.

**DELEGATE MURRAY:** I didn't think so, because the division of the Convention or Committee of the Whole is just as to a division-it has nothing to do with the subject of roll call, does it?

**DELEGATE BOWMAN:** Well, you're the expert on parliamentary—

**DELEGATE MURRAY:** I didn't draft the amendment.

**DELEGATE BOWMAN:** I'm not-1 don't think it does.

**DELEGATE MURRAY:** Okay. Now then, another question. Are you attempting to impeach Rule 48, "Resolutions", which we already passed this afternoon? The last sentence says, "No recorded roll call votes shall be taken under the consideration of resolutions".

**DELEGATE BOWMAN:** Well, I think there would probably be some question as to whether you could call "questions", in the first line, "resolutions", and my original intent was not to mean resolutions.

**DELEGATE MURRAY:** Okay, thank you.

**PRESIDENT GRAYBILL:** Is there other discussion?  
Mr. Foster.

**DELEGATE FOSTER:** Mr. President, I offer a substitute motion.

**PRESIDENT GRAYBILL:** Is it in writing?

**DELEGATE FOSTER:** It essentially is the same as Rule 71, which was-the substitute Rule 71, which was presented to you.

**PRESIDENT GRAYBILL:** All right, I'll hear it.

**DELEGATE FOSTER:** It is essentially as it was originally written, removing "President or Chairman"-in other words it shall read, "the President shall" in the first sentence and, in addition to that, following the second paragraph,

"shall not"-this rule shall not apply to Committee of the Whole or committee meetings". In addition to that, it would be-following the second paragraph, would read, "If the President is in doubt as to the vote, he may order a division or call of the Convention." The intent of the substitute motion is to have roll call votes apply to all votes of the Convention, with the exception of the Committee of the Whole, as previously provided under Rules 24 and 58. This would insure that we have roll call votes for the few votes we anticipate in the so-called final third debate stage-third reading stage. My intent is that we should not require delegates to rise and request roll call votes at the important stage of finally approving the business of the Convention.

**PRESIDENT GRAYBILL:** Is there any discussion of the proposed second amendment?  
Mr. Murray.

**DELEGATE MURRAY:** Mr. Chairman, [President] I think we're compounding the problem, and I submit that the other states--when they passed the rules; substantially, it's the same as ours as amended by the Rules Committee and submitted--wereright. We should not be standing on this floor without coming in advance to the Rules Committee with these amendments and be attempting to amend them on the floor. Nobody came to the committee, even though we met 2 hours over lunch with Mr. Mahoney to propose such an amendment, although I understand at lunch, somewhere in this town, this amendment was conceived. I therefore suggest that we reject the substitute and-the substitute and proceed.

**PRESIDENT GRAYBILL:** Is there further discussion of Mr. Foster's motion? (No response) All right, we're going to vote on Mr. Foster's amendment. His amendment "Rule 71: Putting the question is: The President shall put all questions substantially in this form: 'As many as are in favor of, as the question may be, say Aye' and, after the affirmative vote is expressed, 'As many as are opposed, say No'. A recorded"—I think you wanted that word in there—"roll call vote shall be taken, except that it may be dispensed with if there is no objection from any two delegates. This rule shall not apply to Committee of the Whole or committee meetings. A division of the Convention"—and I think you meant to leave out the other parenthetical expression—"may be had upon the demand of five delegates. When a division of the Convention is ordered, the President shall declare the result. If the President

is in doubt, he may call for a division; and on a tie vote, the question shall be determined as lost." As many as are in favor of Mr. Foster's second amendment, say **Aye**.

(No response)

**PRESIDENT GRAYRILL:** Opposed, No.

**DELEGATES:** No.

**PRESIDENT GRAYBILL:** The Noes have it, and the amendment fails. We're back on Mrs. Bowman's amendment. Is there further discussion? (No response) If not, we'll put that motion. "Rule 71: Putting the question. The President or Chairman shall put all questions substantially in this form: 'As many as are in favor, say Aye' and 'As many as are opposed, say No'," and so forth. "A recorded roll call vote will be taken, except that it will be dispensed with if there is no objection from any two delegates. A division of the Convention or Committee of the Whole may be had upon demand of any five delegates", and so forth.

Mr. Driscoll, for what purpose does the delegate rise?

**DELEGATE DRISCOLL:** A point of clarification. I would like to know what this sentence means: "A roll call vote shall be taken, except that it may be dispensed with if there is no objection from any two delegates". I don't know what it means.

**UNIDENTIFIED DELEGATE:** Question.

**PRESIDENT GRAYBILL:** I think the problem is you've got a double negative in there that Mr. Driscoll has discovered. (Laughter)

**DELEGATE BOWMAN:** I think you're right, Mr. Driscoll. I think there's a typographical error here. but I'm not really positive.

**PRESIDENT GRAYBILL:** I think you want to take out the word "no", Mrs. Bowman.

**DELEGATE BOWMAN:** I think you're right.

**PRESIDENT GRAYBILL:** All right, we'll take out the word "no" for you, Mrs. Bowman. That satisfy you, Mr. Driscoll?

All right, now, we'll put the question again, It's Rule 71, amended, and the sense of it is that the President or Chairman, so that it applies to either the Convention or the Committee of the Whole, shall generally ask for Ayes and Nays and a

recorded roll call vote will be taken unless two delegates--unless it's-shall be taken, except that it may be dispensed with if there is no objection from any two delegates. The-I think we'd do what we said this morning-the Chair would say, "We'll dispense with a roll call vote unless there's two objections", and that's how it would work, all right, and then the rest of it's the same. Now, as many as are in favor of Mrs. Bowman's motion, say Aye.

**DELEGATES:** Aye.

**PRESIDENT GRAYBILL:** As many as are opposed, say No.

**DELEGATES:** No.

**PRESIDENT GRAYBILL:** The Noes have it, and that motion does not prevail-that amendment. Now, we're back on Rule 71, and are there other amendments to Rule 71? (Noreponse) If not, the Chair will pass it. So stand up if you want to amend it. All right, we'll pass 71. Now, we'll go to 72: "Recognition during roll call". 72.

**CLERK SMITH:** "Rule 72: Recognition during roll call. After a question has been stated by the President and the call of the roll has been started, the President shall not recognize a delegate for any purpose, except upon points of order or for the purpose of explaining his vote on a proposal or amendment thereto, until after the announcement of the vote. The clerk shall enter upon the journal the names of those voting Aye and the names of those voting No."

**PRESIDENT GRAYBILL:** Is there any discussion of 72? (No response) If not, 72 will be taken as passed. Now, before we go to 73, Mr. Etchart, you made a motion and actually I think it passed back there about the asterisks. We're going to leave the motion, but we're going to make the showing in the journal that you deleted-that it's been deleted as not germane. Okay, now we're on **73**.

**CLERK SMITH:** "Roll call. At the roll call to be taken at the opening of each session and upon calls of the Convention, the names of the delegates shall be called alphabetically or the voting machine shall be used and the absentees noted, after which the names of the absentees shall not be called."

**PRESIDENT GRAYBILL:** Any discussion of 73? (No response) Passed. 74.

**CLERK SMITH:** "Amendment or suspension of rules. These rules may be amended by the affirmative vote of a majority of delegates after the proposed amendment has been submitted in writing, has been considered by the Committee on Rules, and has been in the possession of the delegates not less than 2 session days prior to its consideration. The Committee on Rules may be discharged from further consideration of any proposed amendment upon the same notice and by the same vote as is provided in Rule—"

**PRESIDENT GRAYBILL:** -blank.

**CLERK SMITH:** -blank for proposals. One—

**UNIDENTIFIED DELEGATE:** It's 43.

**CLERK SMITH:** "-Rule 43 for proposals. One or more rules may be suspended for a specified purpose by affirmative vote of two-thirds of the delegates present or a majority of all delegates of the Convention, whichever constitutes the lesser number."

**PRESIDENT GRAYBILL:** Is there any discussion of Rule 74? (No response) All right, it's passed. 75.

**CLERK SMITH:** "Appeals-form of question. On all appeals from decisions of the **Chair**, the question shall be: 'Shall the appeal be sustained?' A favorable vote of a majority of delegates present and voting shall sustain the appeal. The presiding officer may cast his vote on an appeal from his decision, and he shall have the right to explain his decision."

**PRESIDENT GRAYBILL:** Any discussion of 75? (No response) Passed.

**CLERK SMITH:** "Rule 76: Mason's *Rules of Legislative Procedure*. In all cases not covered by these rules, the controlling parliamentary authority shall be the latest edition of Mason's *Rules of Legislative Procedure*."

**PRESIDENT GRAYBILL:** Any discussion? (No response) Passed.

**CLERK SMITH:** "Rule 77: Voting by the electrical roll call system. When the Convention is ready to vote upon any question requiring a roll call and the vote is to be taken by the electrical roll call system, the presiding officer shall announce: 'The question is on the passage of, designating the matter to be voted upon. All in favor of such ques-

tion shall vote Aye, all opposed shall vote Nay. The Convention will now proceed to vote.' After affording the delegates sufficient time in which to vote, the presiding officer shall announce: 'Has every delegate voted?' Then, 'Does any delegate wish to change his vote?'; and after a short pause, he shall then say: 'The vote is now closed and the clerk shall proceed to record the vote.' The clerk shall immediately start the vote recording equipment, and when completely recorded, the President shall announce the result. The Secretary shall enter upon the journal the result, in the manner provided by the rules of the Convention. No delegate may cast the vote of another delegate in any session of the Convention, Committee of the Whole or committee meeting, nor shall any person not a delegate cast vote for any delegate. Any delegate who votes or attempts to vote for another delegate may be punished in such manner as the Convention determines. If a person not a delegate votes or attempts to vote for any delegate, he shall be barred from the floor of the Convention for the remainder of the session and may be further punished in such manner as the Convention determines proper. Proxy voting is not permitted."

**PRESIDENT GRAYBILL:** Any discussion of Rule 77?

**UNIDENTIFIED DELEGATE:** There is more.

**CLERK SMITH:** "At no time shall the voting machine show a running tally of the votes being cast by delegates, and the colored lights next to the delegates' names shall be used at all times."

**PRESIDENT GRAYBILL:** Now, is there any discussion of Rule 77?  
Mr. Cate.

**DELEGATE CATE:** Mr. President, this is the point I brought up earlier about the voting machine. In order for a delegate seated here to know, under Rule 66, whether or not he will be on the prevailing side of an issue so that he might move to reconsider the next day, it is going to be necessary that we have the running tally. And Mr. Foster, I think, is the one who has suggested that we not have it, but I think it's essential that we do have it for that purpose, and so I would move that that last sentence be stricken from the rules.

**PRESIDENT GRAYBILL:** Mr. Cate, I don't understand you at all. To find out whether

you're on the prevailing side, you wait until the tally is announced. Now, you don't have to see it totaling up there to know if you're on the prevailing side. You have all day to move for reconsideration. I don't understand you.

**DELEGATE CATE:** Well, as I understand the motion to reconsider, you have to have been on the prevailing side of the vote—

**PRESIDENT GRAYBILL:** Right.

**DELEGATE CATE:** -to make the motion. And looking at that board on a close vote, you can't tell from out here because the numbers are not going up there until after you call for the vote, so the vote's over by the time you know whether or not you were on the prevailing side.

**PRESIDENT GRAYBILL:** That's right. You—

**DELEGATE CATE:** And if you're on the losing side, how are you going to move to reconsider?

**PRESIDENT GRAYBILL:** You aren't. That's the whole point of the motion.

**DELEGATE CATE:** Right, and that's my point of having the running tallies so that you can make sure that you're on the right side. (Laughter)

**PRESIDENT GRAYBILL:** All right, now I think, Mr. Gate, your problem is that the point of the whole idea of reconsidering is that you have to be on the prevailing side in order to reconsider and give the other side another chance and, of course, you never know that until the vote's completed, and it is not a matter of changing. Now, I think you merely misconceive the nature of the rule, but if you want to make an amendment, you make one.

**DELEGATE CATE:** I might not understand the motions to reconsider, but I know that in the Legislature and in Congress it's done all the time. You make sure that you're on the prevailing side. Oftentimes you will find a senator or congressman who will pass just to find out which side is going to win and then he comes in and votes so that he can move to reconsider at a later time.

**PRESIDENT GRAYBILL:** Well, but the point is that anyone can move to reconsider who happens to end up on the prevailing side.

**DELEGATE CATE:** Well, you can always get a friend to do it for you.

**PRESIDENT GRAYBILL:** Right. Now, if you want to make an amendment, you make it, and we'll vote on it.

**DELEGATE CATE:** I don't wish to make an amendment.

**PRESIDENT GRAYBILL:** Okay.

**DELEGATE CATE:** That's fine.

**DELEGATE JOYCE:** Mr. Chairman.

**PRESIDENT GRAYBILL:** Mr. Joyce.

**DELEGATE JOYCE:** (Inaudible) member of the Rules Committee to try and move its own rules after having gone along with—

**PRESIDENT GRAYBILL:** A little closer to your mike.

**DELEGATE JOYCE:** -the committee, but I move to strike the last paragraph of Rule 77.

**PRESIDENT GRAYBILL:** All right. A motion has been made to strike the last paragraph of Rule 77. Is there discussion on the rule on the motion?

Mr. Habedank.

**DELEGATE HABEDANK:** Mr. President, the reason for the insertion of this paragraph is the result of an extended debate previously in that the people sitting up in this front row thought it was a little unfair that the people sitting in the back end of the auditorium should have the privilege of determining who's going to win and then be on the winning side, and all that this does is eliminate that running tally. And for that reason, I resist striking it. I think that people can see where they're voting, but as far as the running tally is concerned, you'll have to count rather quickly to know which side you're on.

**PRESIDENT GRAYBILL:** Is there further discussion? (No response) All right, we'll put that motion. Mr. Joyce's motion is to eliminate the running tally language in the last sentence of Rule 77. All in favor of that motion, say Aye.

**DELEGATES:** Aye.

**PRESIDENT GRAYBILL:** Opposed?

**DELEGATES:** No.

**PRESIDENT GRAYBILL:** The Noes have it, and the motion fails. Is there any other discussion of Rule 77?

Mr. Champoux.

**DELEGATE CHAMPOUX:** Again I rise to ask whether you mean, in the first paragraph—or the Rules Committee means to have this a recorded roll call vote, and if so, we should perhaps state it in the motion.

**PRESIDENT GRAYBILL:** Do you want the word “recorded” before “roll call”, Mr. Murray?

**DELEGATE MURRAY:** I don’t object to that.

**PRESIDENT GRAYBILL:** We’re putting the word—the committee is amending, unless the other committee members object to saying a “recorded roll call”—the first two or three words of the second line of the whole rule. We’ll just put that in by interlineation to clarify that. Any other discussion of Rule 77? (No response) If not, Rule 77 is passed. 78.

**CLERK SMITH:** “The present votes. Votes cast as present shall be recorded in the journal as present, but such votes shall not be counted in determining the required number of votes on those measures or questions needing the affirmative vote of those present and voting.”

**PRESIDENT GRAYBILL:** Any discussion of Rule 78? (No response) All right, it will be passed. 79—that’s 80—remodeled to 79.

**CLERK SMITH:** “Rule 79: Convention schedule. The Convention shall have a schedule, which shall be prepared by the President, with the advice of the Committee on Rules and Administration, and submitted to the Convention for its approval. Said schedule shall be attached to these rules as an appendix.”

**PRESIDENT GRAYBILL:** Is there any discussion of Rule 79? (No response) Any discussion of Rule 79? If not, Rule 79 will be passed.

Mr. Murray.

**DELEGATE MURRAY:** I move the adoption of Rules 70 through 79 as they have been respectively amended.

**PRESIDENT GRAYBILL:** All right, Rule 70 through 79, Chapter whatever it is. All those in favor, say Aye.

**DELEGATES:** Aye.

**PRESIDENT GRAYBILL:** Opposed, Nay.

(No response)

**PRESIDENT GRAYBILL:** The Ayes have it—it’s passed. You all understand that we’re saving—Mr. Toole and I are saving money if this debate goes on very much longer. (Laughter) All right, Mr. Murray, may I inquire—is it the intention of the Rules Committee, then, to reassemble and print these rules in the morning and you’ll have a resolution that we adopt the rules in toto tomorrow morning? Is that correct?

**DELEGATE MURRAY:** Well, I deem the rules already adopted—

**PRESIDENT GRAYBILL:** All right.

**DELEGATE MURRAY:** -by virtue of the action of this Convention today. We’re in an order of business, we can do so, and I think—

**PRESIDENT GRAYBILL:** All right, then, why don’t you make a motion that we adopt the rules as a whole.

**DELEGATE MURRAY:** I move we adopt Rules 1 through 79 as today amended.

**PRESIDENT GRAYBILL:** Does anyone want a recorded vote? It’s your last chance. All right, (Laughter) all in favor of adopting Rules 1 to 79, as amended and debated today, signify by saying Aye.

**DELEGATES:** Aye.

**PRESIDENT GRAYBILL:** Opposed, Nay.

(No response)

**PRESIDENT GRAYBILL:** The Ayes have it, and the rules are adopted. Now, I have a couple of announcements—and we do want to adjourn, but I’ll hear what you want, Mr. Harper.

**DELEGATE HARPER:** Just to save you another half-minute’s time, you and Mr. Toole and to say what I’m sure the other delegates here would like to express, we took all day just going over the stuff that the committee, and Mr. Murray in particular, had to go over with a fine-toothed comb. Now, they evidently spent hours of work and a lot of real thinking on this—and I know if we had left this unsaid, it would have still been an unspoken sentiment among us, that we deeply ap-

preciate the thoughtful and considerate work and presentation Mr. Murray and his committee has given us. (Applause)

**PRESIDENT GRAYBILL:** Mr. Schiltz.

**DELEGATE SCHILTZ:** Mr. President, are you going to have time for committee announcements?

**PRESIDENT GRAYBILL:** I'm going to announcements in 1 minute. Hearing no objection, the Chair will move to Order of Business Number M, "Announcements of Committee Meetings." Now, that may not be M under the new rules, but it's M under today's Mason's, Mr. Schiltz.

**DELEGATE SCHILTZ:** Mr. President, there will be a meeting of the Style and Drafting Committee tomorrow morning-8 o'clock. Our office has now been outfitted. We're in the right-hand back end of the Supreme Court library. That office is not open, but our-Mrs. Dowling has a key to it, so if you're there 5 or 10 minutes early, it might not yet be open.

**PRESIDENT GRAYBILL:** Mr. Toole.

**DELEGATE TOOLE:** Mr. President, there will be a meeting of the Administration Committee-1:30 in the Senate chambers tomorrow afternoon. There will be a hearing on the Public Information Committee at 3 o'clock in the Senate chambers tomorrow afternoon.

**PRESIDENT GRAYBILL:** These are open to all the delegates, right?

**DELEGATE TOOLE:** They are open to all the delegates, and they are invited.

**PRESIDENT GRAYBILL:** To discuss the budget, staff and the public information. Mr. Champoux.

**DELEGATE CHAMPOUX:** There will be a meeting of the Education and Public Lands Committee, a very short one, at 8:45 tomorrow morning in the committee room. Thank you.

**PRESIDENT GRAYBILL:** And it certainly will be short. Mr. Joyce.

**DELEGATE JOYCE:** I would like the members of the Executive Committee to meet with me here in the chamber immediately upon adjournment today.

**PRESIDENT GRAYBILL:** Meeting immediately, here, upon adjournment--of the Executive Committee. That can be a long one. Mr. Holland.

**DELEGATE HOLLAND:** There will be a meeting of the Judicial Committee 4 or 5 minutes after adjournment.

**PRESIDENT GRAYBILL:** Mr. Heliker.

**DELEGATE HELIKER:** The meeting of the Public Health, Welfare, Labor and Industry Committee, at 8:30 tomorrow morning in the committee room.

**PRESIDENT GRAYBILL:** 8:30 in the morning. Mr. Etchart.

**DELEGATE ETCHART:** There will be a meeting of the General Government and Constitutional Amendment Committee 10 minutes after recess tomorrow morning, Room 410.

**PRESIDENT GRAYBILL:** Mr. Aasheim.

**DELEGATE AASHEIM:** Meeting of the Legislative Committee, 10 minutes after adjournment tomorrow.

**PRESIDENT GRAYBILL:** Mr. Murray.

**DELEGATE MURRAY:** Mr. President, no rest for the weary. Rules, 8 o'clock in the morning.

**PRESIDENT GRAYBILL:** All right, now, the Chair has the following announcements. First of all, your daily schedule summary carries, on Thursday, an item called "Meeting with representatives of news media", at 9:15. The Chair wants to announce that this has been cancelled. We're not ready to have this meeting, and the news media don't want to have it yet, and we'll try and arrange it later. But it's cancelled, so forget about that for Thursday morning. Secondly, the Chair has been asked to announce that there has been a request that Presbyterian delegates, of which there are 13, meet at the front of Convention Hall here at noon tomorrow for a picture. And the Chair wishes to announce that we will make every effort to get to Jorgenson's by 6:30 for you. Are there any other announcements?

If not, the Chair would recognize Mr. Eskildsen.

**DELEGATE ESKILDSSEN:** Mr. President.

**PRESIDENT GRAYBILL:** Mr. Eskildsen.

**DELEGATE ESKILDSSEN:** I move that we stand adjourned until 9:00 a.m., Wednesday, January the 19th.

**PRESIDENT GRAYBILL:** All in favor of the motion, say Aye.

**DELEGATES:** Aye.

**PRESIDENT GRAYBILL:** Opposed, Nay.  
(No response)

**PRESIDENT GRAYBILL:** **So** moved.

(Adjournment at 5:40 p.m.)

January 19, 1972  
9 : 0 0 a.m.

Sixth Day

Convention Hall  
Helena, Montana

**PRESIDENT GRAYBILL:** The Convention will be in order. Reverend Harbaugh, will you give the invocation.

**DELEGATE HARBAUGH:** I should like to read one verse of Scripture before we pray. "And they came to Him and said to Him, 'Teacher we know that You are true and care for no man for You do not regard the position of men but truly teach the way of God.'" Let us pray. God, our Father, we thank You that in Jesus of Nazareth You have shown Your faithfulness to truth and love to all mankind. Today, as we are caught up in the fervor of debate, grant us to so conduct ourselves in upholding love and truth, that even our enemies will not be able to complain against us. Amen.

**PRESIDENT GRAYBILL:** You may be seated. The clerk will take the roll, and I would like to announce that Robert Woodmansey is excused this morning. His father passed away and he is gone today, so he's excused on the roll today. Use your voting machines. Use the Ayes. (Laughter)

**CLERK HANSON:** Aasheim. Bates. Robert Hanson-Rod Hanson, I guess.

**DELEGATE R.S. HANSON:** Yes. I'm right here,

**CLERK HANSON:** Bates. Would you please register (Inaudible).

**PRESIDENT GRAYBILL:** Mrs. Bates, would you vote Aye. Did Mrs. Bates vote Aye? So, Hanson is absent at the moment. All right, if he comes in, tell him to announce his presence, but for the moment, he's absent. All right.

**CLERK HANSON:** Mr. President, 98 delegates voted present.

Aasheim	..	Present
Anderson, J.	..	Present
Anderson, O..	..	Present
Arbanas	..	Present
Arness	..	Present
Aronow	..	Present
Artz	..	Present
Ask	..	Present
Babcock	..	Present
Barnard	..	Present
Bates	..	Present
Belcher	..	Present
Berg	..	Present

Berthelson	Present
Blaylock	Present
Blend	Present
Bowman	Present
Brazier	Present
Brown..	Present
Bugbee	Present
Burkhardt	Present
Cain	Present
Campbell	Present
Cate	Present
Champoux	Present
Choate	Present
Conover	Present
Cross	Present
Dahood	Present
Davis	Present
Delaney	Present
Driscoll	Present
Drum	Present
Eck	Present
Erdmann	Present
Eskildsen	Present
Etchart	Present
Felt	Present
Foster	Present
Furlong,	Present
Garlington	Present
Graybill	Present
Gysler	Present
Habedank	Present
Hanson, R.S.	Present
Hanson, R.	Absent
Harbaugh	Present
Harlow	Present
Harper	Present
Warrington	Present
Heliker	Present
Holland,	Present
Jacobsen.,	Present
James	Present
Johnson	Present
Joyce	Present
Kamhoot	Present
Kelleher	Present
Leuthold	Present
Loendorf	Present
Lorello	Present
Mahoney	Present
Mansfield	Present
Martin	Present
McCarvel	Present
McDonough	Present

McKeon	Present
McNeil	Present
Melvin.....	Present
Monroe	Present
Murray .....	Present
Noble.....	Present
Nutting .....	Present
Payne       ,,       ,,	Present
Pemberton   ,,   ,,   ,,   ,,   ,,	Present
Rebal       ,,       ,,       ,,	Present
Reichert   ,,   ,,   ,,   ,,   ,,	Present
Robinson   ,,       ,,       ,,	Present
Roeder .....	Present
Rollins.	Present
Romney.....	Present
Rygg .....	Present
Scanlin   ,,   ,,   ,,   ,,   ,,	Present
Schiltz	Present
Siderius..   ,,       ,,       ,,	Present
Simon .....	Present
Skari .....	Present
Sparks .....	Present
Speer.....	Present
Studer.....	Present
Sullivan	Present
Swanberg..	Present
Toole       ,,       ,,       ,,       ,,	Present
Van Buskirk .. .. .,,   ,,   ,,   ,,   ,,	Present
Vermillion	Present
Wagner	Present
Ward .....	Present
Warden.....	Present
Wilson .....	Present
Woodmansey   ,,       ,,       ,,	Excused

**PRESIDENT GRAYBILL:** Very well. Now, this morning we will follow the order of business in Rule 54, starting at the top. Reports of Standing Committees.

**CLERK HANSON:** None.

**PRESIDENT GRAYBILL:** Reports of Select Committees.

**CLERK HANSON:** None.

**PRESIDENT GRAYBILL:** Communications.

**CLERK HANSON:** None.

**PRESIDENT GRAYBILL:** Introduction and Reference of Delegate Proposals.

**CLERK HANSON:** None.

**PRESIDENT GRAYBILL:** Let me stop on that a moment. Your delegate proposals should go to the clerk, who is the alter ego of the Secretary, and the clerk will number them and put them in my office. I will number them, and they will come back and be read here by number and title only and referred, so you'll know when they're referred where they go. On the citizen suggestions, they are also being numbered in the clerk's office, given to me. They will be assigned to the committees and sent directly to the committees, and I would like to point out to the committee chairmen that, when you get citizen suggestions, sometimes the press may not have gotten to see them in the clerk's office, and if they come and ask, please let them look at them, and then keep them. All right, Final Consideration of Proposals.

**CLERK HANSON:** None.

**PRESIDENT GRAYBILL:** 6, Adoption of Proposed Constitution and Ballot.

**CLERK HANSON:** None.

**PRESIDENT GRAYBILL:** 7, Motions and Resolutions.

**CLERK HANSON:** "Mr. President. A resolution of the Constitutional Convention of the State of Montana establishing its workweek. Date introduced: January 19, 1972. Be it resolved: That the workweek of the Montana Constitutional Convention shall be Monday through Friday. Introduced by Rules Committee. Signed: Marshall Murray, Chairman."

**PRESIDENT GRAYBILL:** Mr. Murray.

**DELEGATE MURRAY:** Mr. President. I move that the Resolution Number 1 be passed.

**PRESIDENT GRAYBILL:** All right, the motion is on Mr. Murray's Resolution Number 1, which is this matter of the workweek, and the purpose of the resolution is to place the matter before you. And the Rules Committee has consented to make up its mind one way or another, tentatively, so that you may debate it, and they've tentatively said Monday through Friday, and debate is now open on the proposition of what type of workweek you want.

Mr. Davis.

**DELEGATE DAVIS:** Mr. Chairman, I rise to oppose the Rules Committee's rule of a workweek on Monday through Friday. It has been the

announced contention of this Convention and the delegates throughout that we want the greatest amount of citizen involvement and to provide free access to their being here and participating in this Convention. A very large segment of our population works 5 days a week. We also have between 25,000 and 30,000 voting college students who are on a 5-day-a-week schedule. I would think that if we went on a Tuesday through Saturday week, many working people who wanted to come and share a day at the Convention with their family or come by themselves--college students--we have some 9,000 to 10,000 teachers who work on a 5-day week in our state. They would have an opportunity. They have devoted their lives to teaching social science, government, civics. It would give them an opportunity to come and attend the Convention. It would also, if we were off Sunday and Monday and we're trying to catch up on our work, give us a day when the other public offices are open here--to get to the superintendent's office, the land office, the highway office or whatever office we wanted to get into, instead of being off on a dead, nonproductive weekend, if we stay in Helena. If we're to return home to our communities, it would give us a day when the offices are open in our communities. We talk about we're going home and keep in touch. That's lip service. You go home on a weekend, you're going home and watch TV and go to bed, probably. Nothing goes on much on a weekend. If you want to get home and when you can see the people and when they're working, Monday would be a good day for that. I'm very concerned that the student population in our university system--they're the ones that are going to make this Constitution work--they and the generations that follow them, if we write a Constitution--and when all the delegates here signed up for this job, we should have arranged our affairs so we can be here. I noticed one of the press releases said some of the delegates thought it would be handier for their business, and I think that's the last consideration we need. But as a practical matter, whether a delegate be a lawyer or a farmer, rancher or businessman, if you're home on one workday when your banks are open, your courthouses, your other public businesses, they probably could attend to some of their business while they are home, but I think that should be the last consideration. I'm very concerned as to the argument will be presented--well, history shows they don't attend. I don't think that's material. I think the purpose of this is that we are open, available to the people to come. We're putting out a great amount of capital in this Convention for public information; and for the six or

seven Saturdays that we're going to be meeting, I think we should be here; and if any of the public, including the Capitol employees, want to attend, we should be open on a 5-day week, Tuesday through Saturday and give them a chance to come. Whether they come or not, then, that would be their concern. At least we are available and willing to work on that sort of week. So I oppose the rule and would move to make a substitute resolution that this Convention adopt the workweek of Tuesday through Saturday.

**PRESIDENT GRAYBILL:** Mr. Davis has made an amendment--has proposed an amendment to the resolution that the sense of it would be changed to Tuesday through Saturday. We're open for debate on the amendment.

Mr. Toole.

**DELEGATE TOOLE:** Mr. President, Mr. Davis has stolen my entire thunder. All I can say is that, in service to the people of Montana and from the standpoint of public education and public information, I think it is essential that we have a Tuesday through Saturday week. I support Mr. Davis' substitute motion.

**PRESIDENT GRAYBILL:** Mr. Hanson. Mr. Hanson, do you want to be shown present?

**DELEGATE ROD HANSON:** Mr. President, I rose primarily for that purpose.

**PRESIDENT GRAYBILL:** All right, you may now be shown as present.

**DELEGATE ROD HANSON:** May I also second the thoughts of Mr. Davis and Mr. Toole. I think that everything they have said is so right--that we should definitely consider meeting Tuesday through Saturday.

**PRESIDENT GRAYBILL:** Mrs. Bugbee.

**DELEGATE BUGBEE:** Mr. President, thank you for the party last night. I hope I can be somewhat articulate. I'd like to be a little bit specific about this. In Missoula, what we had contemplated, if we had Mondays available to us--number one, we cannot get down to the TV stations. We have been doing this. We have been going down as a group. That--the TV station has opened up a sort of panel-facilitated a panel discussion where we each talk for about 2½ minutes. And we've been able to talk about the things that we've been looking forward to doing and what we contemplate doing. The TV stations are not open

on Saturday and Sunday, but they are open on Monday. Now, what we had thought that we could do is to go down there--and this is with the TV stations--go down there, where all eight of us go on; we say what has been going on in our committee meetings. This will have more and more depth--could have more and more depth as the weeks go by. And I'm sorry, I had another idea. But as we have this organized with the TV people, we cannot do it on Saturday. We can do it on Monday. We also can talk to luncheons on Monday. All this can be available to us before we come back here on Monday afternoon, and another thing I'd like to mention is that we had a meeting in Missoula of about a 150 people. We asked them the question as to what they would like, how they would like it if we could set it up this way. About five people raised their hands that they would like a standard workweek and I couldn't count the number of people who raised their hands that they would really appreciate it if we could have a Saturday through Tuesday--a Tuesday through Saturday workweek. Thank you.

**PRESIDENT GRAYBILL:** Mr. Champoux.

**DELEGATE CHAMPOUX:** I rise in opposition to Mr. Davis' motion, and I'd like to throw in a few other comments, if I may. First of all, other constitutional conventions, as Mr. Davis has mentioned, that did work on Saturday found that few people showed up. Shouldn't something be said about the employees of this Convention and the fact that they are being deprived of being with their children and their families on Saturdays. Most of us are used to the 5-day workweek. Would there be some question about the special pay for the employees on Saturdays? If we go home on Mondays, most people are going to be working. How are we going to see them? Are we going to walk around to where they work to talk to them? Most people don't want to be talked to on Sunday. They're involved with church and the family. How many of us would really go home on Sunday and Monday, or any other time? (Laughter) And I don't mean to imply anything by that. (Laughter) Also, some people might be forced to come here on Saturday. I'm talking about people who work on a 5-day workweek--school administrators and so forth--that they might be forced to come here by the people supervising them, on Saturday. Thank you.

**PRESIDENT GRAYBILL:** Mr. Campbell.

**DELEGATE CAMPBELL:** I rise in support of Mr. Davis' motion. As Mrs. Bugbee said, we did have two meetings in Missoula and the overwhelming opinion of the people there was that they wanted a Tuesday through Saturday workweek; the overwhelming majority said that they would not be able to come over, probably, if this was a Monday-Friday week. They either worked on Monday through Friday or they had school-children that they would not be able to bring over. I feel definitely a Tuesday through Saturday week would be much better for people to testify and to bring their families here. Also, we had a very good turnout at a town meeting that we called, and I think that, with a Tuesday through Saturday, we could schedule, say, Sunday evening meetings in our communities to get people together. I don't think you can do this on a Friday night, and I don't think you can do it on a Saturday night; but on a Sunday night, you could regularly schedule, every week or two weeks, a meeting to get the ideas that people have as to how the Convention is coming along. Also, the service clubs have indicated they were interested in hearing what we have to say when we come home on the weekends, and on Monday they would be meeting. Also, the radio stations wanted two delegates on Mondays to discuss the progress of the Convention and have people call in. I think, without a doubt, we'd have more people here to watch the Convention, to testify, and that we'd be able to meet more people on our Sunday-Monday nonworking days in our own community. So I fully support Mr. Davis' motion. Thank you.

**PRESIDENT GRAYBILL:** Mr. Hanson, Robert.

**DELEGATE ROBERTHANSON:** I don't rise except to mention the fact that maybe our some of our staff would have to be paid overtime. Has that been taken into consideration?

**PRESIDENT GRAYBILL:** I think the situation is that once we establish a 5-day week, the staff will be fine. If there won't be any problem on the staff. If the substitute motion here prevails, then I would suppose that someone would raise the issue of what to do about this Saturday, because that would make a 6-day week this week, but I presume that could be handled. So we're still on the issue of whether--we're still debating, then, the amendment, which is Tuesday-Saturday. Is there further discussion?  
Mr. Mahoney.

**DELEGATE MAHONEY:** Mr. President, the only thing that's bothering me about this, I think that we can't be tied up so that you couldn't recess the Convention this Saturday, regardless of what the rule is. Now, what is bothering me is, we get down here to that ninth week and all of a sudden we come to the time [we] have to adjourn. I'd hate to see it this tight that we shouldn't be allowed to let this Convention continue to operate if they want, like the Legislature does at the end. These are the points that I'd like to have discussed in this matter.

**PRESIDENT GRAYBILL:** Mr. Scanlin.

**DELEGATE SCANLIN:** Mr. President, I rise in support of the original recommendation of the Rules Committee. It seems to me that one of the things we've got to decide right now is whether or not the purpose of this Convention is to work on a document to accommodate the public. I know it's not a case of either/or, but how best to accomplish both the work of the Convention and the entertainment of our constituency.

**PRESIDENT GRAYBILL:** Mrs. Speer.

**DELEGATE SPEER:** I think there are (Inaudible).

**PRESIDENT GRAYBILL:** You've got to use that microphone. There you go.

**DELEGATE SPEER:** I think there are two sides to this question. I see the side that's been presented in the motion. However, there are many, many of our constituents who are Monday to Friday workers, 8:00 to 5:00, and they have expressed the opinion that they would not be available to talk with us on that day. It is true that they would be able to come over here, but if we are expected to talk with constituents on the weekend when we go home, they would not be available at that time.

**PRESIDENT GRAYBILL:** Is there other discussion?  
Mrs. Reichert.

**DELEGATE REICHERT:** Mr. President, although personally I would find it most inconvenient to have Tuesday through Saturday workweek because I have youngsters in school here Monday-I convinced them to come to Helena with me. Now perhaps I'll be going back to Great Falls and leaving them in school here Monday. However, I do feel that, for the sake of the Constitution, I think it would be very helpful if we could

have people from throughout the state visiting us on Saturday while we're in session, so I would subscribe to the Tuesday through Saturday workweek.

**PRESIDENT GRAYBILL:** John Anderson.

**DELEGATE JOHN ANDERSON:** I rise in support of my fellow colleague from District 21, Carl's motion. Most of the inquiries that I have had in regard to this matter is from our schools, and I think that is one of the things we have to keep in mind-that the schoolchildren or the young people that are growing up are the ones that are going to be mostly affected by this Constitution. A great many of them have indicated a desire to attend the Convention, and I'm sure by having a workweek Tuesday through Saturday that this will give the schoolchildren an excellent opportunity to attend our deliberations on Saturday, so I'd like to support Carl's motion.

**PRESIDENT GRAYBILL:** Mr. Barnard.

**DELEGATE BARNARD:** Mr. President, I don't rise either in opposition to this motion or for it. I'd just like to point out that there are many delegates here who are so far away from home that they can't get home over the weekend and this would, actually, in their communities accomplish no good whatever.

**PRESIDENT GRAYBILL:** Mr. Burkhardt.

**DELEGATE BURKHARDT:** Mr. President, I came with no particular feeling about either one of these weeks. I live here in town and so I don't face some of these problems, but the point that was made earlier about the offices being accessible here for those who may be stuck in Helena without the ability to go home may be an important point. Those around me have been suggesting that whole families have been making plans to come together, and it would be, for them, an advantage to have a Saturday session if the whole family were planning to come and make some kind of take an interest in what's going on. Personally, my life is such that, once in awhile, I like a few minutes of just aloneness, put on a pair of snowshoes, maybe, and go to the hills, and even a couple of hours of that on a Monday would be manageable for a preacher who has to work Sunday. (Laughter)

**PRESIDENT GRAYBILL:** You're not proposing a Wednesday-Monday workweek?

(Laughter) All right.

Mr. Johnson.

**DELEGATE JOHNSON:** Mr. President, I'm in opposition to the substitute motion. I'd like to make a substitute motion to the substitute motion.

**PRESIDENT GRAYBILL:** All right.

**DELEGATE JOHNSON:** I offer that I came up here to work. I think we have a tremendous amount of work to do. I would like to work 6 days a week. And we may run into—we have a short time—no matter how we look at it, 9 weeks is a short time if we figure that as a deadline. It would probably—hardships on various segments of the people here. I'm a long ways from home, and I think that a third or fourth of them are a long ways from home. I made more or less arrangements for things to carry on while I'm gone. But I work 7 days a week when I'm home and always have—6 days is not a hardship for me—even I think that we—we need this time and should spend it on this most important job we have to do here for Montana.

**PRESIDENT GRAYBILL:** I take it you do want to make an amendment and it would be Monday-Saturday. Is that your choice?

**DELEGATE JOHNSON:** Yes.

**PRESIDENT GRAYBILL:** Mr. Burkhardt and I want to know what day you want to not work. (Laughter) Monday-Saturday is the amendment of Mr. Johnson on which we are now debating. Monday-Saturday.

Mr. Kelleher.

**DELEGATE KELLEHER:** Mr. President, many of us are starting to work at 8:00, getting up at 6:00. I know, in fact, probably all of us are out of the sack by 6:30 in the morning. We don't get out of here till 9:00 or 9:30 at night, and one of my problems is that I don't have any time to study. I don't have any time for research. I don't, frankly, have time, to even talk to my fellow delegates and to get their opinions (Inaudible). And I know, for a fact, that Mr.—the Chairman of Rules Committee was working all day Sunday without pay. In fact, I know that the leadership was working the last month and, if the truth were known, probably 6 and 7 days a week. I think Tuesday through Saturday to be attending committees and to be in Convention here is what is adequate and we really need those other 2 days for research, and I'm for

those days off on Sunday and Monday. They're not really days off at all, so I move that this last—I mean—I don't want to move, I just want to speak against this last motion, and I'm in favor of Mr. Davis' motion.

**PRESIDENT GRAYBILL:** Mrs. Bates.

**DELEGATE BATES:** Mr. President, I don't want to speak for or against this motion, but I wanted to bring to your attention that there are ball games on Fridays and Saturdays. As far as the students coming, they usually come in a busload and early in the week. Many people come to Helena. They like to visit other government offices, and Saturdays, if we were in session, this would be all that would probably be open. Other offices would be closed, and many families want to do something together, and they may come to Helena on Saturdays—I wouldn't know—but many go up the ski hill, and I just wanted to put in those comments. Thank you.

**PRESIDENT GRAYBILL:** Is there further discussion?

**UNIDENTIFIED DELEGATE:** Question.

**PRESIDENT GRAYBILL:** Mr. Studer.

**DELEGATE STUDER:** Sorry I was a little late on this, but we must think also of the extra cost on a 6-day week. We'll go to overtime, which we should think about a little bit.

**PRESIDENT GRAYBILL:** Any further discussion on the Monday-Saturday amendment? (No response) All right. If not, we'll vote by the Ayes and Nays on Mr. Johnson's amendment that we meet as a workweek from Monday through Saturday, 6-day workweek. All those in favor of the amendment for a 6-day workweek, Monday through Saturday, say Aye.

**DELEGATES:** Aye.

**PRESIDENT GRAYBILL:** Opposed, No.

**DELEGATES:** No.

**PRESIDENT GRAYBILL:** The Noes have it, and so ordered. Now we're back on Mr. Davis' substitute or first amendment of a Tuesday-Saturday workweek, amending the Rules Committee proposal of Monday-Friday. Further discussion?

**UNIDENTIFIED DELEGATE:** Question.

**PRESIDENT GRAYBILL:** Mr. James.

**DELEGATE JAMES:** Mr. President. I believe this has some advantage to people, this Tuesday-Saturday-people living in the Helena suburbs, which is Billings and Butte and Great Falls (Laughter) but I think with Mrs. Bates, that we're not going to have many people here Saturday, and I do feel that the Monday through Friday is going to be best for us. I know we can't get home anyway. We'd just get there in time to start back again, and I think this is the case with many delegates here.

**PRESIDENT GRAYBILL:** Further discussion?

Mr. Drum, do you want to talk on that issue?

**DELEGATE DRUM:** I would rise to take issue with the previous speaker. I think the thing that will determine the number of students that visit here in Helena may be the availability of buses that they're now using for their classes during the week, and if the buses are available on the weekend, and they are certainly going to be more available on the weekend, I think we may see an awful lot of students coming over. I think another point that hasn't been mentioned--and I think someone should come to the defense of the many who are involved in the legal profession here. I think the lawyers would (Laughter) like to have a day to get a little something started during the week at home, it seems to me, and I think there are a few other folks, myself included, that would find it a real convenience to spend some time in our offices at home at the start of the week and then hide the rest of the week.

**PRESIDENT GRAYBILL:** Mr. Arness.

**DELEGATE ARNESS:** Mr. President, I think I probably should say I'm one of the lawyers. Nobody has really mentioned yet that what we're talking about here is almost entirely a personal matter, and I think that that should be pointed out to the Convention. Whether we work Tuesday through Saturday or Monday through Friday depends almost entirely on our personal situation. Besides being a lawyer, I would also like to go skiing on Saturday with my son, so I naturally favor the Monday through Friday program, and my reasons are purely personal. I thought I should state them. (Laughter & Applause)

**PRESIDENT GRAYBILL:** Is there other discussion?

Mr. Eskildsen.

**DELEGATE ESKILDSEN:** Mr. President, members. I'm sure that during this Convention that there will be a busload of students coming from Malta, Montana, over to the Convention. If we meet on Saturday, I hardly think that you'd ever get a student here if you give them a choice of whether they went to watch the Malta high school team play basketball or whether they come here and watch us. Or I might mention that in the last 3 years, we've lost one game (Laughter) and I might mention that those students could care less about a Constitutional Convention when Malta is playing basketball.

**PRESIDENT GRAYBILL:** Mr. Davis.

**DELEGATE DAVIS:** May I close? I don't want to--I understand you have the privilege of closing if everyone else has spoken to the question. I could--

**PRESIDENT GRAYBILL:** Let's just check. Does anyone else want to say anything? Mr. Studer.

**DELEGATE STUDER:** Yes.

**PRESIDENT GRAYBILL:** I'll come back to you, Mr. Davis.

**DELEGATE STUDER:** I wanted to clear up this deal on this overtime that I spoke about. I'm talking only on the 6-day week deal. There will be no change--other than that--I didn't want it misunderstood.

**PRESIDENT GRAYBILL:** Okay. Anyone else?

All right, Mr. Wilson.

**DELEGATE WILSON:** Mr. President, I live so far from home that I don't intend to go back only on special occasions anyway, so it's kind of irrelevant to me whether you work from Tuesday through Saturday or Monday to Friday. I would like to point out, however, that when you're speaking about having young people here from the various schools, that their teachers are paid Monday through Friday; they're not paid for Saturday or Sunday; the busdrivers are the same. And your different schools, colleges, if they're interested, which I'm sure they will be, they will provide time for the students to come to attend this Convention

during the regular workweek, which I think is fitting and proper. I just wanted to bring this to the delegates' attention that these teachers and bus-drivers are on a regular workweek. I don't think changing from Tuesday to Saturday would make any difference on the attendance of the young people.

**PRESIDENT GRAYBILL:** Mr. Harper.

**DELEGATE HARPER: Yes.** Just one comment on the school thing. The kids go to school Tuesday, Wednesday, Thursday and Friday, also; and so those that didn't want to come on Saturday wouldn't have to come on Monday. They could come those other days, and then the Saturday option would give them an option of the weekend or the school days.

**PRESIDENT GRAYBILL:** Further discussion? (No response) All right, Mr. Davis, we're ready for you to summarize.

**DELEGATE DAVIS:** Thank you, Mr. President, and thank you, fellow delegates. I appreciate this resolution poses some problems, personal problems, particularly to those who are fortunate enough to have outstanding athletic teams in their areas (Laughter), as well as others. We don't enjoy that at the moment in Beaverhead County. Maybe John Anderson's area has a good team. (Laughter) I would in this resolution it would be my thought that it would not be applicable to this Saturday because it seems to me we cannot be organized well enough to make full use of our time this week to start with. I'd like it to start next week, if it should pass. Another point I'd that seems to not be exactly clear—I'm speaking in regard to students of the 2,500 to 30,000 college students in our state, not those that are going to be coming on buses—those who are studying government, those who are going to be out in our community here in a few days or a few years, and they're all voters. Those are the people that are going to be voting this fall. Now, whether they attend the Convention or not, it seems to me a letter from our Convention President saying to each one of the student body presidents and student education associations and the various student government clubs that they have at our universities and colleges, to the effect that we are staying "open to make ourselves accessible to hear their opinions and where they can watch and study these. Also, the faculty members—some 9,000 of our teachers in this state, are probably the most interested people in government. And those people would like to

come. Some of them, I'm sure they would come. They've followed constitutions. They've taught constitutions and probably know more about it than many of us—I'm sure than I do. So, I'm thinking of the benefits that might come from making ourselves accessible to these people, as well as the other working people. I'm sure that all of us are going to be working a 7-day week regardless of how it's scheduled, whether it's here or getting ready to be here, and so forth. So, with that, it seems to me that the reasons are really quite compelling, if we lay aside our own personal problems and consider the amount of public information and so forth that we are budgeting—you can get all this for nothing with just about \$10—well, as a matter of fact, I'll give in the \$20 worth of postage stamps that is apparently allocated to my share of public relations—to mail to all the students, and I'm sure that is the only expense you would have and you'd get a great deal of benefit for this Convention. Thank you.

**PRESIDENT GRAYBILL:** All right, the issue, then, is on the substitute resolution which would read: "Be it resolved: That the workweek of the Montana Constitutional Convention shall be Tuesday through Saturday." That's Mr. Davis' substitute resolution. The vote will be by Ayes and Nays because the rules so state. No recorded roll call vote will be taken under consideration of resolutions. Therefore, all those in favor of the resolution for a Tuesday through Saturday workweek, please say Aye.

**DELEGATES:** Aye.

**PRESIDENT GRAYBILL:** Those in favor of a Monday through Friday work week, please say No.

**DELEGATES:** No.

(Various calls for division)

**PRESIDENT GRAYBILL:** All right, we will use the voting machine, but we won't record it. So I'll open the ballot and those in favor, vote Aye; and those opposed, vote No. Has every delegate voted?

(No response)

**PRESIDENT GRAYBILL:** Does any delegate wish to change his vote?

(No response)

**PRESIDENT GRAYBILL:** All right, we'll close the ballot. The clerk will announce the tally and show it if you want to.

**CLERK HANSON:** 61 delegates voting Aye, 37 delegates voting No.

**PRESIDENT GRAYBILL:** By your vote of 61 Ayes and 37 Noes, you have passed the substitute resolution and the workweek of the Convention is now Tuesday through Saturday. Now, the Chair would entertain a motion, just to keep the record straight, from either Mr. Davis or the Rules Committee Chairman that we either do or don't work this Saturday, so that we can straighten out this workweek.

Mr. Johnson.

**DELEGATE JOHNSON:** Mr. President, I move that we do work this Saturday. If we don't, we won't be working until next Tuesday and we'll have a 3-day vacation here. I don't know what would happen in those 3 days. (Laughter)

**PRESIDENT GRAYBILL:** All right, Mr. Johnson has made a motion that we work Saturday.

**DELEGATE BATES:** Mr. President,

**PRESIDENT GRAYBILL:** Mrs. Bates.

**DELEGATE BATES:** I would like to amend this resolution that we don't work Saturday and we have a 3-day weekend. So move.

**PRESIDENT GRAYBILL:** All right, we are on Mrs. Bates' amendment to Mr. Johnson's motion, and her amendment is that we do not work this Saturday.

Mr. Toole.

**DELEGATE TOOLE:** Mr. President, of course we will be in overtime this Saturday. Now, I don't know how significant this is right offhand, but so far as our staff is concerned, that will be overtime. I think I'm correct on that, am I not'?

**PRESIDENT GRAYBILL:** I think you're correct, because we did work Monday.

Mr. Aasheim.

**DELEGATE AASHEIM:** Mr. President, members of the Convention. The Legislative Committee has called a public hearing for Monday at 10:00; and we talked about this contingency; and if we are in recess Monday, we are going to go ahead with the hearing; so that doesn't matter as far as your voting is concerned. We're going to go ahead with it.

**PRESIDENT GRAYBILL:** As far as I know, there is no reason that you can't work when it's not the workweek. (Laughter) So, we're glad to hear that, Mr. Aasheim. Is there other discussion of the amendment that we do not work this Saturday?

Mr. Davis.

**DELEGATE DAVIS:** Mr. President, I am very willing to work Saturday and Sunday both, if that's the will of the Convention, and with or without pay, but can we really get anything done this Saturday? Are we well enough organized? Have we got our committees going where we can start getting something constructive done? I think that's the big question. Can we accomplish anything, or do we need to get a little better organized and then hit it?

**PRESIDENT GRAYBILL:** Mr. Habedank.

**DELEGATE HABEDANK:** Mr. President, I-pardon me.

**PRESIDENT GRAYBILL:** You're on.

**DELEGATE HABEDANK:** Okay, I favor—

**PRESIDENT GRAYBILL:** Let me stop you a moment. I do this, that means that I see the next one; and I'll come to Mrs. Babcock next. I'm just signaling her, so go ahead.

**DELEGATE HABEDANK:** I think there would be considerable merit to getting this thing adjusted by taking a recess from Saturday until Tuesday. This will allow all of us to work without pay on Monday. It will save a great deal of money for the State of Montana, and the help will get straightened out; and I think that all the people who are here--are living in Helena--will spend just as much time working, whether we're in session or not, and the State of Montana will save that much money, so that we can use it later on.

**PRESIDENT GRAYBILL:** Mrs. Babcock.

**DELEGATE BABCOCK:** Mr. President, if committees are scheduled during those times, would the secretaries be available even though we weren't having our workweek?

**PRESIDENT GRAYBILL:** If Mr. Aasheim wants his secretary, I suppose we'd pay one secretary time-and-a-half on Monday. So yes, in

other words, I'm sure that schedule could be worked out on a single basis, if that's all right.

**DELEGATE BABCOCK:** (Inaudible).

**PRESIDENT GRAYBILL:** Pardon?

**DELEGATE BABCOCK:** Committees could still be scheduled then?

**PRESIDENT GRAYBILL:** Surely. I think anybody who has a good excuse can certainly schedule something. We'll certainly try and work with that situation.

Mr. Aasheim.

**DELEGATE AASHEIM:** Mr. President, we have given our secretary a half day vacation yesterday, so that she owes us a half a day for Monday. (Laughter)

**PRESIDENT GRAYBILL:** Now there's a forehanded committee.

Mr. Rygg.

**DELEGATE RYGG:** We are pretty much in the same—

**PRESIDENT GRAYBILL:** A little closer.

**DELEGATE RYGG:** We have called a hearing for Monday at 10:00, and we will still have it even if the Convention doesn't work. Our secretary, too, didn't work yesterday, so that will be taken care of.

**PRESIDENT GRAYBILL:** Mr. Gysler.

**DELEGATE GYSLER:** Mr. President and fellow members. I would like somebody to check into the overtime law that was passed by the State of Montana last year, because any work week-if it goes by the week, any workweek is 7 consecutive days, and you cannot carry them over, or you cannot under the federal law anyway, and somebody might be knocking on you.

**PRESIDENT GRAYBILL:** Very well.  
Mr. Etchart.

**DELEGATE ETCHART:** Mr. Chairman, I have scheduled a hearing-or a meeting for Monday, also, for the General Government Committee, so this would raise-personally, I have no objection, but the other members of the committee might have made some plans. Otherwise—

**PRESIDENT GRAYBILL:** You might think about giving that girl a half day off, Mr. Etchart. (Laughter)

**DELEGATE ESKILDSEN:** Mr. President.

**PRESIDENT GRAYBILL:** Mr. Eskildsen.

**DELEGATE ESKILDSEN:** I just had this question. Suppose, now, on Monday I want to come here and do a little work, will there be at least one or two girls in the pool so that I might be able to do a little correspondence? They'll probably get overtime, but there's no sense of me coming here if I can't read or write, (Laughter) so it's quite important that a secretary's around. (Laughter)

**PRESIDENT GRAYBILL:** All right, I'm not going to comment on (Laughter) that last sentence, but I will ask Dale Harris if we'll try to make some arrangements so we won't be completely shut down this one Monday because of this eventuality.

Mr. Drum.

**DELEGATE DRUM:** Mr. President, I would suggest that if Delegate Eskildsen is in that bad a shape, that we give a personal invitation to the Malta school system, inviting teachers over to help him with his problem. (Laughter)

**PRESIDENT GRAYBILL:** I think they'd have to wait until the basketball season is over. (Laughter)

Mr. Mahoney.

**DELEGATE MAHONEY:** I'm in hopes, Mr. President, that these committees will not be so duty-bound by the 5-day week, and knowing the amount of hearings that we're going to have to have and to try and get the hearings spaced out so some of the others can hear some of the other hearings, I think we're going to very vitally need the sixth day in the week as far as hearings are concerned with these committees, and if the Convention can't pay the time-and-a-half, then we'd better close the Convention for that time, because the hearings is the vital thing of this Convention, as far as I'm concerned, for the first 30 days.

**PRESIDENT GRAYBILL:** Is there further discussion? (No response) All right, the question is going to be on Mrs. Bates' substitute motion that this Saturday not be a workday. All those in favor of not working this Saturday—that is, not

calling it part of the workweek of the Convention, please indicate by saying Aye.

**DELEGATES:** Aye.

**PRESIDENT GRAYBILL:** Would all those opposed say No.

**DELEGATES:** No.

**PRESIDENT GRAYBILL:** The Ayes have it, and so ordered. So this Saturday will not be a workday, and the workweek next week will start Tuesday through Saturday. Are there other matters under Order of Business Number 7, Motions and Resolutions?

(No response)

**PRESIDENT GRAYBILL:** Order of Business Number 8, Unfinished Business.

**CLERK HANSON:** None.

**PRESIDENT GRAYBILL:** Order of Business Number 9, Special Orders of the Day.

**CLERK HANSON:** None.

**PRESIDENT GRAYBILL:** Order of Business Number 10, General Orders of the Day.

**CLERK HANSON:** None.

**PRESIDENT GRAYBILL:** Order of Business Number 11, Committee Announcements and Notices.

**DELEGATE RYGG:** Mr. President.

**PRESIDENT GRAYBILL:** Mr. Rygg.

**DELEGATE KYGG:** I would like to call a meeting of the Revenue and Finance Committee in about 20 minutes-at 10:20.

**PRESIDENT GRAYBILL:** Before you chairmen make these announcements, maybe I should announce that the Executive Committee is having a hearing at 10:30 in the Governor's conference room-Governor's reception room, at which Governor Anderson is going to meet with the committee; and it will have media coverage; and, of course, the Executive Committee invites any of you who are interested to come. Now, with that hearing in mind, you certainly may go ahead and schedule whatever other meetings you want to.

Mr. Anderson.

Local Government will meet for all members who do not attend the Executive Committee hearing, at 1030, Room 437.

**PRESIDENT GRAYBILL:** Local Government, at 10:30.

**DELEGATE AASHEIM:** Mr. President.

**PRESIDENT GRAYBILL:** Mr. Aasheim.

**DELEGATE AASHEIM:** Legislative Committee will meet, 10 minutes after adjournment.

**PRESIDENT GRAYBILL:** 10 minutes after adjournment, for Legislative.  
Mr. Toole.

**DELEGATE TOOLE:** Mr. President, Committee on Administration will have a public hearing in the Senate chambers, 1:30, to discuss staff and budget. Public Information Committee will have a public hearing in the Senate chambers at 3:00.

**PRESIDENT GRAYBILL:** Mr. Joyce.

**DELEGATE JOYCE:** Mr. President, I want to announce that I would likemembers of the Executive Committee to meet me, immediately upon adjournment, in the Governor's reception room, rather than in the committee room, as I previously told them.

**PRESIDENT GRAYBILL:** Mrs. Pemberton.

**DELEGATE PEMBERTON:** I would like to remind the members of the Judicial Committee, we have a meeting 10 minutes after adjournment.

**PRESIDENT GRAYBILL:** All right. Other committee announcements?  
Mr. Etchart.

**DELEGATE ETCHART:** Mr. President, General Government will meet 10 minutes after adjournment.

**PRESIDENT GRAYBILL:** All right. Any other committee announcements? (No response) If not, I would ask leave of the Convention to go back to Order of Business Number 8, Unfinished Business. Hearing no objection, we'll go back to Unfinished Business. Now, I've overlooked that today is

on adjournment, is when you're supposed to have objected to your committee assignments. Now, I know of none. Mr. Toole, of course, I changed. If anyone wants to object to their committee assignments, speak up.

Mr. Martin.

**DELEGATE MARTIN:** Mr. Chairman, [President] I have no objection to my committee assignments, but I would suggest that we create an honorary title of critic to the Rules Committee and make Charley Mahoney a member. (Laughter & Applause)

**PRESIDENT GRAYBILL:** Well, I think we can bestow that by our acclamation, Charley. All right, Mr. Monroe.

**DELEGATE MONROE:** Mr. President, in our Constitutional Convention directory, are all the committee assignments correct as they're placed in this directory? Were there any changes made?

**PRESIDENT GRAYBILL:** Well, I don't know of any errors. Does anybody know of an error in the committee directory? To my knowledge, they're all the same-the committee assignments are the same as they were originally, except Mr. Toole's. If anybody is in doubt about his committee assignment, here's a good chance to find out.

**DELEGATE ARONOW:** (Inaudible).

**PRESIDENT GRAYBILL:** Who? Pardon? You mean you don't have the directory on your desk?

**DELEGATE ARONOW:** That's correct.

**PRESIDENT GRAYBILL:** Well, you may not have- what's that thing in your hand? That's what we're talking about.

**DELEGATE ARONOW:** No, that's the clerical manual.

**PRESIDENT GRAYBILL:** Oh. The fact that you didn't get one doesn't mean it's not right, Mr. Aronow. You're probably still on the right committee.

**DELEGATE ARONOW:** Oh, okay.

**PRESIDENT GRAYBILL:** All right, I see nobody that seems to be rising to object to their committee assignments, so we will presume that the committee assignments are set, and no one can

object after this if they-now, if you want to object after this, see me and we might make it a special order of business. But in any event the committee assignments are now set. All right. We'll be back on Order of Business Number 11. If there [are] any more announcements? If there are no more announcements-

All right, Mr. Dahood.

**DELEGATE DAHOOD:** There have been some inquiries with respect to the Bill of Rights Committee. Our research analyst is attending a meeting out of our immediate area for the purpose of serving the committee better, so our committee meeting will be tomorrow at 2 o'clock in the afternoon.

**PRESIDENT GRAYBILL:** Very well. Mr. Champoux.

**DELEGATE CHAMPOUX:** Could we have an Education Committee meeting right after adjournment, please?

**PRESIDENT GRAYBILL:** How about in 10 minutes after adjournment?

**DELEGATE CHAMPOUX:** 10 minutes after.

**PRESIDENT GRAYBILL:** Okay.

**DELEGATE CHAMPOUX:** Thank you.

**PRESIDENT GRAYBILL:** Education, 10 minutes after adjournment.

Mr. Harbaugh.

**DELEGATE HARBAUGH:** We have made arrangements for a photographer at 12 o'clock for the Presbyterian delegates—

**PRESIDENT GRAYBILL:** Right. Presbyterians at 12 o'clock, right up here in front. Any other announcements?

Mr. Toole.

**DELEGATE TOOLE:** Mr. President, I've just been talking to Mrs. Bugbee, and we have some suggestions as to what you might be doing when you go-if you go home on Monday. You can make arrangements with your radio stations to make tapes. You can get videotape at your TV stations. You can actually call a hearing, if necessary. I would give consideration between now and Monday as to what you're going to do if you're going home Monday. And in the future, the committee will recommend to you the things that you

can be doing if you go home on Sunday and Monday. Thank you, Mr. President.

**PRESIDENT GRAYBILL:** Very well, Mrs. Cross.

**DELEGATE CROSS:** Some of our committee members feel that we should meet about 5 minutes after adjournment just to assess where we are, so we'll do that.

**PRESIDENT GRAYBILL:** All right; that's Natural Resources, 5 minutes after adjournment. Okay. Any other announcements?  
Mr. Eskildsen.

**DELEGATE ESKILDSEN:** Mr. President, I move that the Convention stand adjourned until 9:00 a.m. Thursday, January 20th.

**PRESIDENT GRAYBILL:** A motion has been made that we stand adjourned until 9:00 a.m. Thursday. All in favor say Aye.

**DELEGATES:** Aye.

**PRESIDENT GRAYBILL:** Opposed, Nay.  
(No response)

**PRESIDENT GRAYBILL:** So ordered  
(Convention adjourned at 10:00 a.m.)

January 20, 1972  
9:15 a.m.

Seventh Day

Convention Hall  
Helena, Montana

**PRESIDENT GRAYBILL:** Reverend Harper will give the invocation.

**DELEGATE HARPER:** Let us pray. Our Heavenly Father, we thank you for this deepening of fellowship that is occurring among us as we give ourselves to this common cause to which you have called us through your people. Our prayer this morning is simple: guide our thinking and our feeling today toward the purposes you would have us achieve and help us to be the men and women you need for this hour. Amen.

**PRESIDENT GRAYBILL:** The clerk will take the roll with Aye votes on the machine.

**CLERK HANSON:** Habedank; Hanson, Robert S.; Etchart; Erdmann; Wilson; Woodmansey; Mansfield—

**PRESIDENT GRAYBILL:** Would the clerk please show Mr. Woodmansey excused.

**CLERK HANSON:** Mr. Woodmansey excused. James, Johnson, Kamhoot, Reichert, Ward, Wilson. James, Johnson, Kamhoot, Reichert, Wilson.

**PRESIDENT GRAYBILL:** All right. Let's close the ballot. And they'll have to get special permission if they're here; otherwise, they're absent.

Aasheim	Present
Anderson, J.	Present
Anderson, O.	Present
Arbanas	Present
Arness..	Present
Aronow	Present
Artz	Present
Ask.....	Present
Babcock . . . . .	Present
Barnard .....	Present
Bates .....	Present
Belcher	Present
Berg .....	Present
Berthelson	Present
Blaylock .....	Present
Blend .....	Present
Bowman..	Present
Brazier	Present
Brown .....	Present
Bugbee .....	Present
Burkhardt . . . . .	Present

Cain .....	Present
Campbell .....	Present
Cate .....	Present
Champoux .....	Present
Choate .....	Present
Conover .....	Present
Cross.. .....	Present
Dahood .....	Present
Davis .....	Present
Delaney .....	Present
Driscoll .....	Present
Drum .....	Present
Eck .....	Present
Erdmann .....	Present
Eskildsen .....	Present
Etchart .....	Present
Felt .....	Present
Foster .....	Present
Furlong .....	Present
Garlington	Present
Graybill .....	Present
Gysler .....	Present
Habedank .....	Present
Hanson, R.S. ....	Present
Hanson, R. ....	Present
Harbaugh .....	Present
Harlow .....	Present
Harper .....	Present
Harrington .....	Present
Heliker .....	Present
Holland. ....	Present
Jacobsen .....	Present
James .....	Absent
Johnson .....	Absent
Joyce .....	Present
Kamhoot .....	Absent
Kelleher .....	Present
Leuthold .....	Present
Loendorf .....	Present
Lorello .....	Present
Mahoney .....	Present
Mansfield .....	Present
Martin., .....	Present
McCarvel .....	Present
McDonough .....	Present
McKeon .....	Present
McNeil .....	Present
Melvin., .....	Present
Monroe .....	Present
Murray .....	Present
Noble .....	Present
Nutting .....	Present

Payne . . . . .	Present
Pemberton . . . . .	Present
Rebal . . . . .	Present
Reichert . . . . .	Absent
Robinson . . . . .	Present
Roeder . . . . .	Present
Rollins . . . . .	Present
Romney . . . . .	Present
Rygg . . . . .	Present
Scanlin . . . . .	Present
Schiltz . . . . .	Present
Siderius . . . . .	Present
Simon . . . . .	Present
Skari . . . . .	Present
Sparks . . . . .	Present
Speer . . . . .	Present
Studer . . . . .	Present
Sullivan . . . . .	Present
Swanberg . . . . .	Present
Toole . . . . .	Present
Van Buskirk . . . . .	Present
Vermillion . . . . .	Present
Wagner . . . . .	Present
Ward . . . . .	Present
Warden . . . . .	Present
Wilson . . . . .	Absent
Woodmansey . . . . .	Excused

**CLERK HANSON:** Mr. President, 93 voting Aye; 1 excused.

**PRESIDENT GRAYBILL:** Very well, let the journal so show. I would like to mention to the delegates that there may be television cameras or radio people around today. Please don't be disturbed. That's going to happen many times from now on, but I want you to be aware-so that if you want to know about it, you now have been duly warned. All right, let's go down the order of business.

Mrs. Reichert.

**DELEGATE REICHERT:** Mr. President, I apologize. I am now present.

**PRESIDENT GRAYBILL:** Very well. The journal can show Mrs. Reichert present. Mr. Johnson, would you like the journal to show you present?

**DELEGATE JOHNSON:** If you please.

**PRESIDENT GRAYBILL:** Very well. Mr. Kamhoot, the journal show you present?

**PRESIDENT GRAYBILL:** Very well. Mr. James?

**DELEGATE JAMES:** Yes, present.

**PRESIDENT GRAYBILL:** Very well. Mr. Wilson?

**DELEGATE WILSON:** Present.

**PRESIDENT GRAYBILL:** Very well. All right, let's proceed with the order of business—Report of Standing Committees.

**DELEGATE MURRAY:** Mr. President.

**PRESIDENT GRAYBILL:** Mr. Murray.

**DELEGATE MURRAY:** More for information of the delegates than report itself, under the daily schedule for Thursday, January 20, the delegates will note that there is a call for reports of standing committees—the report of Public Information Committee. That report will be given tomorrow, rather than today. Also, they will note that there is a report due from the Rules Committee relative to the date of submission of the Constitution to the voters. This matter has been delayed. I might explain that the President met with the committee chairmen last night, and this matter was discussed, as was the matter of the schedule as provided under Rule 79—the schedule under Rule 79—and the matter of the schedule, or calendar, will be coming to the floor tomorrow. It will be considered by the Public Administration Committee today and Rules Committee at 8 o'clock in the morning, because the rule provides that the President shall set that calendar or schedule with the advice of those two committees, and will be on the floor tomorrow. The matter of the schedule was of such importance that the date of submission of the Constitution to the voters has been delayed so that under the schedule, as proposed, we can see what progress will be made before this matter is to be considered. However, your substantive committee chairmen have been instructed to discuss this with each of you briefly, so that you will be aware of some of the problems, because a report as to some of those problems had been made to the chairmen and they have some information relative to that matter. Likewise, with respect to the calendar for Friday, January 21, the Rules Committee was to report on the time for the

take the schedule up tomorrow, make progress under that schedule, we hope, and then we will consider the matter of recess at some later date. Thank you.

**PRESIDENT GRAYBILL:** Very well, in brief summary, because this may come as a surprise to some of you then, the report of the standing committee on public information is going to be given tomorrow morning, along with the committee-the Administration Committee. Secondly, we are not going to discuss this morning, on a recommendation from the Rules Committee, the date of submission, nor are we going to discuss the recess issue tomorrow morning. The reason for that is that, at the meeting of all of the committee chairmen last night, we thrashed these things over and determined that we were probably premature in discussing these matters now and that we would come out with a calendar, which is due out tomorrow. And we will all have a chance to look over the calendar, and you'll see what the committee chairmen and the President propose as the way--as the calendar; and then after that, at some appropriate time, we will discuss these other issues in greater detail. But we feel it would be premature and not necessarily the right time to arrive at a decision on these two other matters. So, we're going to pass those two matters this morning. All right. Reports of Select Committees--Well, just a moment.

Mrs. Bugbee.

**DELEGATE BUGBEE:** Mr. President, I'd like to report as present.

**PRESIDENT GRAYBILL:** Very well, the journal will so show. Report of Select Committees.

**CLERK HANSON:** None.

**PRESIDENT GRAYBILL:** Communications. Under Communications, the President would like to communicate to the body, most of whom know it--that--but for the journal, that at 8:00 a.m. on the 20th of January, 1972, at a special meeting of most of the delegates, the body--or the Convention inaugurated its distinguished speakers series with an address by Jesse Unruh, former speaker of the California assembly and authority on legislative matters. We just want that entry in the journal, and I am making it as a communication to you so that we have a line in the journal recognizing the program that we had at 8:00 this morning. Introduction and Reference of Delegate Proposals.

**CLERK HANSON:** Mr. President. "Delegate Proposal Number 1; date introduced: January 20, 1972. A proposal for a new constitutional section establishing public policy on environmental quality."

**PRESIDENT GRAYBILL:** Are you going to give the sponsor? I think it would help if you'd give the sponsor, and then they'll know if there is--

**CLERK HANSON:** Introduced by Berthelson.

**PRESIDENT GRAYBILL:** That's to the Natural Resources Committee.

**CLERK HANSON:** "Delegate Proposal Number 2, introduced January 20, 1972. A proposal for a new constitutional section providing for water rights. Be it proposed by the Constitutional Convention, State of Montana." Introduced by Berthelson.

**PRESIDENT GRAYBILL:** That's to the Natural Resources Committee.

**CLERK HANSON:** "Delegate Proposal Number 3; date introduced: January 20, 1972. A proposal for a new constitutional section to prohibit the penalty of death for any crime. Be it proposed by the Constitutional Convention, State of Montana." Introduced by Cate.

**PRESIDENT GRAYBILL:** That's Number 3, to the Bill of Rights Committee.

**CLERK HANSON:** "Delegate Proposal Number 4, introduced January 20, 1972. A proposal amending Article III, Section 13, of the Constitution of the State of Montana to provide that no registration, transport or licensing requirement fee or tax ever be imposed upon the right of--right to bear arms. Be it proposed by the Constitutional Convention, State of Montana." Introduced by Berthelson.

**PRESIDENT GRAYBILL:** That, Number 4, to the Bill of Rights Committee.

**CLERK HANSON:** "Delegate Proposal Number 5, introduced January 20, 1972. A proposal repealing Article XVI, Section 5, of the Constitution of the State. Be it proposed by the Constitutional Convention, State of Montana." Introduced by Payne.

**PRESIDENT GRAYBILL:** To-that's Number 5-to the Local Government Committee.

**CLERK HANSON:** "Delegate Proposal Number 6, introduced January 20, 1972. A proposal for a new constitutional section providing for local chapters. Be it proposed by the Constitutional Convention, State of Montana." Introduced by Payne.

**PRESIDENT GRAYBILL:** Number 6—to the Local Government Committee.

**CLERK HANSON:** "Delegate Proposal Number 7; date introduced: January 20, 1972. A proposal for a new Judicial Article, amending Article III, Section 8 and 23, and repealing Article VIII of the Constitution, State of Montana. Be it proposed by the Constitutional Convention, State of Montana." Introduced by Berth&on.

**PRESIDENT GRAYBILL:** Number 7-to the Judiciary Committee.

**CLERK HANSON:** That's all, Mr. President.

**PRESIDENT GRAYBILL:** Very well. Final Consideration.

**CLERK HANSON:** None.

**PRESIDENT GRAYBILL:** Adoption.

**CLERK HANSON:** None.

**PRESIDENT GRAYBILL:** Motions and Resolutions.

**DELEGATE MURRAY:** Mr. President.

**PRESIDENT GRAYBILL:** Mr. Murray.

**DELEGATE MURRAY:** I move that we suspend Rule 74. The reason for this motion is that, at the request of many of the delegates from the floor during the consideration of the 79 rules which we have now adopted, it appeared that we would be best to consider a rule on pairing. That rule has been prepared. It has not been distributed because the committee considered it just briefly this morning and voted that it do pass, and therefore, I would like to ask suspension of Rule 74 so that we may consider the adoption of this rule at this time, without waiting the necessary 2 days and without having the rule duplicated and spread upon the desks. And I ask that the vote—that I have support for that vote—it would be

required by two-thirds of the delegates present and voting or a majority of all delegates, whichever constitutes the lesser number, and the way I read that is 51 votes.

**PRESIDENT GRAYBILL:** Very well. I presume-I understand, then, that the Rules Committee is asking us to suspend Rule 74 for the purpose of introducing an additional rule. Now, Rule 74 says—since these aren't all in everyone's hands yet—"These rules may be amended by the affirmative vote of a majority of delegates after the proposed amendment has been submitted in writing, has been considered by the Committee on Rules..."—"both of those have been done—"and has been in the possession of the delegates not less than 2 session days prior to its consideration. Committee on Rules may be discharged from further consideration of any proposed amendment upon the same notice and by the same vote as is provided in Rule 43. One or more rules may be suspended for a specific purpose by the affirmative vote of two-thirds of the delegates present or a majority of all the delegates of the Convention, whichever constitutes the lesser number." And, to avoid laying this matter on your desks for 2 days, we need to suspend this rule, and we need to avoid that so that it can be printed with the rest of them and we won't have to have a supplement yet. All right, is there discussion on the motion to suspend the rules? That's debatable, I presume. (No response)

All right. Hearing none, the motion, then, of the Chairman of the Rules Committee is to suspend Rule 74 so that we can consider a special additional rule this morning. So many as are in favor of suspending the rules—well, we have to come out by two-thirds, so we'll vote on the voting machine and an unrecorded vote. I'll open the ballot. So many as are in favor, vote Aye; opposed, No. Does any delegate wish to change his vote? Have all the delegates voted? We'll close the ballot. By your—well, now—please announce the vote.

**CLERK HANSON:** Mr. President, 97 delegates voting Aye; no delegates voting Nay.

**PRESIDENT GRAYBILL:** All right, 97 to 0; we have suspended Rule 74. Mr. Murray.

**DELEGATE MURRAY:** Rule 80, Pairing. This is as the Committee proposes it: "Two delegates may pair on a proposal before the Convention under Orders of Business Number 5 and 6."

Now, 5 and 6, as you know, are the Final Consideration and Adoption stages. "Pairing is permitted only when one of the paired delegates is absent when the vote is taken. An agreement to pair must be in writing and dated and signed by the delegates agreeing to be bound, must specify the duration of the pair, and must be filed with the Secretary. The pair shall bind the delegates signing until the expiration of time for which it was signed unless the paired delegates sooner appear and ask that the agreement be cancelled." By way of explanation, let me say that we researched the matter of pairing before all of the constitutional conventions for which we have rules. We found that there was in none of those sets of rules any rule as to pairing. However, because of the nature of this particular Convention and the significance of the business and the request of the delegates here, I did, with the sanction of the committee, remodel the proposed rule from the existing rule of pairing under the Joint House-Senate Rules of the Legislature of the State of Montana. Frankly, neither I nor the committee see any harm in this rule; we think it will prevent--or attempt to help us in any way from having any problem of absentees and not having the majority of elected delegates' votes required and the recorded roll call votes under Orders of Business Number 5 and 6.

**PRESIDENT GRAYBILL:** Very well, we're-the Rules Committee then has moved that Rule 80 on pairing be adopted. Is there discussion on Rule 80?

Mr. Mahoney.

**DELEGATE MAHONEY:** Might I ask the Chairman a question? Marshall, are-is there going to be-how do they finish a pair? Are they going to be-now, in the old rules years ago, they could vote the pair and cancel the pair. Now, another thing that worries me just a little: I think you should be definitive. Now, maybe this is going only to be on a certain article or something and we might get, before this one person gets back, onto something else, and I think that we should determine-is he pairing on the whole Constitutional Convention or is it certain articles or things-I'm just trying to make a little protection, I agree with the idea.

**PRESIDENT GRAYBILL:** Mr. Murray.

**DELEGATE MURRAY:** Mr. President, I considered the possibility of pairing specifically but determined that the rule should be general and

the forms should be printed to conform to the rules so that pairing can be done in the specific fashion that the delegates pairing would agree to pair on. And with respect to the second matter, Charley, the last part of the rule says, "unless the paired delegates sooner appear". So, if the pair is for 3 days, for instance, and the absent delegate sooner appears, then the two delegates can go and request that the pair be ended and it will be so ended.

**DELEGATE MAHONEY:** Mr. President, the only other question I have of the gentleman is that, in case this person didn't get back or something and you got into other orders of business and things--under the other things-and he doesn't come-and ordinarily we've always had-both had to agree to the termination of a pair-and the other one isn't here, and I-This is the only thing: a person hates to be bound for too long, and I realize the 3 days, but something might happen. He might not get back, and this is what's bothering me.

**PRESIDENT GRAYBILL:** Mr. Murray.

**DELEGATE MURRAY:** Mr. President. I can appreciate that it would bother you, Charley, but I don't know how to solve the problem without complicating the general rule, such as I proposed.

**PRESIDENT GRAYBILL:** Is there other discussion?

Mr. Heliker.

**DELEGATE HELIKER:** Now, Mr. President, I rise in support of the Rules Committee's proposal, which I believe will substantially remove the objection which I made to Rule Number 1.

**PRESIDENT GRAYBILL:** Other discussion? (No response) Very well, the motion is to adopt Rule 80 on pairings. This only applies to Orders of Business Number 5 and 6--that is, Final Consideration of Proposals and Final Adoption of the Constitution. But for those two items, it would be possible to pair, one of the purposes being to be sure we could get a majority of the total delegation-total delegates. So many as are in favor of the motion to adopt Rule 80, please signify by saying Aye.

**DELEGATES:** Aye.

**PRESIDENT GRAYBILL:** As many as opposed, say Nay.

**DELEGATES: No.**

**PRESIDENT GRAYBILL:** The Ayes have it, and so ordered. So Rule 80 will be added to the rules when they're printed. Any other motions or resolutions? (No response) Unfinished Business.

**CLERK HANSON:** None.

**PRESIDENT GRAYBILL:** Special Orders.

**CLERK HANSON:** None.

**PRESIDENT GRAYBILL:** General Orders of the Day.

**CLERK HANSON:** None.

**PRESIDENT GRAYBILL:** All right. Committee Announcements and Announcements. First of all, I'd like to make a couple of general announcements--or announcements of general interest. The State Auditor has informed us that travel vouchers and expense vouchers are available. Your pay vouchers are not yet available, but your travel and expense vouchers for this period are available and you need to go to the Auditor's office and sign for them to pick them up. So that's the way the pay will be for the time being.

Mr. Schiltz.

**DELEGATE SCHILTZ:** Style and Drafting, tomorrow morning, Friday morning, 8:00 a.m.

**PRESIDENT GRAYBILL:** Mr. Murray.

**DELEGATE MURRAY:** Rules, 8 o'clock in the morning.

**PRESIDENT GRAYBILL:** Rules, 8:00 tomorrow.

Mr. Toole.

**DELEGATE TOOLE:** Committee on Administration, at 12 o'clock today, Room 434.

**PRESIDENT GRAYBILL:** Administration, at 12 o'clock today--in Room 434?

**DELEGATE TOOLE: 434.**

**PRESIDENT GRAYBILL:** All right.

**DELEGATE TOOLE:** Committee on Public Information, tonight, a dinner meeting at the Holiday, 6 o'clock, followed by a meeting in the

**PRESIDENT GRAYBILL:** What time?

**DELEGATE TOOLE:** I don't mean the Holiday, I mean the Colonial, I beg your pardon.

**PRESIDENT GRAYBILL:** All right.

**DELEGATE TOOLE:** At 6 o'clock--

**PRESIDENT GRAYBILL:** Dinner at 6 o'clock at the Colonial for the Public Information Committee; is that right?

**DELEGATE TOOLE:** Correct, followed by a meeting here at 7 o'clock.

**PRESIDENT GRAYBILL:** And the meeting at 7:00 is in the Senate chambers and, of course, anybody is invited; is that right?

**DELEGATE TOOLE:** That's correct.

**PRESIDENT GRAYBILL:** Is that on the citizens corps?

**DELEGATE TOOLE:** That's on the citizens corps.

**PRESIDENT GRAYBILL:** Very well. Mr. Joyce.

**DELEGATE JOYCE:** I don't think Dr. Roeder is going to talk on the citizens corps. Are you, doctor? (Laughter) There is a misunderstanding. Dr. Roeder is going to speak on the Executive Article generally, at 8 o'clock.

**PRESIDENT GRAYBILL:** He's going to speak at 8:00 tonight?

**DELEGATE JOYCE: Yes.** In the Senate chambers. And while I'm on my feet, the Executive Committee will meet immediately following adjournment this morning in the Executive room.

**PRESIDENT GRAYBILL:** Executive, on adjournment, and Mr. Roeder's talk is on the Executive branch at 8:00 tonight in the Senate. Mr. Toole.

**DELEGATE TOOLE:** I was so informed, Mr. President. I'm sorry.

**PRESIDENT GRAYBILL:** All right. Mr. Anderson.

adjournment. Informal meeting. The executive board of the County Commissioners Association is meeting with us at 10:30.

**PRESIDENT GRAYBILL:** Local Government, on adjournment.  
Mrs. Cross.

**DELEGATE CROSS:** Natural Resources will meet 10 minutes after adjournment this morning and also at 1:30 this afternoon for an informational meeting in 402.

**PRESIDENT GRAYBILL:** All right; that's Natural Resources, on adjournment and at 1:30.  
Mr. Rygg.

**DELEGATE RYGG:** Revenue and Finance at 10:15.

**PRESIDENT GRAYBILL:** Hold it—10:15?

**DELEGATE RYGG:** Revenue and Finance at 10:15.

**PRESIDENT GRAYBILL:** Revenue and Finance, 10:15 this morning.  
Mr. Aasheim, you were up.

**DELEGATE AASHEIM:** Legislative Committee meeting at 10:15.

**PRESIDENT GRAYBILL:** Legislative at 10:15.  
Mr. Dahood.

**DELEGATE DAHOOD:** (Inaudible) Bill of Rights Committee that we will meet this afternoon at 2 o'clock in Room 331.

**PRESIDENT GRAYBILL:** Bill of Rights at 2 o'clock-331.  
Mr. Heliker.

**DELEGATE HELIKER:** Public Health, Welfare, Labor, and Industry, immediately upon adjournment.

**PRESIDENT GRAYBILL:** Mr. Etchart, you're standing there beside that pillar and I don't see you very well, but now your turn has come.

**DELEGATE ETCHART:** Thank you, Mr. President. I'd like to announce the General Government Committee will be meeting on adjournment-10 minutes after adjournment—Room 410.

**PRESIDENT GRAYBILL:** Okay, 10 minutes after adjournment, 410, for General Government.

Mrs. Reichert.

**DELEGATE REICHERT:** I have an announcement, Mr. President. I was told by Mr. Dale Harris that it was necessary to retype my unicameral proposal, and because of this, all those kind people, 37 of them, who have signed will have to re-sign my proposal, which is being retyped. I would also like to invite those who have not signed, who might be interested in signing, to please contact me before the day is over. Thank you.

**PRESIDENT GRAYBILL:** Very well. Are there other announcements? Mr. Toole, I would like to get this one matter on the citizens corps straightened out. Is there going to be a discussion of the citizens corps tonight, Mrs. Bugbee?

**DELEGATE BUGBEE:** Yes, Mr. President, for 1 hour. We're meeting at 7 o'clock—

**PRESIDENT GRAYBILL:** Okay.

**DELEGATE BUGBEE:** -in the Senate chambers, and after that Mr. Roeder is going to be talking on the Executive at 8 o'clock.

**PRESIDENT GRAYBILL:** Okay, so there is a meeting tonight at 7:00 on the citizens corps. And anyone interested in the citizens corps or being able to work in their community on that matter should certainly come. We do want to encourage that if we can. Any other announcements?

Mr. Champoux.

**DELEGATE CHAMPOUX:** (Inaudible)-announcement for an Education Committee meeting?

**PRESIDENT GRAYBILL:** Surely. You want to announce one?

**DELEGATE CHAMPOUX:** Right after adjournment, please, Education Committee. Also, while I'm up, if I may, none of these pages have been introduced. Is it proper to suggest that perhaps we—

**PRESIDENT GRAYBILL:** We certainly should introduce the pages. And we could make you a committee to introduce the pages (Laughter) when they change every Monday morning or every Tuesday morning—Why don't you—or—

**DELEGATE CHAMPOUX:** Would you allow us to prepare—

**PRESIDENT GRAYBILL:** Do **you** want to do it now, or do you know them all now? Or do you want to be ready tomorrow morning with that?

**DELEGATE CHAMPOUX:** I'll be ready tomorrow morning, sir. (Laughter)

**PRESIDENT GRAYBILL:** Hearing no objection from the floor, you are unanimous choice to be the Chairman of the committee to introduce the pages weekly, Mr. Champoux. (Laughter) But I think your point is well taken, Rick, and I'm glad you brought it up.

Mr. Davis.

**DELEGATE DAVIS:** Could it be extended to take care of the other needs of the pages, too. Could that be an additional duty of this gentleman? (Laughter)

**PRESIDENT GRAYBILL:** Let's see.  
Mr. Martin.

**DELEGATE MARTIN:** The pages already have a Convention mother who gave a party for them last night, and I think she should have a vote of appreciation—Mrs. Pemberton. (Applause)

**PRESIDENT GRAYBILL:** Well, thank you very much, Mrs. Pemberton. The pages also have a Convention father in the sergeant-at-arms, and all you really have to do is introduce them, Mr. Champoux. (Laughter) Are there other announcements? (No response) If not, Mr. Eskildsen—oh, just a moment.

Mr. Aasheim.

**DELEGATE AASHEIM:** A matter of information, please. What is the schedule this afternoon as far as the Convention is concerned? Are there any conflicts so we can hold meetings this afternoon?

**PRESIDENT GRAYBILL:** No, there are no conflicts. You can hold meetings all afternoon.

**DELEGATE AASHEIM:** Thank you.

**PRESIDENT GRAYBILL:** Mrs. Pemberton.

**DELEGATE PEMBERTON:** I don't know that this is a conflict, but there is a hearing of the Judiciary Committee at 3 o'clock this afternoon.

**PRESIDENT GRAYBILL:** Right. There is a major hearing of the Judiciary Committee, for those who want to come, but the afternoon is open for committee work.

**DELEGATE ESKILDSEN:** Mr. President, I move that the—

**PRESIDENT GRAYBILL:** Mr. Eskildsen.

**DELEGATE ESKILDSEN:** I move that the Convention stand in recess until 9:00 a.m., Friday, January the 21st.

**UNIDENTIFIED DELEGATE:** Adjourned.

**DELEGATE ESKILDSEN:** Adjourned.

**PRESIDENT GRAYBILL:** All right, the motion is to adjourn the Convention until 9:00 a.m., Friday, the 21st. So many as in favor, say Aye.

**DELEGATES:** Aye.

**PRESIDENT GRAYBILL:** Opposed, Nay.  
(No response)

**PRESIDENT GRAYBILL:** So moved.

(Adjournment at 9:50 a.m.)

January 21, 1972  
9:10 a.m.

Eighth Day

Convention Hall  
Helena, Montana

**PRESIDENT GRAYBILL:** The Convention'll come to order. Are the mikes on?

**CLERK HANSON:** They're on.

**PRESIDENT GRAYBILL:** Let's rise and have the invocation by Reverend Scanlin.

**DELEGATE SCANLIN:** Shall we pause for a moment of silent memorial, thinking of our friend and fellow delegate, Bob Woodmansey, as they lay to rest his father, Frederick.  
(Silence)

**DELEGATE SCANLIN:** When this corruption shall have put off incorruption and this mortal shall have put on immortality, then it shall be brought to pass the saying: "death is swallowed up in victory." Let us pray. Here we are, oh Lord, on the last day of our first week together. What have we accomplished? Have we been good stewards of our allotted time? Grant, we pray, that in the hour of adjournment, each one of us, from our President to the youngest page attending, may hear the Master's words when He said, "Well done, thou good and faithful servant." Amen.

**PRESIDENT GRAYBILL:** We'll open the voting machine for attendance. Vote Aye for attendance.

**CLERK HANSON:** Woodmansey, excused; Felt and Habedank, excused. Mr. Holland.

**PRESIDENT GRAYBILL:** Close the ballot. Will you take the roll call, please, Mr. Clerk.

Aasheim		Present
Anderson,	J.	Present
Anderson,	O.	Present
Arbanas	...	Present
Arness	..	Present
Aronow		Present
Artz		Present
Ask		Present
Babcock		Present
Barnard		Present
Bates		Present
Belcher	.. .. .	Present
Berg	.....	Present
Berthelson	..	Present
Blaylock	.....	Present
Blend	..	Present
Bowman		Present

Brazier	Present
Brown	Present
Bugbee	Present
Burkhardt	Present
Cain	Present
Campbell	Present
Cate	Present
Champoux	Present
Choate	Present
Conover	Present
Cross	Present
Dahood	Present
Davis	Present
Delaney	Present
Driscoll	Present
Drum	Present
Eck	Present
Erdmann	Present
Eskildsen	Present
Etchart	Present
Felt	Excused
Foster	Present
Furlong	Present
Garlington	Present
Graybill	Present
Gysler	Present
Habedank	Excused
Hanson, R.S.	Present
Hanson, R.	Present
Harbaugh	Present
Harlow	Present
Harper	Present
Harrington	Present
Heliker	Present
Holland	Absent
Jacobsen	Present
James	Present
Johnson	Present
Joyce	Present
Kamhoot	Present
Kelleher	Present
Leuthold	Present
Loendorf	Present
Lorello	Present
Mahoney	Present
Mansfield	Present
Martin	Present
McCarvel	Present
McDonough	Present
McKeon	Present
McNeil	Present
Melvin	Present

Monroe .....	Present
Murray .....	Present
Noble .....	Present
Nutting .....	Present
Payne .....	Present
Pemberton .....	Present
Rebal .....	Present
Reichert .....	Present
Robinson .....	Present
Roeder .....	Present
Rollins .....	Present
Romney .....	Present
Rygg .....	Present
Scanlin .....	Present
Schiltz .....	Present
Siderius .....	Present
Simon .....	Present
Skari .....	Present
Sparks .....	Present
Speer .....	Present
Studer .....	Present
Sullivan .....	Present
Swanberg .....	Present
Toole .....	Present
Van Buskirk .....	Present
Vermillion .....	Present
Wagner .....	Present
Ward .....	Present
Warden .....	Present
Wilson .....	Present
Woodmansey .....	Excused

**CLERK HANSON:** Mr. President, 99 delegates present.

**PRESIDENT GRAYBILL:** Very well, the journal may so show. Actually, it's 96, and 3 excused, is what she wants—96, 3 excused, 1 absent. All right, Order of Business Number 1, Report of Standing Committees.  
Mr. Toole.

**DELEGATE TOOLE:** Mr. President, I move that we adopt the committee report of the Committee on Public Information. Mr. President, I'm not going to spend a great deal of time on this. The delegates have before them a massive program of public information in the committee report. I do want to say a few things about the citizens corps, which is an integral part of our public information program. The citizens corps, fellow delegates, if properly implemented, can bring the message of this Constitution to the people. And, of course, it will be different in every

tage; others not so. Take Paul Harlow's district—two great mountain ranges, three great rivers, three counties—but Mr. Harlow is organizing the citizens corps in his county, county by county, and he'll do an effective job. Get on with the appointment. Use it however you can. There's been a lot of discussion about it—there's a fine pamphlet by Mrs. Bughee, which you should have on your desk. Remember that the goal is to sustain interest in constitutional issues and to assure an informed vote on the revised Constitution. Fellow delegates, use it; don't write it off. I want to make a few remarks about radio and TV. We've had an experiment in the Governor's office that worked out, I think, quite satisfactorily. We realize there'll be some changes in radio and TV. We realize we've got to give committee chairmen more notice, but these problems will be ironed out. Mr. President, with your permission, I'd like now to call on Mrs. Margaret Warden for a few additional remarks on this subject. Mrs. Warden.

**PRESIDENT GRAYBILL:** Mrs. Warden.

**DELEGATE WARDEN:** Thank you, Mr. President. First of all, I'd like to say you have received copies of a trial newspaper. What I have done is clipped from the daily papers information on the Constitutional Convention. We hope to—if you like it, and I would like to have some expression on this, to let me know and we'll try to continue it so that it will be on your desk in the morning sessions. Secondly, on Tuesday—many of you have not been able to see the film on the Illinois Convention or on the Pennsylvania Convention. There will be a showing Tuesday night at 7:30 in the Highway auditorium of these two films, and we'd like as many of you to come and see them as possible. You go to the center door on Roberts, not on the corner, to get in the Highway Department. It's right down the street on Roberts. Be there by 7:30 sharp, because we hope to start it on time. Thank you.

**PRESIDENT GRAYBILL:** Mr. Toole, are you finished?

**DELEGATE TOOLE:** Mr. Chairman, I move for the adoption of the committee report.

**PRESIDENT GRAYBILL:** Very well. The question is on the adoption of the committee report of the Public Information Committee. Now, that was made available to all of you earlier this

changes-substantive changes in the report. You should all have it. So many as are in favor of the adoption of the Public Information Committee's reports, please say Aye.

**DELEGATES:** Aye.

**PRESIDENT GRAYBILL:** Opposed?  
(No reponse)

**PRESIDENT GRAYBILL:** The Ayes have it, and so ordered. All right, Order of Business Number 2.

**CLERK HANSON:** None.

**PRESIDENT GRAYBILL:** Order of Business Number 3.

**CLERK HANSON:** None.

**PRESIDENT GRAYBILL:** Reports of—  
or, Communications.

**CLERK HANSON:** None.

**PRESIDENT GRAYBILL:** Order of Business Number 4, Introduction and Reference of Delegate Proposals.

**CLERK HANSON:** "Delegate Proposal Number 8, introduced by Martin and others. A proposal for a new constitutional section providing for recall of public officers. Be it proposed by the Constitutional Convention, State of Montana."

**PRESIDENT GRAYBILL:** To General Government.

**CLERK HANSON:** "Delegate Proposal Number 9. A proposal for a new constitutional article vesting local government powers in districts. Be it proposed by the Constitutional Convention, State of Montana."

**PRESIDENT GRAYBILL:** To Local Government.

**CLERK HANSON:** "Delegate Proposal Number 10. A proposal for a new constitutional section providing for equal rights. Be it proposed by the Constitutional Convention, State of Montana." Introduced by Blend.

**PRESIDENT GRAYBILL:** Bill of Rights. Mr. Clerk, read those a little slower. I don't believe the delegates have these before them, and they want to be able to—

**CLERK HANSON:** Fine. "Delegate Proposal Number 11, introduced by Blend. A proposal for a new constitutional section providing for full state funding of all free public schools. Be it proposed by the Constitutional Convention, the State of Montana." Delegate Proposal Number 11.

**PRESIDENT GRAYBILL:** To Education and also to Revenue and Finance, jointly.

**CLERK HANSON:** "Delegate Proposal Number 12. A proposal for a new constitutional article providing for the environment. Be it proposed by the Constitutional Convention, State of Montana." Introduced by Curtis.

**PRESIDENT GRAYBILL:** To Natural Resources.

**CLERK HANSON:** Cate, I guess.

**PRESIDENT GRAYBILL:** Cate. Natural Resources.

**CLERK HANSON:** "Delegate Proposal Number 13. A proposal for a new constitutional section making all persons over 18 years of age adults for all purposes, including the right to hold any public office. Be it proposed by the Constitutional Convention, State of Montana." Introduced by Campbell and others.

**PRESIDENT GRAYBILL:** To the Bill of Rights Committee.

**CLERK HANSON:** "Delegate Proposal Number 14. A proposal amending Article III, Section 7, of the Constitution of the State of Montana to prohibit interception of private communications without a valid search warrant. Be it proposed by the Constitutional Convention, State of Montana." Introduced by Campbell and others.

**PRESIDENT GRAYBILL:** To the Bill of Rights Committee.

**CLERK HANSON:** "Delegate Proposal Number 15. A proposal for a new Constitutional Section incorporating the intent of Ordinance Number 1 of the 1889 Constitution. Be it proposed by the Constitutional Convention, State of Montana." Introduced by Scanlin and Vermillion.

**PRESIDENT GRAYBILL:** To the Bill of Rights Committee and to the Style and Drafting Committee, jointly.

**CLERK HANSON:** That is all, Mr. President.

**PRESIDENT GRAYBILL:** Now, may I make one remark about reference of proposals. Some of you questioned one of my references yesterday. I am aware that the environmental issue may eventually be the subject of some joint hearings, but the proposals yesterday contained more than a bare statement of a right. They contained a good deal of material that would seem to me to imply a department or at least legislative action. I will, in the near future, at your suggestion later, consider some joint hearings on environment between Bill of Rights and the Natural Resources Committee. Okay. Now, how about Resolutions? That's Number—

**CLERK HANSON:** That's Number 5—no, Number—

**PRESIDENT GRAYBILL:** All right. we'll put that off. Okay, now—5, Final Consideration.

**CLERK HANSON:** None.

**PRESIDENT GRAYBILL:** 6, Adoption of Proposed Constitution.

**CLERK HANSON:** None.

**PRESIDENT GRAYBILL:** 7, Motions and Resolutions. Before we take up the ones this morning. let's take up the ones we're going to assign.

**CLERK HANSON:** Mr. President. "Resolution Number 2. A resolution of the Constitutional Convention of the State of Montana urging the members and staff of the Legislative Council to give consideration to citizens' suggestions submitted to the Convention."

**PRESIDENT GRAYBILL:** To the Rules Committee.

**CLERK HANSON:** "Resolution Number 3. A resolution to provide that certain citizens' suggestions be forwarded to the Legislative Council." Introduced by Koeder.

**PRESIDENT GRAYBILL:** To the Rules Committee. Now, we have some procedural committee resolutions this morning. Mr. Toole, is your matter up from printing yet?

**DELEGATE TOOLE:** No, Mr. President, the resolution is not up from printing. However, we could save some time, if the delegates wish to do so, and discuss the payroll without the resolution, if it pleases the Chair.

**PRESIDENT GRAYBILL:** Well, with your permission, let's move to Mr. Murray and let's take up proposed Resolution Number 7, the schedule, and maybe that'll give you a little time.

**DELEGATE MURRAY:** Mr. President.

**PRESIDENT GRAYBILL:** Mr. Murray.

**DELEGATE MURRAY:** Delegates, you have in front of you a three-page--what we call or what we have designed as a resolution—is in the form of a letter or memorandum to all delegates from President Graybill, having to do with the Convention schedule. And at this time, I wish to report that the Committee on Administration and the Committee on Rules and Resolutions have reviewed this matter and the committees have voted that the resolution be adopted and the schedule be accepted as is. And if there are no objections, I would ask the President to explain the schedule as submitted to you.

**PRESIDENT GRAYBILL:** Any objections? (No response) Very well. This memorandum should be considered in the form of a resolution, and we'll get it in better form next time. But, in any event, Rule 79 requires that the President present to the Convention a schedule, and that schedule was discussed at some length with the committee chairmen on Wednesday night. And the main points of the schedule are to set a cutoff date for submission of delegate proposals and, secondly, to set reporting dates for the committees and, third, to set a date on which we expect to initiate debate on the proposals. Now, in addition to that, Rule 38 requires the President to schedule the formal hearings that were required in subparagraphs 2, 3 and 4 of that rule—you'll remember we debated the rule on committee hearings. And we provided that a formal, public statewide hearing be held for each major committee in a series, and Rule 38 provides that I am to schedule that. Now, the schedule is not really subject to the Convention's debate—but the—that is, the schedule of those hearings isn't—but the schedule of the time of cutoff certainly is, and all I would say is, if we change the schedule, then I will withdraw and

make the hearing schedule fit whatever schedule we end up with today. My purpose is not to keep you from discussing the committee schedule--the hearing schedule--but we don't want to get into a lot of bickering about which committee comes first, and we'll schedule that after we know the other schedule. Now, if you'll turn to page 3, you'll see there both a calendar schedule and a substantive committee schedule, so that you can tell when your committee would have to report. The main points of this are that, on the 3rd of February, which is a Thursday in the third week, at 5:00 p.m., would become the deadline for submitting delegate proposals. There were some of the committee chairmen who wanted it the weekend before that and there were some of us who wanted it at least the weekend after that, but we compromised, and we have suggested that delegate proposals, the formal proposals that we're assigning here, be all in by 5:00 pm. on February 3rd. Then, the second major thing that you need to consider is that the hearings you see are in the first column of the calendar schedule and then the deadline for committee proposals are in the second column. Now, the second column is really controlling, and we are proposing to you that the General Government Committee split off the subjects of suffrage and revision and report on them first, just to start things rolling, and that then the committees report their formal proposals to this Convention, including minority reports, in a rolling manner, between the 12th and the 19th--the Legislative being on the 15th--and then two a day until Thursday, when we have three, and then two more on the last day. And since General Government went first with suffrage and revision, we're letting them go last with whatever else remains of their docket. Now, once this is what we're really discussing--once that's set, we back up and we really back those formal hearings off so that everybody has at least five, and in some cases 7 or 8 days between their formal hearing and their deadline for submission of their proposals, so that anything that came out of those hearings could be rewritten or changed in their proposal. Then, the final point, I think, that this schedule makes is that, if the General Government Committee reports on the 12th, which is a Friday or Saturday--it's either a Friday or a Saturday--then we would probably be able to start--we have this 48-hour rule--their report would be printed and would certainly be on the desks Tuesday, we would think, so Tuesday and Wednesday would go by and we would be able to start debate on that matter on Thursday, the 17th

of February. And then we would presume that debate would continue apace from then on, perhaps a half day at the first, but certainly a full day after the end of that week. And, assuming [the] Legislative Committee also made its deadline on the 15th, we would be able to debate it before the 19th--the 18th or 19th, we could start on that. Now, that's the purpose of this calendar, and the key dates are the 3rd of February and then the week of the 12th to the 19th of February for your committee proposals to be out. And then, based on that, the formal hearings would be backed off. And, lastly, that debate would probably start the 17th of February. Now, with that explanation, is there discussion of the proposed schedule?

Mr. Brazier.

**DELEGATE BRAZIER:** Mr. President, in the category of nit-picking, on your second page of your memo, the second paragraph, it is said that it is anticipated that the debate on committee proposals will commence on Tuesday, February 17th. I believe February 17th is a Thursday.

**PRESIDENT GRAYBILL:** Yes, that should be Thursday, so let's amend the memo to read Thursday, February 17th. Are there other people who wish to discuss this matter? (No response) All right. If not, so many as shall be in favor of what will be styled eventually Resolution Number 7, which is the schedule presented here with the report--so many as are in favor of the schedule proposed in the report, Resolution Number 7, please say Aye.

**DELEGATES:** Aye.

**PRESIDENT GRAYBILL:** Opposed, Nay.

(No response)

**PRESIDENT GRAYBILL:** The Ayes have it, and so ordered. Now, Mr. Toole, how are you coming?

**DELEGATE TOOLE:** I think it's being delivered now, or is about to be delivered. Do you want me to start before it gets here, Mr. President? It's up from printing, and I think they're about to bring it out.

**PRESIDENT GRAYBILL:** How about the budget? Could we go through the budget? I guess really that is--needs to be second, doesn't it?

**DELEGATE TOOLE:** You have the new

budget before you. We might start on the budget, Mr. President. We go--we'll start on the budget and then go back to the staff, if that's agreeable with you.

**PRESIDENT GRAYBILL:** Yes, let's put the budget before them. I have prepared--again, the budget is the President's responsibility under Rule 6.

**DELEGATE TOOLE:** There are some changes in the budget which result from slight changes in the staff. You don't have the changes in the staff on your desk yet, so I'm going to address a few remarks to the budget itself, which is substantially the same budget except for approximately \$900 that you received the other day. I want to discuss an item which had been brought up and which was brought up in the hearing yesterday. The Enabling Act that provided for this Convention provided that the Convention disseminate information to the public with respect to the provisions of the new Constitution. Now, there has been talk that we are going to "sell" the Constitution to the voters. We are going to do nothing of the kind if I have anything to do with it. We are going to explain a very complicated document, the most complicated document ever proposed to the people of the State of Montana. It's going to be an educational process. There will be no Madison Avenue tactics used. Yes, there will be films, and those films, under the law and under the federal grant which we received, must not be partisan--must not take sides. There will be slides. There'll be articles. There may be TV. There'll be newspaper. There will certainly have to be delegate activity. The Constitution may be submitted in several articles. This issue is to take some careful public education. There is absolutely no intent on the part of this committee, and I hope on the part of this Convention, to try to sell this Constitution the way you sell soap. It just simply will not be done if I have anything to do with it. Now, those are my preliminary remarks on that portion of the budget with respect to public information. There may not be many--any money left for public information, but that's the way I feel about that particular portion of the budget. Now, perhaps, Mr. President, you'll want to open debate on that subject, since I think we're going to have some. If so, proceed.

**PRESIDENT GRAYBILL:** Very well, is there further discussion on the proposed budget?

**DELEGATE SCHILTZ:** Mr. President, I think, as a result of my appearance before the committee--was it yesterday or day before yesterday--that the committee has very graciously answered some of my objections to the problem. However, Mr. Toole has said on two occasions here this morning that this budget will--this particular item of the budget--will be expended in the fashion he states if he has anything to do with it. Now, I don't know if Mr. Toole is going to have anything to do with it, so I would like to offer an amendment for an additional provision, by way of an amendment to the committee report, which is as follows: "Provided, however, that of the money budgeted for public information, none thereof shall be expended for anything but factual reporting of the proceedings of this Convention." Mr. President.

**PRESIDENT GRAYBILL:** Mr. Schiltz, can you supply the Chair here and the journal with a written copy of your proposed amendment?

**DELEGATE SCHILTZ:** Just handwritten all right?

**PRESIDENT GRAYBILL:** That's fine. We can work from that. Mr. Schiltz.

**DELEGATE SCHILTZ:** Mr. President, as I said, I think this places a little insurance on how this money is spent, in case Mr. Toole is not the man in charge of spending it. I believe him when he says that if he has anything to do with it, that it will be spent in this fashion. I firmly believe that the Constitution should be explained to the people of the State of Montana. Mr. Toole assures me that it will not be sold to them, and I want to be sure that it isn't. I take the position that if this Constitution is any good, it will sell itself. If it's bad and we're using public moneys to sell it, it shouldn't be done. And that, in essence, is the reason for my amendment and my proposal.

**PRESIDENT GRAYBILL:** Very well, is there other discussion? Mrs. Bugbee.

**DELEGATE BUGBEE:** I'd like to ask Mr. Schiltz--I have in my hand here--and the Convention has not paid for this--but this is *The Legislative Assembly in a Modern Montana Constitution* by Ellis Waldron. It's an excellent pamphlet. It's one of the best I've ever seen. Does

tion to pay to cover to send this to anybody-that nobody in this state has a right to anything like this?

**DELEGATE SCHILTZ:** Mrs. Bugbee, I haven't seen it, but if it in any way does anything other than to state what has transpired in this Convention, I would object to it.

**DELEGATE BUGBEE:** So therefore your amendment means that there shall be no background material, no informing the citizens of Montana of various-no ways for them to find out various points of view and to deepen their knowledge about the whole governmental process?

**DELEGATE SCHILTZ:** I welcome that—welcome the people of Montana having an opportunity to find out the points of view of the people in this Convention. I don't want the people of Montana to be convinced of a Constitution with public moneys. If somebody wants to take up a collection and promote and hand out Dr. Waldron's pamphlet, that's fine with me, but I don't want public money spent for anything other than factual reporting of what transpires here.

**DELEGATE BUGBEE:** It seems to me, Mr. Schiltz, this is awfully limiting for the people of Montana. I don't know, really, how they're going to find out-get a background as to issues just on what comes out from the Convention itself.

**DELEGATE SCHILTZ:** If we treat that as a question instead of a speech, we have newspapermen all over the place who are reporting. The newspapermen are going to comment. The newspapermen are going to pick us to pieces if we go to work putting out people's opinions, outsiders' opinions or insiders' opinions, of what should be done here unless it's something that transpired on the floor here.

**PRESIDENT GRAYBILL:** Other discussion?

Mr. McKeon.

**DELEGATE McKEON:** I rise in support of the motion made by Mr. Schiltz. I, too, greatly fear that these taxpayers' moneys will be used to promote a Constitution rather than explain it. I will agree that the public moneys should be spent if they will be used only to explain the Constitution, but I do not want a Madison Avenue type of slick package which will sell something to the people. Thank you.

**PRESIDENT GRAYBILL:** Mrs. Reich&.

**DELEGATE REICHERT:** Mr. President, I have a question. I have before me some of the material distributed by the Illinois Constitutional Convention. I realize that in our Enabling Act, every voter will be given a copy of the proposed Constitution before voting, but my question is: will this copy be similar to what we receive before every election—for example, the sales tax, with the small print—I mean—which really—I think it really encourages people not to bother reading what we have proposed. In Illinois they did prepare a newspaper-type explanation of each Article, and I think that it's very easy reading. In addition, they have a simple one-page explanation of what is in the Constitution, including their alternatives. I'm wondering—my question is, are we prepared to produce something of this nature for the voters of Montana.

**DELEGATE SCHILTZ:** Mrs. Reichert, as you know, I'm Chairman of the Style and Drafting Committee. One of the things that the Style and Drafting Committee will do—this Constitution, when finally adopted, will be disseminated to every registered voter in the State of Montana. Along with every Constitutional provision, underneath it is an explanation of why this is being done or why this was changed or how it was changed from what existed previously.

**PRESIDENT GRAYBILL:** Mr. Toole.

**DELEGATE TOOLE:** I think everyone in this Convention is aware of the fact of the type of foolscap presentation by the Secretary of State on these type of documents. It is not widely read. It's in fine print. It's on a poor quality of paper. This committee proposes, with the help of Montana State University and a grant that they received, to put this Convention out in a form which is—put this Constitution out in a form which is readable, which is understandable, and I might say that this brochure put out by Montana State University cannot be framed in any partisan way. It cannot be framed in any way to promote the Constitution or oppose the Constitution, but it will be a great improvement over the type of foolscap which you receive from the Secretary of State on most issues of this kind.

**PRESIDENT GRAYBILL:** Other discussion?

Mr. Martin.

**DELEGATE MARTIN:** Mr. President, as I said the other day at the hearing, if we've got any notions that we can use Madison Avenue tactics in public information, we would need 500,000 or more and we've got exactly \$17,000 and that wouldn't begin to scratch the surface. I think, Mr. President, you said the other day that perhaps you could have ads or radio-radio paid ads or radio—for-and television for vote for the Constitution or something of this sort. I don't think that, under this budget, it would even scratch the surface to attempt to do that, and as I envision what could be done with the \$17,000 certainly you couldn't do anything with that but provide some informative information to the media and the other people.

**DELEGATE WARDEN:** Mr. President, I rise in support of the motion of John Toole on Public Information and on—as a member of the Public Information Committee. I feel that we do have to do something to get as many people informed about what we are doing and what we have done here. I think it is the most important thing that we have in the Convention, and if we are—everything we do has to be checked as being—well, how do I put it?—as being suspicious—I don't think this is right. I think we have to have mutual trust. I believe that when John Toole says that, he means it. I believe that when I say it, I mean it. We want to inform. We don't intend to have a propagandizing machine that will blanket everything, because, first of all, we wouldn't have any money and, second of all, I'm sure this would not be the proper way to do it. But I do feel that the Public Information funds must be used to inform the people of the State of Montana. Thank you.

**PRESIDENT GRAYBILL:** Mr. McNeil.

**DELEGATE McNEIL:** Mr. President, I rise in support of Mr. Schiltz's motion. I have complete trust in our Public Information Committee and know that they will be objective. However, I believe that it is premature at this time to include an item in our budget for disseminating information about a document which we don't even have the roughest of drafts at this time. It is entirely possible that the hundred delegates assembled here won't be able to agree upon anything. I am confident, as I am sure certain each of you are confident, that this Constitution will assemble a superior Constitution which will be completely acceptable to the people of Montana. I was pleased to hear Mr. Toole's comment that, toward the tail

end, there may be no money left for Public Information. For that reason, there should be no objection to the amendment which I will now propose to Mr. Schiltz's motion. The amendment I propose is to add the following language: "that none of the \$28,000 in the Public Information budget be spent unless approved by a majority of the delegates after the final draft is completed".

**PRESIDENT GRAYBILL:** Will you please supply the Chair with a written copy of that amendment. Now, I won't debate it until I can read it, Mr. Schiltz. Wait till we get our copy. Very well, the amendment to Mr. Schiltz's motion by Mr. McNeil is "that none of the \$28,000 in the Public Information budget be spent unless approved by a majority of the delegates after the final draft is completed".

Mr. Harbaugh.

**DELEGATE HARBAUGH:** Mr. President, it seems to me that if we adopt either the substitute motion or the amendment, that we are expressing a vote of no confidence in the Information Committee, that we are expressing a vote of no confidence in ourselves and a vote of no confidence in the work of this Convention, and I would rise to speak against both of these motions.

**PRESIDENT GRAYBILL:** Mr. Schiltz.

**DELEGATE SCHILTZ:** Will Mr. McNeil consent to a question?

**DELEGATE McNEIL:** Yes.

**DELEGATE SCHILTZ:** Do I understand that your amendment is an additional proviso on top of my motion?

**DELEGATE McNEIL:** Yes, and that the intent is that the money not be spent until approved by a majority of the delegates but that if it is to be spent, or when it is voted, that it is to be restricted to the distribution of information only and not for promotion.

**DELEGATE SCHILTZ:** Mr. President, may I speak to that?

**PRESIDENT GRAYBILL:** You may. I'd like to point out to Mr. McNeil that's not in his amendment. All he said isn't in his amendment. His amendment is "that none of the 28,000 be spent unless approved by a majority of the delegates after final draft is completed" period.

Mr. Schiltz.

**DELEGATE McNEIL:** Mr. President, the first line of my handwritten note says to add—

**PRESIDENT GRAYBILL:** Yes, to his—

**DELEGATE McNEIL:** -to add to his motion.

**PRESIDENT GRAYBILL:** Right.  
All right, Mr. Schiltz.

**DELEGATE SCHILTZ:** Now, I would like to speak to the substitute motion. I accede to that substitute—is that a substitute?

**PRESIDENT GRAYBILL:** No, that's an amendment to yours by way of addition.

**DELEGATE SCHILTZ:** I accede to that amendment. This now being a new motion, this is the last time I'll be able to speak on this subject, so I would like to say to Mr. Toole and Mrs. Bugbee that I have every confidence in Dr. Waldron. I've known him a long time. He's a good friend of mine. I would like to observe—I've done a little writing myself—it's virtually impossible to keep your own feelings out of any writing you do, and I just don't want anything done by any outsider in this Convention that is disseminated to the public with public funds.

**PRESIDENT GRAYBILL:** Mrs. Pemberton.

**DELEGATE PEMBERTON:** Mr. President, I would like to speak in several directions—is this thing on? I'd like to speak in several directions to this, to Mr. Toole. I can appreciate your comments, and to Mr. McNeil, I can appreciate yours. As a member of the media and the press—in getting information out to the people of Montana, we have to have confidence in the press and in the news media, and I'm one of those people who takes it as it comes. I think that they have been asked to do a terrific job in getting the reports of this, and they may not be right. Remember, this goes to several different sources. It goes from me to you—to you, and then sometimes it ends up with the news media and it goes to reporters and it's printed. I think that it's the only way we can get the news out to the people of Montana about this Convention, and I think they're doing a terrific job. I don't believe that they are going to be biased, and they're looking at it as they see it, as we are conducting the business, as we see it, and there are going to be very many points of view toward this

As far as the film is concerned, in the Public Information Committee, which was held before the Convention started—the Public Information Committee had this responsibility of deciding, because "the fund itself. We had to decide at that particular time whether to have this made historically or not, this film, and we decided yes, and that has been committed to this. I'd like to have these gentlemen know this and that the delegation know this also. I think that we should use every means to get this out to the people of Montana and trust their judgment.

**PRESIDENT GRAYBILL:** Is there anyone else that wishes to debate it before I let Mr. Toole and Mr. McNeil close?

Mr. Romney.

**DELEGATE ROMNEY:** Mr. President, I feel two ways about this, but I think that there should be great safeguard against using public money to try to get this Constitution approved by the electorate. I think that the reason for this probably goes back to the methods that were used to get the electorate to approve holding the Convention. If you will remember, the Legislature in 1969 submitted the proposition as a referendum vote to the electorate. I was a member of the Legislature, and I voted for it. It passed—a little bit of history might not be amiss—in both houses of the Legislature. The proposition failed in the first vote. It had to have two-thirds in both houses. The second go-around, it passed by one vote in each house, each house had one vote more than the necessary two-thirds, and it would not have passed in the lower house—the House of Representatives—had not 10 or 12 members abstained from voting. Had they voted, it would have wrecked it. The election came along, and the people who had charge of the money to expend, which had been appropriated by the Legislature for the purpose of explaining it, spent a good fraction of it on newspaper advertising and on advertising over the air. There were numerous spot advertisements on the air saying "vote for the Constitution—don't forget to vote for the Constitution such-and-such a date"—material of that type, no argument, just to vote. You know how spot advertisements are. In the press, the ads—the display ads gave no arguments. It was just to be sure to vote for the Constitution. It was public money spent on one side of the proposition. It so happened that I approved of the thing, but I did not approve of the practice. It so happened that, as a newspaper publisher, I was a beneficiary of the slush fund, but I did not approve of the

practice, and that's the only thing that I object to here, and I think Delegate Schiltz and Delegate McNeil are doing a yeoman job in this matter of calling this to the attention of the public. I rejoice at the statement that John Toole made, but I think that a little bit of insurance-John Toole may not be handling this money. There may not be any money. But there may be 50,000 more dollars coming from a grant. I think it doesn't do a little bit of harm to take this money out and shake it into light so that there won't be anything like this transpire.

**PRESIDENT GRAYBILL:** Mr. Davis.

**DELEGATE DAVIS:** Mr. President, the problem, I think, that's presented by Mr. McNeil's amendment, the \$17,000, restricting it to factual information to be disseminated subsequently, and if it has to be approved by everyone here, I wouldn't think that would really present any problem. But as far as the documentary film to be made of the proceedings and committee meetings, we can't do that after the document is finished. In other words, we've got to go forward with either a decision on making this documentary film to be placed in the archives-the other major constitutional conventions have prepared such a film. It's supported by various grants, and in 1972 a documentary film would seem to be the current way to record some of this history. So I submit-or would ask Mr. McNeil to yield to the question and ask him if he opposes the Information Committee, of which I am a member-sometimes some of them, I think, wish I weren't, Mrs. Bugbee-but do you object to us proceeding with the documentary film, which we either have to go forward with or we have to cancel. We can't come back and reenact any scenes from this Convention after it's over with.

**DELEGATE McNEIL:** Carl, in response to your question—

**PRESIDENT GRAYBILL:** You may answer the question, Mr. McNeil. You may have the floor for the answer of the question.

**DELEGATE McNEIL:** Yes. In response to your question, I would have no objection to the filming of a purely historical document. However, I'm most concerned about the fact that the man with the camera in his hand can film those portions which he wants to film. I do not care whether

enced by the person--which committee meeting is he particularly going to attend? I think it's premature to authorize the expenditure of any money before the document is prepared in acceptable form to the delegates.

**PRESIDENT GRAYBILL:** Mr. Champoux.

**DELEGATE CHAMPOUX:** Mr. President—

**PRESIDENT GRAYBILL:** Wait a moment. Mr. Davis, are you through?

**DELEGATE DAVIS:** No, I believe I still have the floor and I am yielding to his question, if I may, Mr. President. Would you have a different opinion--would you yield to another question, Mr. McNeil?

**PRESIDENT GRAYBILL:** Mr. McNeil, you may yield-you may answer the question.

**DELEGATE DAVIS:** Would it meet with your approval if such a film were prepared and everyone would hope and make their best efforts to proceed on a pure documentary basis, but that it would not be released until it had approval of a majority of the Convention. Since we can't make it afterwards. You see what I mean?

**DELEGATE McNEIL:** Certainly. And I don't mean to imply censorship, that it should show just the parts I want to; but if it is purely objective, I would agree.

**PRESIDENT GRAYBILL:** Mr. Davis.

**DELEGATE DAVIS:** Could you read the motion again, please, Mr. President?

**PRESIDENT GRAYBILL:** "That none of the \$28,000 in the Public Information budget be spent unless approved by a majority of the delegates after final draft is completed."

**DELEGATE SCHILTZ:** Point of order—

**PRESIDENT GRAYBILL:** Just a moment, now. Mr. Schiltz, point of order.

**DELEGATE SCHILTZ:** (Inaudible)—have added to my original motion so that the entire motion should be read.

**DELEGATE DAVIS:** If the President doesn't object, I think it would be helpful. I think—

**PRESIDENT GRAYBILL:** All right. I understood you to say you wanted Mr. McNeil's amendment read. "Provided, however, that the money budgeted for Public Information—that of the money budgeted for Public Information, none thereof shall be expended for anything but factual reporting of the proceedings of the Convention; that none of the \$28,000 in the Public Information budget be spent until approved by a majority of the delegates after final draft is completed."

**DELEGATE DAVIS:** As a member of the Public Information Committee, I'd have to resist that. I'm opposed to selling and I'm opposed to anything but factual information, but there is no way the Public Information Committee can function unless we do these things as the Convention is going on, for subsequent release. So I would therefore resist both the motion and the amendment.

**PRESIDENT GRAYBILL:** Mr. Champoux.

**DELEGATE CHAMPOUX:** Am I in order at this point to talk in favor of Mr. Toole's resolution or not?

**PRESIDENT GRAYBILL:** You are in order to debate the amendments, which you can oppose the amendments and in that way support them, I guess.

**DELEGATE CHAMPOUX:** All right. First of all, I would like to say that the Public Information Committee isn't the United States Department of Defense. Secondly, we're talking about spending over \$500,000 in this Convention; we're talking about spending over \$200,000 on a special election; and I think it's ridiculous not to be able to spend \$28,000 in disseminating for public information. The third thing, in talking with some of the delegates and reading some of the articles in the statewide papers, sometimes we wonder if they're writing about the North Dakota Convention. Thank you.

**PRESIDENT GRAYBILL:** Mr. Harper.

**DELEGATE HARPER:** I think we're all in sympathy with the direction of Mr. Schiltz's motion, and I think he's done us a service to call this to our attention so that we can all be aware of the fact that we ought to be careful at these points,

and I am in favor, in general, of what he says. But I think that if we got legalistic in terms of interpretation of it, we might undo some things that I don't believe he even maybe had in mind when he made this suggestion. For example, the tours of school children who come, other things. You might not say this is factual reporting of what's going on in the Convention. I can see how somebody on the committee might say factual reporting of this Convention would mean that various points of views that were expressed—an article like Ellis Waldron's dropped into the hopper then could properly be reported as information which went to the delegates, et cetera, et cetera. And, I think, without it, we can keep the essence of what he wants and with it we might be in a little bit of a legal bind in trying to do the complete job.

**PRESIDENT GRAYBILL:** Mrs. Robinson.

**DELEGATE ROBINSON:** I would like to speak against the proposed amendment, primarily because, involved with what Mr. Champoux stated, that in terms of total expenditure of this Constitutional Convention we are spending a half million dollars of the State of Montana. We can at least reserve a small portion of that to let the state know what we're doing with that money. And I also would like to talk on—or mention to Mr. Schiltz—I hope that you do not mean that everyone that is not a member of this Convention is an outsider, because I believe that every citizen of Montana is as much a part of this Convention as we are, and I hate to see them referred to as outsiders.

**PRESIDENT GRAYBILL:** Now we are debating Mr. McNeil's second amendment.

Mr. Martin, I'm not certain whether you've spoken on Mr. McNeil's amendment or not. Very well. Mr. Martin.

Gentlemen, I'm going to let you close, but I'm not going to let you talk until it's time to close.

**DELEGATE MARTIN:** I would just like to point out to the delegates that by adoption of the Public Information report just a few minutes ago, you have adopted by the Convention the policy statement of the Public Information Committee which requires openness, the presentation of both sides and everything of this sort. By your Convention—I think your action you have agreed on this policy of openness and fairness and certainly are not going to muzzle anyone.

**PRESIDENT GRAYBILL:** Mr. Cate.

**DELEGATE CATE:** Mr. President, two things that haven't been said. First of all, I rise in opposition to Mr. Schiltz's and Mr. McNeil's motions and in favor of Mr. Toole's motion. The people elect legislators. That's how the people are represented. The Legislature, acting on behalf of the people, set up the question of whether or not we would have a Constitutional Convention. The people had an opportunity to vote on it, and they voted for it. So, to say that we're spending the people's money to promote the Constitutional Convention and we shouldn't be doing that, is a concept that I don't agree with. The people gave us this money, and they gave it to us for the purpose of having a Constitutional Convention. And I think we would be remiss in our duty if we didn't try to sell the final product after we have spent some \$700,000. Secondly, the point should be made that I think we're going to do some great things here and we're going to come out with what I believe will be a great Constitution--maybe not containing all the things that I might like, but tempered with the wisdom of those who are older, and it will be a viable document. And there are forces and people in the State of Montana who are going to be opposed to this new Constitution, and they're going to be spending a lot of money to defeat it. And I'm afraid it would be a sorry state if we came out with this kind of a Constitution and the opposition was there spending their money and we had no money with which to present the true—or an explanation or retaliation to their comments. Thank you.

**PRESIDENT GRAYBILL:** Mr. James.

**DELEGATE JAMES:** Mr. President, I would like to speak in opposition to Mr. McNeil's proposal. I think it's unduly restrictive and highly unrealistic. I'd also like to speak in sympathy with Mr. Schiltz. I think that his concern is that we be objective, that we do not try to sell the unicameral or bicameral, that we do not try to sell the Montana Plan or an environmental clause, but that we be purely objective. If Mr. Schiltz may speak, was that the intent of your motion, Jack?

**PRESIDENT GRAYBILL:** Mr. Schiltz, you may answer. The point is that you ask the Chair if you may yield to a question and then the Chair will allow you to do that, but we just don't let debates start between two of you without coming in here. Okay. Mr. Schiltz, you may answer.

**DELEGATE SCHILTZ:** That was precisely the point of my motion. Mr. President, while I'm on my feet—and I'm not going to make a speech—but I heard you say twice that you were going to allow Mr. Toole to close, and I don't want to raise a point of order, but I think that—

**PRESIDENT GRAYBILL:** Well, when the time comes, if you object to it, I'll explain my ruling. Before we go to Mr. Toole, is there other discussion of Mr. McNeil's amendment?  
Mr. McCarvel.

**DELEGATE McCARVEL:** Mr. President, I wonder if Mr. McNeil would yield to a question.

**PRESIDENT GRAYBILL:** Mr. McNeil, will you yield'?

**DELEGATE McNEIL:** Yes.

**DELEGATE McCARVEL:** Is it your intent that the material or proceedings that are here will be cut off from the press by the information?

**DELEGATE McNEIL:** Of course not.

**DELEGATE McCARVEL:** Then, all your intent is that, after we have finished the product, then the Information Committee could bring it to the public.

**DELEGATE McNEIL:** Negative. I do not intend in any way to restrict the Public Information Committee at this time.

**DELEGATE McCARVEL:** No, not at this time in bringing it to the public, but when the finished product comes out, then it is the time to bring it to the public as a finished product.

**DELEGATE McNEIL:** Upon approval of a majority of the delegates at this Convention, at that time I would make the motion to spend the money.

**DELEGATE McCARVEL:** Then I will have to go along with your proposal.

**PRESIDENT GRAYBILL:** Mr. Kelleher.

**DELEGATE KELLEHER:** As I understand it now, Mr. McNeil has amended Mr. Schiltz's motion.

**PRESIDENT GRAYBILL:** Right.

DELEGATE KELLEHER: And so we're not-are we voting now on the amendment, when you do call for a vote?

PRESIDENT GRAYBILL: All right, I'll explain this. When we vote, we will vote on Mr. McNeil's amendment. Mr. McNeil will get to close and Mr. Schiltz will get to close, since it's his amendment that's being amended. Then, when we vote on Mr. Schiltz's amendment, he'll get to close and Mr. Toole will get to close on the whole thing because it's an amendment to his amendment. Okay. In other words, the fellow that proposes has a chance at the end and the fellow that--who's being amended also has a chance.

Now, you're on the floor, Mr. Kelleher.

DELEGATE KELLEHER: I wasn't so much concerned as to who was going to be closing, Mr. President, but when you call for the--is my mike on? I'm tired; these late committee meetings--is my mike on?

PRESIDENT GRAYBILL: Yes.

DELEGATE KELLEHER: As to--are we going to vote on the amendments separately; that's my question, sir.

PRESIDENT GRAYBILL: Yes, sir.

DELEGATE KELLEHER: I think that the amendment is premature and that the original motion of Mr. Schiltz is also premature. I have a question. Has the \$11,000 been committed of this \$28,000 to the U of--MSU?

PRESIDENT GRAYBILL: If that question is directed to the Chair, it has been committed, but it depends on the passage of the budget.

DELEGATE KELLEHER: I see. Only one state, as I understand it, Mr. President, has debated this problem of attempting to sell the finished product to the people of that state, and I have no fear of using the word "sell". I am trying to sell my delegates on the floor of this Convention and committee hall--even in the men's room--every day. And when we are finished--I haven't been able to get into the other room (Laughter) or I'd try to sell there, too. And when we're finished with this product, and I hope that it's going to be a revolutionary type of document--not a lot of rehash of what we've got--I have no objection to using the word "try to sell it" to the people of the State of Montana. I rather suspect that there will

be an organized movement to attempt to defeat the document. In fact, shortly after the election, one person down in my part of the state said that no matter what happened, no matter what they wrote up there in Helena, this person was going to defeat it, attempt to defeat it. Because the only state that debated this matter refused to spend, as I understand it, public funds to attempt to "sell" the finished product--and I submit that there is a very fine, indistinguishable line between opinion and strictly factual information and it would take more than a Philadelphia lawyer to determine what it is when we put out our advertising to explain this final document to the people of Montana, that it'd be an impossible proposition. In this state they decided not to spend the money, and it was one of the states whose constitution went down to defeat. And I rather suspect, and I have not had time to investigate the matter, but I rather suspect that, because they did not have sufficient funds with which to sell--and I use the word advisedly--the finished document to the people of Montana, that that was the reason why it was defeated, and that was in the State of Arkansas. For this reason, Mr. President, I move that we table--and because we have not completely--we have not finished, we have not drafted, really, on this floor, not even one word, not even the title of our Constitution--because I feel this matter is premature at this time, I move that we table the motion of Mr. Schiltz and the amendment of Mr. McNeil. Thank you.

PRESIDENT GRAYBILL: I understand a motion to table both amendments--is that right, Mr. Kelleher?

DELEGATE KELLEHER: Yes, sir.

PRESIDENT GRAYBILL: Both amendments has been made--that motion is not debatable.

For what purpose do you rise, Mr. McKeon?

DELEGATE McKEON: I rise to ask Mr. Schiltz a question.

PRESIDENT GRAYBILL: I'm sorry, we are going to have to vote on this motion to table these two amendments. All those--

Mr. Aasheim, for what purpose do you arise?

DELEGATE AASHEIM: To ask the Chair a question. Can we vote on the two simultaneously?

**PRESIDENT GRAYBILL:** Well, Mr. Kelleher, you are moving to table both of them?

**DELEGATE MURRAY:** Well, this is the problem. We've got a motion here and it's got an amendment tacked onto it.

**PRESIDENT GRAYBILL:** All right. Let's vote to table Mr. McNeil's, which includes Mr. Schiltz's, and then we'll have to consider what to do with Mr. Schiltz's separately. Mr. Romney, for what purpose—

**DELEGATE ROMNEY:** Point of order.

**PRESIDENT GRAYBILL:** All right.

**DELEGATE ROMNEY:** As I understand it, the McNeil amendment was accepted by Mr. Schiltz, and so it is one proposition.

**PRESIDENT GRAYBILL:** Well, I listened to Mr. Schiltz carefully, but I did not understand that he was accepting it and replacing his motion with it. My understanding said he was agreeing with it. Now, we've debated it on that basis. If he's going to accept it, he's got to make it clearer to me. I understood he was agreeing with the sense of it; I didn't understand he was accepting it as his motion. I think I have Mr. Schiltz's mind in-in my mind.

For what purpose do you arise, Mr. Berg?

**DELEGATE BERG:** Question of the Chair.

**PRESIDENT GRAYBILL:** Very well, ask the question.

**DELEGATE BERG:** Are we to consider that this motion—

**PRESIDENT GRAYBILL:** Well, I'm—

**DELEGATE BERG:** (Inaudible)—to table applies to both motions?

**DELEGATE BERG:** Are we to consider that this motion to table applies to both motions?

**PRESIDENT GRAYBILL:** Well, I'm—

**DELEGATE BERG:** (Inaudible)—in the position of favoring one amendment but opposed to the other, he would necessarily be in the position of killing both.

**PRESIDENT GRAYBILL:** I'm about to

to the McNeil motion first, which does include both motions, and then if he wants to remake it for the Schiltz motion, we'll do that separately. Is that agreeable with you, Mr. Kelleher?

**DELEGATE KELLEHER:** Mr. President, would you please—I'm sorry to ask, but would you please read back to me Mr. McNeil's motion?

**PRESIDENT GRAYBILL:** Mr. McNeil's motion includes Mr. Schiltz's motion and it says: "Provided, however, that of the money budgeted for Public Information, none thereof shall be expended for anything but factual reporting of the proceedings of the Convention; that none of the 28,000 in Public Information budget be spent unless approved by a majority of the delegates after final draft is completed." That's his whole amendment. So we'll vote, unless you object, Mr. Kelleher, on tabling that amendment. Then I'll give you the floor and you can make another one if you want to.

Mr. Toole.

**DELEGATE TOOLES:** May I speak on the motion to table?

**PRESIDENT GRAYBILL:** No, it's non-debatable. We're going to move to table it, one way or the other here, without debate. If you want to ask a question or have a point of order, that's fine; but no debate. All right, all those in favor of Mr. Kelleher's motion to table Mr. McNeil's motion—or amendment, which includes the whole text, please say Aye.

**DELEGATES:** Aye.

**PRESIDENT GRAYBILL:** Opposed, No.

**DELEGATES:** No.

**PRESIDENT GRAYBILL:** The Chair is in doubt. We'll have an unrecorded roll call vote. All those in favor of tabling the motion, vote Aye; those opposed to tabling the motion, vote No.

Have all the delegates voted?

(No response)

**PRESIDENT GRAYBILL:** Does any delegate wish to change his vote?

(No response)

**PRESIDENT GRAYBILL:** The ballot is closed. The tally is 50 Nays, 45 Ayes. The motion is not tabled.

separate motion at this time? We're going to vote on Mr.-I think, Mr. Kelleher, [I'll have to come back to you after we dispose of Mr. McNeil's motion, one way or the other. All right, now, we're still debating Mr. McNeil's motion, which includes the whole thing.

Mr. Brown.

**DELEGATE BROWN:** Mr. President, I have listened to this debate, and I am a member of this Public Information Committee. If this motion, as amended, is passed, I don't see how the State University could come over and make the film or if they would make it, because we'd have it all done; and if the people didn't approve of it, they would vote it down and we could not pay them the money. I think they're going to have to give some discretion to the committee to do what we think is best. And I agree with Mr. Schiltz that we should factually report it, but we can't be legislated on and given a little discretion; and I'm sure members of the committee that I know, that we will see that the information is factual. If there's any attempt to sell this Convention, then we'll come back to the Convention as a whole and report. So, for those reasons, I think that their people would not deal with us if we are too restricted.

**PRESIDENT GRAYBILL:** Mrs. Eck.

**DELEGATE ECK:** I'd like to ask Mr. McNeil a couple of questions on this issue.

**PRESIDENT GRAYBILL:** Mr. McNeil, will you yield?

**DELEGATE McNEIL:** Yes.

**DELEGATE ECK:** I'm not too much aware of all of the programs now under way by the Public Information Department, but I do know that they have set up a program of school tours, which Mr. Harper mentioned. I do know that they're issuing weekly bulletins to weekly newspapers who do not have access to the Capitol Bureau reports. Would you suggest that, right now, those two programs be cut, and your amendment would do that?

**DELEGATE McNEIL:** That was not the intent, Mrs. Eck.

**DELEGATE ECK:** How would you, in that case, continue these when none of this money is to be spent until the end of the Convention?

**DELEGATE McNEIL:** Is this the only source of funds available to that committee'!

**DELEGATE ECK:** I think so.

**PRESIDENT GRAYBILL:** Mr. Skari was up next.

**DELEGATE SKARI:** Mr. President, I think this airing was quite useful. The concern of Mr. Schiltz and Mr. McNeil is also a concern of mine, but I also feel that we here do not wish to write too restrictive a document. We're concerned that perhaps the insurance or the guarantees that we get in this matter will not be worth the price, and I think perhaps that this may also be the case with the rules that we enact here--that these, in effect, are our own Constitution. I would suggest--at least I have been assured by the Public Information Committee that they're capable of doing a good job, and I guess I feel that we should allow them to go ahead with this and not overly restrict them. And I think perhaps that--and I have used this word "sell", too--I think perhaps we should consider, for all purposes, that it is a four-letter word and perhaps we should avoid it. (Laughter) Thank you.

**PRESIDENT GRAYBILL:** Mrs. Babcock.

**DELEGATE BABCOCK:** Mr. President, as a member of the Public Information Committee, I rise in opposition to Mr. McNeil's amendment because I feel it would be a great loss to the State of Montana not to have this film made in order to preserve the history of this Constitution. I also rather resent when you refer to the Madison Avenue tactics, because I happen to live on Madison Avenue. (Laughter)

**PRESIDENT GRAYBILL:** Mr. Harlow.

**DELEGATE HARLOW:** Mr. President, I rise as a member of the public, which I am. I may be a delegate, but I am also a member of the public. And I am concerned about the fact that we're not going to get anything from the proceedings of this Convention--from the Convention. All that we will get under these proposed amendments to the budget is what will be given out by the press and by word of mouth. If we haven't the faith in ourselves and in our fellow delegates to use the money proposed here in the budget at the various levels, explained in the budget, and we're going to start out restricting this amount and that amount, we

will end up not being able to even pay ourselves until we have a motion on the floor that we should pay, and that will cost more money and we'll have less money to pay ourselves. I am strongly opposed to this restriction of giving information from this delegation to the public.

**PRESIDENT GRAYBILL:** Mr. Jacobsen.

**DELEGATE JACOBSEN:** Mr. President, fellow delegates. I am against Mr. McNeil's amendment and Mr. Schiltz's amendment. The Public Information Committee has done and is doing a terrific job of getting this information to the public so far. They have done—I don't know how many hours of time have been put into the planning that they've done for the picture, for other things. I believe that we must let them plan and use their discretion and bring the things before this body as is necessary. I do not think we should tie their hands at this time. They should plan ahead as a business must plan in an advertising promotion. We have a big job—and we can use "sell" if we want to here, I believe, because the public must be sold on this document we provide; and I think it has to be over a long period of time, all during this Convention. And if there are things that the public information group can do to assist us as we go along, I think we need all the help that we can get.

**PRESIDENT GRAYBILL:** Very well. Mr. Berg.

**DELEGATE BERG:** Will Mr. McNeil yield to a question?

**PRESIDENT GRAYBILL:** Mr. McNeil?

**DELEGATE BERG:** Mr. McNeil, is it the sense of your motion that no moneys may be expended by the Public Information Committee unless and until the document—a Constitution—has been approved finally by this Convention?

**DELEGATE McNEIL:** That is the strict language of the amendment; yes, Ben.

**DELEGATE BERG:** And are you aware that once this Convention finally approves that document, it then is in adjournment?

**DELEGATE McNEIL:** That's correct.

**DELEGATE BERG:** And is it then the purpose of your motion to prohibit the Public Informa-

purpose during the time that this Convention is sitting?

**DELEGATE McNEIL:** Yes, unless approved by a majority vote of this Convention.

**DELEGATE BERG:** And so it is the intent and purpose of your motion not to express any confidence in the Public Information Committee to expend budgetary funds?

**DELEGATE McNEIL:** Without prior approval of this Convention, yes.

**DELEGATE BERG:** Mr. Chairman.

**PRESIDENT GRAYBILL:** Yes.

**DELEGATE BERG:** It seems perfectly obvious to me that the sole and only purpose of Mr. McNeil's amendment is to disenfranchise the Public Information Committee during the course of this Convention. Now, I am personally opposed to that. On the other hand, I am in agreement with Mr. Schiltz's amendment that any information produced by the Public Information Committee regarding the proceedings of this Convention be factual and objective, but I would not hamstring their budget appropriations unless, of course, it is the sense of the Convention that it is being misapplied.

**PRESIDENT GRAYBILL:** Mr. Dahood.

**DELEGATE DAHOOD:** Mr. President, I move the previous question.

**PRESIDENT GRAYBILL:** Okay, previous question has been moved. In other words, we're going to vote on whether to vote on Mr. McNeil's amendment. Two-thirds vote is necessary, the clerk informs me. All those in favor of voting now on Mr. McNeil's amendment, say Aye.

**DELEGATES:** Aye.

**PRESIDENT GRAYBILL:** Opposed, Nay.

**DELEGATES:** Nay.

**PRESIDENT GRAYBILL:** The Ayes have it, and we will now vote. All right, the proposition is on Mr. McNeil's amendment, which is: "Provided, however, that of the money budgeted for Public Information, none thereof shall be expended for anything but factual reporting of the

\$28,000 in the Public Information budget he spent unless approved by a majority of the delegates after the final draft is completed." So many as are in favor of that amendment, say Aye.

**DELEGATES:** Aye.

**PRESIDENT GRAYBILL:** So many as opposed, say No.

**DELEGATES:** No.

**PRESIDENT GRAYBILL:** The Noes have it, and the amendment fails. We are now debating Mr. Schiltz's amendment, which is: "Provided, however, that of the money budgeted for Public Information, none thereof shall be expended for anything but factual reporting of the proceedings of the Convention." Is there any further discussion?

Mrs. Payne.

**DELEGATE PAYNE:** (Inaudible) ask Mr. Schiltz a question. Do you mean, Mr. Schiltz; that we couldn't go ahead having this film made by the university?

**DELEGATE SCHILTZ:** Not at all. So long as the film is a film of the proceedings of this Convention, I have no problem with that.

**DELEGATE PAYNE:** Yes. You've seen one of the films that's been produced—

**DELEGATE SCHILTZ:** I've seen the Bell Telephone Company film of the State of Illinois.

**DELEGATE PAYNE:** Yeah--good. Thank you very much.

**PRESIDENT GRAYBILL:** Is there other discussion of Mr. Schiltz's amendment. If not, Mr. Schiltz, do you want to close first. Mr. Schiltz: there's no further discussion. You may close first, then Mr. Toole, to whose report you are making an amendment, may close finally.

**DELEGATE SCHILTZ:** Thank you, Mr. President. I appreciate very much the interest of all the members. I think we've excited a reasonably good debate here today and everybody—almost everybody has had a say, except Wade Dahood, who moved the previous question. I get hack to the proposition all the time. I think my motion only puts into words and into a formal document of this Convention what Mr. Toole assured us of in the very beginning—that they did

not intend to do anything other than what the language of my motion provides. I would like to say once more that I think that if this document turns out to be a good document, and we all have every hope that it will—we're certainly all working hard enough—that it will sell itself. Thank you.

**PRESIDENT GRAYBILL:** Mr. Toole.

**DELEGATE TOOLE:** Mr. President, I think everything has been said that can be said on this subject. I would warn the delegates that the film is scheduled to be started—to be shooting next Tuesday, and if we take this out of the budget, that's going to have to be cancelled. Mr. President, I would suggest—or move that we vote at this time on Item 0128 of the budget.

**PRESIDENT GRAYBILL:** Well, Mr. Toole, wait a minute. We have to vote on Mr. Schiltz's amendment yet.

**DELEGATE TOOLE:** Oh, I beg your pardon.

**PRESIDENT GRAYBILL:** All right. Very well, the proposition before us is Mr. Schiltz's amendment that: "Provided, however, that of the moneys budgeted for public information, none thereof may be expended for anything but factual reporting of the proceedings of the Convention". So many as shall be in favor of that amendment, say Aye.

**DELEGATES:** Aye.

**PRESIDENT GRAYBILL:** So many as shall be opposed, say No.

**DELEGATES:** No.

**PRESIDENT GRAYBILL:** The Chair is in doubt. We'll open the ballot. So many as are in favor, vote Aye on the voting machine; so many as are opposed, vote No. Have all the delegates voted?

(No response)

**PRESIDENT GRAYBILL:** Does any delegate wish to change his vote?

(No response)

**PRESIDENT GRAYBILL:** The vote is closed, and the vote is 5% Ayes in favor of the amendment and 43 Noes against it, so the motion carries. Now we're back on debate on the budget

and the budget has been presented to you. Is there further discussion on other matters on the budget?

Mr. Blaylock.

**DELEGATE BLAYLOCK:** Mr. Chairman. Under the-oh, we're not-

**PRESIDENT GRAYBILL:** We're on the budget now, not the staff yet-the budget.

**DELEGATE BLAYLOCK:** Excuse me.

**PRESIDENT GRAYBILL:** Anything else on the budget?  
Mr. Toole.

**DELEGATE TOOLE:** Mr. President, if you will turn to the staff section in the budget, you will notice that we've made some minor changes in salaries.

**PRESIDENT GRAYBILL:** Hold that a little further away from your mouth, Mr. Toole. Thank you.

**DELEGATE TOOLE:** You've noticed that we have made some minor changes in salaries. Mr. Spall and Mr. Sullivan have been increased from \$25 to \$35 a day.

**PRESIDENT GRAYBILL:** Mr. Toole, since you now have-may I interrupt you-since you now have your other resolution concerning employees and their salaries before you and since that is an integral part of the budget, would it be agreeable with you to defer consideration of the budget while we consider your other resolution, and then we'll know whether the budget is right or not?

**DELEGATE TOOLE:** Which resolution are you referring to-the dissemination of information?

**PRESIDENT GRAYBILL:** Resolution Number 4, which has now been placed on the delegates' desk, is a resolution prescribing the titles and salaries of Convention employees. I wonder if we could take that up. We discussed the budget first, but let's take that up since we now have this.

**DELEGATE TOOLE:** Yes, that's my intent.

**PRESIDENT GRAYBILL:** Right. That's your intent. Okay. Go ahead on that resolution—

**DELEGATE TOOLE:** Resolution Number 4 provides for certain salary changes. As I said, Mr. Spall and Mr. Sullivan, both of whom are research analysts, newly hired because of the addition of two additional committees, are found to be very competent, both highly recommended by their committee chairmen. Therefore, the committee recommends that their salary be increased from 25 to \$30 a day. Bookkeeper, Mr. Al Brown, an experienced businessman-finance, banking, retailing-Convention fortunate to have him. He's been working without pay prior to the Convention. We recommend that his salary be increased from 25 to \$30 a day. Pretty hard to hire a man of his experience for those kind of wages. Miss Sue Phillips, a typist, has been given a very heavy job in Public Information, involving considerable typing. We recommend that her salary be increased from \$17 a day to \$18 a day-those salary increases make a total change in the total budget-they make a change in the total budget of \$955. I would move at this time that the Convention adopt the recommendations of salary increases in the staff.

**PRESIDENT GRAYBILL:** Very well. Mr. Toole's motion is that the resolution on title and salaries of the Convention employees be adopted.  
Mr. Hanson.

**DELEGATE HANSON:** Mr. President, I think probably it's a typographical error, but on the last sheet, Sue Phillips, it shows \$17. I believe that was intended, Mr. Toole, to be \$18.

**PRESIDENT GRAYBILL:** Mr. Toole, isn't that correct? Sue Phillips was raised at committee meeting yesterday to \$18?

**DELEGATE HANSON:** He did say so, but the typed sheet doesn't show it, John.

**PRESIDENT GRAYBILL:** Will everyone take page 2—and about five salaries from the bottom, you'll find Sue Phillips. Will you please make that \$18.

**DELEGATE TOOLE:** Oh, yes, that's a mistake. Sue Phillips should be at \$18 instead of \$17.

**PRESIDENT GRAYBILL:** Very well. Mr. McKeon.

**PRESIDENT GRAYBILL:** Will you wait a minute? Okay, now you have the floor.

**DELEGATE McKEON:** Thank you very much. My motion is basically that the salaries of the two research analysts be raised to a level comparable with the other research analysts; to wit: \$36.14. The other part of my motion is that the salaries of the committee secretaries be raised from \$20 to the amount which is paid the secretary receiving the highest salary, \$25.38. I make this motion, Mr. Chairman, because I feel—

**PRESIDENT GRAYBILL:** Just a moment, Mr. McKeon. Have you got a written copy of your motion?

**DELEGATE McKEON:** No, I don't.

**PRESIDENT GRAYBILL:** Well, will you write one up for me?

**DELEGATE McKEON:** Thank you very much. Can I write it up after I finish?

**PRESIDENT GRAYBILL:** Well, I'd like to have it so I know what I'm talking about. Just take a minute and write down your figures. We don't want to make any mistakes. I might say, for the edification of the rest of you, that the Chair is going to enforce that rule about written motions unless the motion is to change one word or one very short phrase in something. It's just—we got a record and we got the journal and we got a Chairman and none of us know what we're talking about if we don't have these things in writing. So, if you come to a meeting prepared or intending to amend something, please get to some steno and get it typed up. We'll take it handwritten today, but we really would like it typed up in better form when we get further along. Obviously, if we get in the middle of debate and you change something that has been put in later, we'll be pretty liberal with the rule; but on things that you've thought about, I would appreciate it, and so would the journal clerks, if we could have it in writing.

For what purpose does Mr. Nutting rise?

**DELEGATE NUTTING:** (Inaudible).

**PRESIDENT GRAYBILL:** Wait a minute, Mr. Nutting. Now, for what purpose do you rise?

**DELEGATE NUTTING:** Do you have amendment forms that could be available to the

delegates that we could have so that we could send them right up?

**PRESIDENT GRAYBILL:** Yes, I'm sure there are forms in the clerk's office that you can use.

**DELEGATE NUTTING:** They are available in the clerk's office?

**PRESIDENT GRAYBILL:** Yes, sir. All right, Mr. McKeon's motion is: "I move that the salaries of the research analysts presently receiving \$30 a day be raised to \$36.14 per day and that the salaries of the committee secretaries be raised to \$25.38 per day." Very well.

Mr. McKeon.

**DELEGATE McKEON:** Thank you very much, Mr. Chairman. I won't belabor my point, because I think the point has been made. There is a disparity in the pay scale as it is presently proposed to this body. I propose to rectify this disparity and believe that the sense of fair play and the conscience of the delegates will lead to the one conclusion that the salaries must all be the same because these people are doing the same jobs, working the same hours, and expected to perform at substantially the same level. For this reason alone, I feel that these people must be paid the same rate. Thank you very much, Mr. Chairman.

**PRESIDENT GRAYBILL:** Is there discussion?

Mrs. Eck.

**DELEGATE ECK:** You'll note on the report that after some employees there are asterisks. It doesn't indicate what those are for, but the people with asterisks after their names are persons who have worked over the last various numbers of months—that they were all on the commission staff. In other words, these are people with experience. The committee felt when they met, that some disparity in salaries for the same job could be acceptable in cases where employees had previous experience, and I think that—and especially in this case, where the experience and the understanding of the total working of the Convention and what they're expecting to happen—I think that this disparity is not—you know—I think that the salary differentials are really acceptable in this case because of this reason—discrepancies in the amounts of training. I believe that all of the research analysts, for instance, who were on the staff before have master's or doctor's

degrees or are attorneys or such; whereas, the new ones—one has not quite finished the bachelor's degree; I believe the other one has. I'm not meaning to indicate that they are not really great staff members. And I think that both of them have been working doubly hard because they are new. But I do think that this helps to explain the reason for the salary scale that was set up.

**PRESIDENT GRAYBILL:** Mr. Heliker.

**DELEGATE HELIKER:** (Inaudible)—ask Mrs. Eck a question?

**PRESIDENT GRAYBILL:** Mrs. Eck, will you yield?

**DELEGATE ECK:** Yes.

**DELEGATE HELIKER:** Mrs. Eck, can you tell me whether the other research analysts—that is, those that worked for the commission—were hired at a lower rate and then advanced after a certain length of time?

**DELEGATE ECK:** It's my understanding that they were hired at the same wage as they're getting now. There have been no increases, and I think you have a point there.

**DELEGATE HELIKER:** Mr. President, do I still have the floor?

**PRESIDENT GRAYBILL:** I beg your pardon?

**DELEGATE HELIKER:** May I ask to—have the floor?

**PRESIDENT GRAYBILL:** You have the floor, yes.

**DELEGATE HELIKER:** I have no knowledge—I'm not on the committee and I don't want to imply that I consider the committee's action here as a personal affront, but I do have some knowledge about Dick Spall, and in view of the fact that the other research analysts were hired at the full rate of \$36.14 or more and were not required to go through a probationary period; in view of the fact that in my personal knowledge Dick Spall is an extremely well-qualified and trained research analyst who—while that is true, he lacks 16 hours, of credit hours, of reaching his A.B.—has already taken the CPA exam, has maintained practically a straight-A average through his college career from the very beginning. I told him

when I asked him if he would take the job that he would be expected, because he is coming in late, to work 12 hours a day, 7 days a week, to catch up, and I think that's what he has been doing. And I think that instead of being penalized for the fact that he was hired late and therefore has to work harder, he ought at least to be paid as much as the other research analysts.

**PRESIDENT GRAYBILL:** Mr. Gysler.

**DELEGATE GYSLER:** Mr. President, as I understood the amendment on salaries and secretaries, the figure of \$25.38 was given. I would just like to make the point that when they did that, they still left the salary one cent less than the one on the page they're referring to.

**PRESIDENT GRAYBILL:** Mr. McKeon, do you want to discuss your own motion, or what do you want to do?

**DELEGATE McKEON:** I was just going to say that I think that's a misprint. I think that, on the other proposed budget, it was 25.38; however, it is a penny. Oh, has it? Mr. Chairman, may I ask Mrs. Eck a question?

**PRESIDENT GRAYBILL:** Who'?

**DELEGATE McKEON:** Mrs. Eck.

**PRESIDENT GRAYBILL:** Well, now, you don't have the floor until you close. Are you ready to close?

**DELEGATE McKEON:** No, I'm not. Thank you. I'll sit down.

**PRESIDENT GRAYBILL:** Mr. Blaylock.

**DELEGATE BLAYLOCK:** Mr. Chairman, I'd like to ask Mrs. Eck a question. Under the committee secretaries, Mrs. Eck, you pointed out that one had been employed by the commission. Are you saying then that none of the other committee secretaries were employed by the commission?

**DELEGATE ECK:** Any committee secretary who was employed by the commission has an asterisk after her name. I think you'll notice then, if you get down to Rules, Alice Berner was employed by the commission also.

**DELEGATE BLAYLOCK:** I see. Then I rise in support of Mr. McKeon's motion, I think

that--and I'd like to speak particularly to the committee secretaries that, in absence of a compelling reason that one is doing more work than the other or has more responsibility, that all committee secretaries should be paid the same.

**PRESIDENT GRAYBILL:** Mr. Champoux.

**DELEGATE CHAMPOUX:** Mr. President, may I ask Mr. McKeon a question, please?

**PRESIDENT GRAYBILL:** Yes. Mr. McKeon'!

**DELEGATE McKEON:** Yes.

**DELEGATE CHAMPOUX:** Mr. McKeon, do you have any estimate at all as to what we're talking about in terms of money here?

**DELEGATE McKEON:** I think probably, in the terms of the salary raises I proposed, we're probably talking approximately \$1,500.

**PRESIDENT GRAYBILL:** Is there further discussion?  
Mrs. Cross.

**DELEGATE CROSS:** Mr. President, I think that we should remember that this Convention has a limit on the amount of money that is available for us to spend, and if you will look at the total figure of your budget. I think we've reached the limit. I don't quarrel with Mr. McKeon on the fact that he thinks these secretaries and other help may deserve more money. The point is, the Budget Committee had a certain amount of money to work with, and I believe that he should explain to us where the extra funds are going to be cut, because they are not in addition to the total amount. They're going to have to be taken from somewhere else if this motion goes through. I think he should be able to tell us that.

**DELEGATE McKEON:** (Inaudible)-that by way of asking.

**PRESIDENT GRAYBILL:** Just a moment, Mr. McKeon. You can't have the floor unless somebody asks you to yield, until your final speech.

Mr. Dahood.

**DELEGATE DAHOOD:** Mr. President, I'm particularly concerned about the situation with respect to the secretaries. I know the secretary to one of the committees who is from my city

of Anaconda, and her capability is beyond question. It seems to me that within the Hill of Rights Committee, we're very concerned about provisions and protections in connection with discrimination. If all the committee secretaries are doing the same work under circumstances where I assume they have the same capability, their salary structure should be equal. I think to try and point out one particular secretary and say that she should have something more because of some previous position, I do not think is logical in this situation. We are determining their capability and their quality, their ability to function with respect to the committee. They have equal responsibility, they have equal duties, and I think their pay should be equal. I must confess, with respect to the research analysts, my position would be somewhat different. There, some have bachelor's degrees, some do not; some are doing graduate work. There, I think, the difference in excellence requires some difference with respect to compensation. Thank you, Mr. President.

**PRESIDENT GRAYBILL:** Mr. Scanlin.

**DELEGATE SCANLIN:** Mr. President, has anybody raised the question of why not reduce the one, rather than raise the 10? (Laughter)

**PRESIDENT GRAYBILL:** You have, Mr. Scanlin. (Laughter) Is there further discussion? Amendments'? (No response) Very well. Mr. McKeon, you may close on your motion.

**DELEGATE McKEON:** I may close first by saying I didn't raise the question of lowering anybody's salary, because I think that in both instances the salaries that the top people are getting are good salaries, and I think they should be maintained. Were there more money in the budget, I would like to see them all raised. However, I realize that isn't possible. I would like to parrot what Mr. Dahood said, and Mr. Dahood is Chairman of the Bill of Rights Committee and is involved in these things. We must not base our employment on a theory of discrimination which, in effect, we have here. We have all come to this Convention Hall to write a document which we hope will be a lasting and tremendous document and will be a document that will mean something to the people. This will all be lipservice unless we can begin our task of working for the people and against discrimination by eliminating the discriminatory provisions in this pay scale. I realize that-or at least I feel that before we can begin the work of seeking a better life for the people of Mon-

tana, we must begin here and we must begin by raising these salaries. Thank you very much.

**PRESIDENT GRAYBILL:** Mr. Toole.

**DELEGATE TOOLE:** Mr. President, this Convention has \$500,000. Nine weeks is a very short time. We've allowed for a possible 10 weeks. We may not be able to get this job done in that time. We're going to need every dime that we can get to complete this job for the people of Montana. These salaries are in line with what the Legislature pays, in fact in many instances they're higher. They are in line with what business pays. In my opinion, Mr. McKeon's motion raises them out of proportion to what they should be. It jeopardizes the success of this Convention by reason of raising expense unreasonably, and I sincerely hope that this Convention adopts the committee report as submitted.

**PRESIDENT GRAYBILL:** Very well. The question is on Mr. McKeon's motion to amend Resolution Number 4 by raising the salary of Dick Spall, a research assistant, from 30 to \$36.14 and the salary of Chuck Sullivan, a research analyst, from \$30 to \$36.14; and to raise the salaries of one, two, three, four, five, six, seven, eight, nine—nine committee secretaries from \$20 to \$25.39. So many as are in favor of Mr. McKeon's motion, say Aye.

**DELEGATES:** Aye.

**PRESIDENT GRAYBILL:** Opposed. No.

**DELEGATES:** No.

**PRESIDENT GRAYBILL:** The Noes have it, and so ordered. We're back on the basic proposition. Mr. Cate, of adopting Mr. Toole's Public or Administration Commission Resolution Number 4. That's the business before us. Now, do you have discussion on that business'?

Mr. Cate.

**DELEGATE CATE:** Mr. President, I call for a division on that last vote.

**PRESIDENT GRAYBILL:** All right, I'll give you the division, but I did pause a long time. and if we're going to have divisions, I want you to let me know. I don't want to go ahead with the next business. So, we'll now take a division and I'll open the ballots. So many as in favor of Mr. McKeon's motion to raise these salaries, vote Aye: so many as are opposed, vote No. This is not a roll

call vote—that is, it's not a recorded roll call vote. Have all the delegates voted?

(No response)

**PRESIDENT GRAYBILL:** Does any delegate wish to change his vote'?

(No response)

**PRESIDENT GRAYBILL:** If not, the ballot will be closed. The Ayes are 26; the Noes are 63. The vote failed—the amendment failed. Now we are on the order of business of adopting Resolution Number 4 of the Administration Committee. Is there further discussion'!

Mr. McNeil.

**DELEGATE McNEIL:** Mr. President, I rise to speak about a principle that is very important to me personally. When I made similar comments in the presence of the Administrative Committee a couple of days ago, I found that it was a quite unpopular cause; nevertheless, I feel that my conscience dictate that I must make these comments. I wish that they could be made without concerning personalities. Unfortunately since the comments will apply only to two individuals, that will not be possible. I assure you that there is no intention to even include personalities, as I have not even personally met our executive director, so that this is completely based on the principles involved. The justification--and I'm addressing myself now to the fact that our executive director and one research analyst are both receiving salaries--or are proposed to receive salaries in excess of that paid to the delegates. The justification of training, education, hard work, dedication and other comments that were put forth for these proposals to me seem equally applicable to every delegate in this room. Our present Constitution says, and the Supreme Court of Montana affirmed, that the delegates to this Convention be elected in the same manner as the House of Representatives. Following that direction, the elected representatives of the people of Montana fixed the combined salary and per diem of the delegates at \$45 per day. I believe it is fundamentally wrong for us, now, to sit down and adopt a budget and hire salaried employees at a greater pay scale than the delegates themselves. Now, everyone is unanimous in agreeing that the commission did an outstanding job, probably the best in preparing any convention that has ever been held, in assembling data and doing research for this Convention. However, the commission's work is done. It is finished, and the sole responsibility now is in the hands of these

delegates to, in the language of the Enabling Act, revise, alter or amend the Constitution of Montana. And I cannot accept that, as these deliberations begin, that any salaried employee is more valuable than any single delegate in this room. I therefore move to amend the budget as follows: "That the maximum salary paid to any employee of the Convention not exceed \$45 per day."

**PRESIDENT GRAYBILL:** Mr. McNeil, will you send me a written copy of that? All right, there's an amendment to the Resolution Number 4 to the effect that the maximum salary paid to any employee not exceed \$45 per day, and that would include the executive director and the Local Government research analyst, and I believe that is all. Is there discussion on the amendment? Mr. Toole.

**DELEGATE TOOLE:** Mr. President. Mr. McNeil, you are underpaid. Every delegate in this room is underpaid. I trust that you did not run here for the money. I don't think I need to eulogize Dale Harris, the work that he's done to make this Convention possible, the work that he is continuing to do, the hours that he is putting in, his professional attainments. To reduce him to the figure that you're talking about, I think would result in chaos, the possibility of our losing him completely, and I shudder to think what that might result in. To me your proposal does not make sense. You just can't hire people like Dale Harris for \$45 a day, and we desperately need him. Now, with respect to Karen Holliday. She was the arrangements director under the commission—

**PRESIDENT GRAYBILL:** Mr. Toole, may I interrupt you. The only other employee to which this applies is Jerry Holloran.

**DELEGATE TOOLE:** Oh, Jerry Holloran.

**PRESIDENT GRAYBILL:** Right.

**DELEGATE TOOLE:** Jerry Holloran was assistant director. Jerry Holloran is in the same category as Dale Harris. Dale Harris-Jerry Holloran's responsibilities in the commission were great. He has a background which is considerably greater than the other research analysts. We felt it improper to reduce his salary. We think he's probably-he's being properly remunerated. We think he's worth the money. I hope that your--and I hope the Convention does not sustain your amendment.

**PRESIDENT GRAYBILL:** Mr. Anderson.

**DELEGATE ANDERSON:** I rise to resist the amendment. I think it is high time we examine ourselves and the work that the committee has done on this thing and the efforts that they have made to come out with the proper compensation for all these people within the bounds of the moneys allotted to us, and I ask your support of the committee by resisting this motion.

**PRESIDENT GRAYBILL:** Mr. Simon.

**DELEGATE SIMON:** Mr. President. If I can ever get this thing on-Mr. President.

**PRESIDENT GRAYBILL:** Mr. Simon.

**DELEGATE SIMON:** Is this on?

**PRESIDENT GRAYBILL:** Yes. You're on.

**DELEGATE SIMON:** I would rise to resist the motion on several grounds. I believe that, first, we have to realize that the compensation for this group was set by the Legislature. Now, if it were true that the Legislature--and we are under the same condition--running under the same condition as the Legislature--if this body and this group, if we were in the Legislative Session, could not hire anybody in the state for more than \$20 a day because this has been set by the Legislature. And when the Legislature goes into session, it sets salaries for state officials and many, many other people higher than they themselves get in--for their \$20 a day plus their 25 for expenses. I'd like to review with you just a little bit the time that it has taken to put this budget together. This has been in the making now for a number of weeks. I'd like to call your attention to the fact that in the budget now of \$505.48 [sic], we have already expended \$6,000 of moneys that we do not have appropriated. Now the additional money that we are hoping to have, from the standpoint of this budget, is the difference between this budget and what was left over from the commission. I would like to remind you that this money is not solid. At the first meeting of this group in the Convention Hall--or, at Carroll College--it was suggested at that time that we may have \$35,000 left over from the commission. At the present time, the best report we can get, unauthorized because the books have not been closed, is possibly \$10,000. It could well be, well be, that they would

have nothing left, and with this budget we are now almost \$6,000 over the appropriation of 499. It is very concerning to me that this body would start out trying to go through and have a deficit budget to prepare for someone to do something about at the end of this Convention. But in closing, I would like to say that what the delegates get, the \$45—\$20 salary and 25 for expenses—it will be the people of Montana that makes the judgment of whether we earned our money or not. And I'm not sure that we may have to account for the people of Montana on account of the Constitution we write. I hope that we can get along with this Convention. I hope we can adopt this budget without further debate, because it has been gone over carefully, not by hours but by days. Let's realize now that we are adopting a deficit budget. Thank you, Mr. President.

**PRESIDENT GRAYBILL:** Mr. Blaylock.

**DELEGATE BLAYLOCK:** Mr. Chairman, both of these gentlemen, Dale Harris and Jerry Holloran—I have known them, and in the Style and Drafting Committee meeting this morning, Mr. Harris came in; and each time that this man talks, I am impressed with the amount of knowledge that he has in working with this Constitution. And the fact that these gentlemen are being paid more than I am, I could care less. I think they are well worth it to this Convention.

**PRESIDENT GRAYBILL:** Mr. Kelleher.

**DELEGATE KELLEHER:** Mr. Chairman, I don't know what the bar schedule is over—our fee schedule—in Lake County, but down in Yellowstone County—and it's 2 years old and way, way behind the medical schedule—is \$30 an hour. And, as we say down in Yellowstone County, that \$30 an hour is for widows and orphans. We left the Senate chamber Wednesday night, when Mr. Unruh was here, about 14 minutes to 12:00. Not only was the Executive Secretary there, but other-Executive Administrator-Director, but other members of this staff. And the Executive Director was at a Style meeting at 8:00 a.m. this morning. I'd hate to be paying that man \$30 an hour, but he's worth \$30 an hour. And this matter of—and as I told this—as I said at the budget hearing the other day, it isn't a matter that we're paying any of the staff more than we're getting, that their salaries are too high, rather it's that our salaries are too low. And I would like to make the point again, as I did the other day, for the benefit

of those who weren't there at the budget meeting. This points out one of the reasons why we are here. We're getting the same salary as the Legislature and the Legislature is getting an average salary of \$1,200 a year. The average in the United States is 7,000, and as most of us now know, the people in California get 19,200. Mr. Unruh, I think, suggested that we should be paying an annual salary to our representatives of no less than 7,500 and, say, up there in the range up to 12,000, and I strongly support that, that we should be paying them more money. And before we get to feeling too sorry for ourselves, I think everybody here agrees that we're here—we're all here to—at great personal sacrifice. There is a gentleman here who ran as a Republican in the primary: who's defeated in the primary. I was very sad to see that. He is a very learned young gentleman. He is a great student of constitutional law in Yellowstone County and a member of the bar of the State of Montana. He's working for the press here at the great and high and glorious figure of \$1 less than the original members of the Legislature were getting in 1890. They were getting, I think, \$6 a day, was it? He's working for \$5 a day. I strongly urge that the budget as submitted by the committee be accepted. Thank you.

**PRESIDENT GRAYBILL:** Mr. Cate.

**DELEGATE CATE:** I move the previous question.

**PRESIDENT GRAYBILL:** All right, Mr. Cate has moved the previous question. We're going to vote on whether or not to vote on Mr. McNeil's amendment concerning the salaries. All those in favor of voting on the amendment, signify by saying Aye.

**DELEGATES:** Aye.

**PRESIDENT GRAYBILL:** Opposed, No.

**DELEGATES:** No.

**PRESIDENT GRAYBILL:** The Ayes have it, and so ordered. All right, the vote is on Mr. McNeil's amendment that the maximum salary—this would be an amendment to Resolution Number 4, which is the resolution prescribing the title and salaries of the Convention—that the maximum salary paid to any employee not exceed \$45 per day. I take it to be the sense of the amendment that if it passes, we would then lower the

salaries of the two people who are over that to \$45 per day. All those in favor of that amendment, say Aye.

**DELEGATES:** Aye.

**PRESIDENT GRAYBILL:** Opposed, No.

**DELEGATES:** No.

**PRESIDENT GRAYBILL:** The Nays have it, and the motion fails. Very well. The proposition then is on Resolution Number 4 by the Administration Committee, the adoption of the resolution prescribing the title and salaries of Convention employees. Is there further discussion?

Mr. Arness.

**DELEGATE ARNESS:** Mr. President, I think this is a point of order. The motion previously made concerning the secretaries' salaries would preclude me from making a motion to increase their salaries to be all equal, I assume. Would that be correct?

**PRESIDENT GRAYBILL:** Well—

**DELEGATE ARNESS:** There was a motion previously combined with another motion—

**PRESIDENT GRAYBILL:** Just a minute—

**DELEGATE ARNESS:** -to raise all their salaries.

**PRESIDENT GRAYBILL:** The Chair is going to rule that it would be the same motion. Now, if you wish to challenge the ruling of the Chair, you may.

**DELEGATE ARNESS:** I'll accept the ruling of the Chair, Mr. President, and make the following motion: I move that all committee secretaries be paid at the same rate, or at the prevailing rate to be paid to this class of employees. And I make this motion as an amendment to the proposed resolution.

**PRESIDENT GRAYBILL:** Will you supply that to me in writing.

**DELEGATE ARNESS:** Yes. It's being handed to you, Mr. President. The obvious purpose or reason for the motion is, of course, to equalize this class of wage and—

**PRESIDENT GRAYBILL:** Now, Mr. Arness, may I discuss the form of your motion a minute?

**DELEGATE ARNESS:** Yes.

**PRESIDENT GRAYBILL:** You've got it in the alternative, and I don't think we can do that. Do you want to say that they shall all be paid at \$20? Is that what you really mean?

**DELEGATE ARNESS:** Yes, Mr. President.

**PRESIDENT GRAYBILL:** Can we make it say that, instead of this alternative, which might get us in lots of trouble?

**DELEGATE ARNESS:** I will accept that amendment, Mr. President.

**PRESIDENT GRAYBILL:** Well, that's draftsmanship; that's not amendment. All right, as I understand the sense of the amendment now, it is by Mr. Arness: "I move that all committee secretaries be paid at \$20 per day." Is that satisfactory?

**DELEGATE ARNESS:** Yes. Mr. President. May I explain my motion?

**PRESIDENT GRAYBILL:** Yes, you may explain it. Go ahead.

**DELEGATE ARNESS:** Obviously, the motion as made is a very unpopular type of thing for any of us to do. I feel that, as the delegates who spoke earlier moving that the wages be raised, that we must not discriminate against this class of employee, and certainly I have no feelings against the individual who is being demoted in this fashion, but I feel it is incumbent upon us to do so and if we do not, that we can and would be severely criticized.

**PRESIDENT GRAYBILL:** Mr. Toole.

**DELEGATE TOOLE:** I assume he's speaking of the salary of the committee-of the secretary on Revenue and Finance, \$25.39?

**PRESIDENT GRAYBILL:** Mr. Arness, do you want to yield to a question?

**DELEGATE ARNESS:** Yes. Yes, Mr. Toole, that's correct.

**PRESIDENT GRAYBILL:** Yes.

DELEGATE TOOLE: Mr. President, this young lady worked for the commission since its inception. She was arrangements director; she performed a variety of functions for the commission. Through a series of circumstances which many of you are familiar with-thoroughly outlined in the press-she was given a job of a committee secretary. She is capable of doing other jobs in the Convention when called upon to do so and may be called upon to do so. We felt it was brutal. We felt that it would be a slap in the face to a talented young lady to cut her back. We just didn't think it was morally right. That is the reason for that figure.

PRESIDENT GRAYBILL: Is there other discussion of Mr. Arness' amendment? (No response) Very well, we'll put Mr. Arness' amendment to the house. The amendment is that-it's to Resolution 4-and it affects committee secretaries-and it is to the following effect: "All committee secretaries are to be paid at \$20 per day." It has the effect of lowering the Revenue and Finance secretary to \$20 a day. All in favor of this amendment, say Aye.

DELEGATES: Aye.

PRESIDENT GRAYBILL: Opposed, No.

DELEGATES: No.

PRESIDENT GRAYBILL: The Noes have it, and so ordered. Now we're back on the proposition of Resolution Number 4, the resolution prescribing the titles and salaries of the Convention employees. Is there further discussion of the resolution? (No response) Very well, all those in favor of Resolution Number 4, prescribing the titles and salaries of Convention employees, please say Aye.

DELEGATES: Aye.

PRESIDENT GRAYBILL: As amended. All those opposed, say No.

DELEGATES: No.

PRESIDENT GRAYBILL: The Ayes have it, and Resolution Number 4 has passed. Now we're back on Resolution Number 5, Budget. And the budget is a resolution presented by the President, and since the salary scales have not changed, there will be no need to change Item 0112. And therefore I present Resolution Number 5

as before, except that I will include in my-171 read the nature of my resolution and I'll show you where it changes. "Under the terms of Rule 6 of the Convention rules, the President hereby submits to the Convention the attached budget as the budget of the Convention. This budget will be reviewed every 2 weeks and the review reported to the Convention." To that, I have added Mr. Schiltz's now amendment: "Provided, however, that of the moneys budgeted for public information, none thereof shall be expended for anything but factual reporting of the proceedings of the Convention." That's Resolution Number 5. Is there further discussion on Resolution Number 5-the budget?

Mr. Romney.

DELEGATE ROMNEY: Mr. President, I did not notice anything in the present statement of the budget concerning any overflow from the Convention-or from the previous vehicle-and I understood at one time there was going to be some. I was wondering if that sum could not be entered into the next release.

PRESIDENT GRAYBILL: Well, since it is the budget, I'll explain that unless I hear objection. Mr. Toole did refer to the fact that \$505,048 is over the 499,000 some-odd dollar appropriation and that the overage he expected to have covered by moneys given back to this Convention from the commission's work. Mr. Harris has explained to the Budget Committee that the figures are not yet finally available for how much will be available back because the printing is not all done. He has estimated it at somewhere in the neighborhood of \$10,000. That 10,000 will be necessary to cover the 5,000. And, of course, when it is given back to the commission-to the Convention-it will be included in one of our biweekly budget reports. Is there further discussion of the budget-or the resolution? Very well, so many as shall be in favor of Resolution Number 5, a resolution of the Constitutional Convention of the State of Montana setting up the Convention budget, please signify by saying Aye.

DELEGATES: Aye.

PRESIDENT GRAYBILL: So many as shall be opposed, No.

(No response)

PRESIDENT GRAYBILL: The Ayes have it, and so ordered. Mr. Toole, I'll recognize you for Resolution Number 6.

**DELEGATE TOOLE:** Mr. President, Resolution Number 6 is a resolution commonly adopted by the Legislature, which provides for a schedule of fees and distribution of Convention documents to various individuals, firms and agencies throughout the state. We have raised the prices for our documents, as compared with the Legislature, because, as you know, the committee articles are going to be bulky, involve a great deal of printing, and are going to be in great demand, we hope. This may represent some small sum of money available to the Convention. I'd urge the delegates to look this over, and I would move for its adoption at this time.

**PRESIDENT GRAYBILL:** Is there any question concerning Resolution Number 6 or any discussion or any amendments'?

Mr. Furlong.

**DELEGATE FURLONG:** Mr. President, may I direct a question to Mr. Toole?

**PRESIDENT GRAYBILL:** Mr. Toole, will you yield?

**DELEGATE TOOLE:** Yes.

**DELEGATE FURLONG:** Delegate Toole, I understood yesterday that one copy of all proceedings would be distributed to all county libraries in the state. Now, I don't find it in here, although it may be one of these sections. I wonder if you would explain that.

**DELEGATE TOOLE:** I have the same impression, Mr. Furlong. Mr. President, was there a-do you recognize-do you remember that, Mr. President?

**PRESIDENT GRAYBILL:** That's certainly correct, yes.

**DELEGATE FURLONG:** Mr. President.

**PRESIDENT GRAYBILL:** Mr. Toole.

**DELEGATE TOOLE:** Yes?

**PRESIDENT GRAYBILL:** That's right. What do you want to do, amend it or send it back to committee for further-(Inaudible).

**DELEGATE TOOLE:** Yes—(Inaudible)—provide a copy to each library in the state, in accordance with Mr. Furlong's statement.

**PRESIDENT GRAYBILL:** Mr. Furlong.

**DELEGATE FURLONG:** Mr. President, I've just been informed by Delegate James that he has been assured that they will be sent. However, I would suggest to move-to table this until we can get this hashed out.

**PRESIDENT GRAYBILL:** Well, rather than tabling it, why don't you refer it back. That's the famous motion to commit--a motion to commit it back to the Administration Committee for further action.

**DELEGATE FURLONG:** Thank you. Mr. President, I move to commit.

**PRESIDENT GRAYBILL:** All right, a motion has been made to commit Resolution Number 6 back to the Committee on Administration for the reason that it does not contain some of the materials that some of us recall were in the discussion yesterday. Mr. Furlong's resolution is before you. Is there discussion of the resolution?

Mr. Simon.

**DELEGATE SIMON:** Mr. President. Couldn't that be covered in Section Number 6 where it says the Executive Director shall distribute other copies of the Convention proceedings as directed by the Administration Committee? Wasn't he directed in that direction yesterday? Wouldn't it be covered under Number 6? Or couldn't it be covered'!

**PRESIDENT GRAYBILL:** Well, that—Number 6, to my recollection, was the one that was designed to cover other state agencies that might apply.

**DELEGATE SIMON:** Well, Mr. President. it doesn't say that exactly—

**PRESIDENT GRAYBILL:** I see that's Number 4—

**DELEGATE SIMON:** --and it could be covered under that same section, could it not?

**PRESIDENT GRAYBILL:** Do **you** wish to address that question to Mr. Toole or Mr. Furlong, Mr. Simon?

**DELEGATE SIMON:** Mr. Toole.

**PRESIDENT GRAYBILL:** Mr. Toole.

**DELEGATE TOOLE:** Mr. President, Mr. Harris just advised me that under Section 6, he intended to cover the libraries.

**PRESIDENT GRAYBILL:** All right, Mr. Furlong, the point seems to be that Mr. Harris intended that Section 6 would allow him to make the distribution which we put in the minutes of the Administration Committee yesterday. In view of that, do you want to leave your motion ride or do you want to withdraw it?

**DELEGATE FURLONG:** Mr. President, if that's the sense of the assembly, I'll withdraw my motion.

**PRESIDENT GRAYBILL:** Very well, we'll consider the motion withdrawn.

Mr. James.

**DELEGATE JAMES:** Mr. President, this thing has already been activated. I was up and talked to the librarian, Mrs. Fontana, and she assures me that 120 copies were sent out to all the various libraries around the state and to the universities. This has been one of the finest sources of these booklets. This has been a real information job; and if you wish information in your local community, you can get it right from the horse's mouth in your public library.

**PRESIDENT GRAYBILL:** I think, Mr. James, that you're perhaps correct; but the booklets that went out went out under the commission to the libraries; and this resolution has the purpose of putting out our deliberations, beginning with our minutes, and these matters that have been referred to committees. So that's the distinction.

Mr. Joyce.

**DELEGATE JOYCE:** I rise to propose an amendment to Resolution Number 6 in Section 6—

**PRESIDENT GRAYBILL:** Hold your mike up a little, please.

**DELEGATE JOYCE:** I rise to present a motion--an amendment to Section 6 of Resolution 6 by adding after the word "distribute", in line 20, the following words: "a copy to the county libraries of the state and such".

**PRESIDENT GRAYBILL:** Could you make that "public libraries" instead of "county"?

**DELEGATE JOYCE:** Yeah. Public--I'll so that now Section 6, as amended, would read: "The Executive Director shall distribute a copy to the public libraries of the state and such other

copies of Convention proceedings as directed by the Administration Committee."

**PRESIDENT GRAYBILL:** All right. Mr. Joyce has made an amendment to Section 6 so that it reads: "The Executive Director shall distribute"--and then he's added these words: "a copy to the public libraries and such"--and then it goes on: "other copies of Convention proceedings as directed by the Administrative Committee." May we make that "copies" instead of "a copy"--"copies to the public libraries and such"? I think we can get along without a written copy of that, Mr. Joyce. The purpose of this amendment is to put in the direction to send it to public libraries under Section 6. Discussion on the motion'?

Mr. Romney.

**DELEGATE ROMNEY:** Mr. President, I would like to ask Delegate Joyce a question.

**PRESIDENT GRAYBILL:** Mr. Joyce.

**DELEGATE ROMNEY:** It so happens that in some counties there are several public libraries. In Ravalli, there is one at Darby, one at Hamilton and one at Stevensville. It comes to my mind that possibly there are some counties that have no public libraries; I do not know. If that be the case, it seems to me there should be some language to make it possible to at least get one set into every county. What do you think?

**PRESIDENT GRAYBILL:** Mr. Joyce.

**DELEGATE JOYCE:** I agree. I thought that the amendment as finally boiled down would take care of the public libraries of the state. My purpose in making the amendment was egotistical in the sense that I thought perhaps this would take care of the matter and we could dispose of it here this morning without committing it back to the committee and having it brought up and hashed over again, and that was the purpose of my amendment. I think the amendment covers what Mr. Romney wishes to do and I don't--if it doesn't, why, I'd like him to point out wherein it doesn't.

**PRESIDENT GRAYBILL:** I don't wish to enter the debate, but I'd like to point out that, Mr. Romney, Section 5 sends one to the clerk and recorder of every county. Is there further discussion on Mr. Joyce's--

Mrs. Warden.

**DELEGATE WARDEN:** I would just like to say--and I'd better disclose my interests,

because it has been libraries for many years-the available-through the State Library-this service for any county in the state, any resident of any county that has no library, and I think there are probably 9 or 10 counties that fit in this category. hut the State Library serves as their public library, and it is available by mail through that agency.

**PRESIDENT GRAYBILL:** Is there further discussion on the amendment? Mr. Romney, you've spoken once.  
Mr. Hanson.

**DELEGATE ROBERT HANSON:** I notice that the charge is \$150, and if my memory serves me correctly, during the Legislature the charge was 100. Is that correct?

**PRESIDENT GRAYBILL:** Why don't you ask the Chairman?

**DELEGATE HANSON:** Do you yield to a question?

**DELEGATE TOOLE:** That's correct.

**DELEGATE HANSON:** So we will be picking up an extra \$50 over what has normally been the case; is that right?

**PRESIDENT GRAYBILL:** The trouble is that we're paying for the printing; and if we happened to be wrong, we would be losing--so, in other words, we raised the price, yes.

**DELEGATE ROBERT HANSON:** Yes. I just wanted to ask the question.

**PRESIDENT GRAYBILL:** Mr. Eskildsen.

**DELEGATE ESKILDSEN:** We're discussing the amendment of Mr. Joyce's right now. I'd like to say a few words later on about the \$150; we're not on that right now, are we?

**PRESIDENT GRAYBILL:** No, we're not. We were off the subject. You're correct. Any further discussion of the amendment to add the public libraries to subsection 6? If not, all those--Mrs. Speer.

**DELEGATE SPEER:** May I ask Mr. Joyce a question?

**PRESIDENT GRAYBILL:** Mr. Joyce?

**DELEGATE JOYCE:** Yes, you may.

**DELEGATE SPEER:** You say "all public libraries". Would that include the libraries of the university system--

**DELEGATE JOYCE:** It was my intention--

**DELEGATE SPEER:** -those are institutional libraries, really.

**DELEGATE JOYCE:** It was my intention that it would, Mrs. Speer. If the language is inappropriate, I'll--All right. It was my intention that it would cover the university libraries, Mrs. Speer, by the word "public". I mean--maybe we ought to read what we--what I finally did move then. (Laughter) Maybe that would clarify the matter.

**PRESIDENT GRAYBILL:** You read: "distribute copies to the public libraries and such other copies", et cetera.

**DELEGATE JOYCE:** Is "public" necessary, Mr.--

**PRESIDENT GRAYBILL:** Well, to clarify the debate, the Executive Director, under 6, has already been directed to give them to all the public libraries; but if you want to put it in there, we can put it in there; and this amendment will put it in there and it will say public libraries. But, Mrs. Speer, if it's left out, the universities--I'm sure Dale will be directed to put it in for the universities under 6. Is there further questions about--further discussion on this proposed amendment? (No response) All right, the question is on Mr. Joyce's amendment to add the public libraries to Section 6 of Resolution 6. All those in favor. say Aye.

**DELEGATES:** Aye.

**PRESIDENT GRAYBILL:** Opposed. No.

**DELEGATES:** No.

**PRESIDENT GRAYBILL:** The Ayes have it. Now we're back on Resolution Number 6. Mr. Eskildsen.

**DELEGATE ESKILDSEN:** Mr. President, I rise to just ask a question first of the Chairman of the Administration Committee. I would like to have you give us a rundown on how you arrived at the figure of \$150.

**DELEGATE TOOLE:** I thought I covered that, Joe. I think you've seen the books that the committees are going to have to put out. These

books are thick. They contain maybe over a hundred pages. They're far greater than anything the Legislature puts out. They're going to be extremely expensive to print. We think \$150 is a reasonable fee. That of course, when I speak of the books, I'm speaking of everything else, but the books are the main reason we raised it.

**DELEGATE ESKILDSEN:** Well, I'm sorry. I guess somewhere along the line I missed—I missed that report that you had given before. The first I knew of \$150, was when I see it on my desk here just a few moments ago. I do point "utthatthe Legislature charges \$100, and I know the volumes of pages that is sent out to all the schools—not only the schools, but the libraries, attorneys, so forth that they go to in the various counties in the state for \$100. I realize that it's a place to pick up some money; but as we talk about the people that are buying these copies, we're talking about various organizations—not only the large lobbyists that we do have that can well afford the 150 or maybe much more, but there are also many small lobbies, groups, that don't really have that type of money. I just want to be sure that this is—that it's absolutely necessary that we have this extra \$50 and it's used to cover the cost of the printing—that it's used to cover the cost of the printing, and that we're just not trying to make a few bucks off the deal. In the Legislature, I felt that—many times that the \$100 was used to make a little money, that it didn't actually cost that much to mail this out; and I'd like to go over the figures a little closer on this. I'd like to have you explain them a little more. break them right down, and what each thing costs, so that I'll know if \$150 is really necessary. I just don't want a general explanation. I'd like to have you break it right down into how much you figure each item will cost.

**DELEGATE TOOLE:** I don't have those figures, Mr. Eskildsen. I couldn't break it down at this time. I'll be glad to get them for you and justify them when I have time.

**DELEGATE ESKILDSEN:** Well, Mr. President, the justification may be all and good; but what if I don't agree and it's already too late to reconsider? This is the point that I'm bringing. The justification should be made before we vote, not after. I feel that I would like to have an opportunity to meet before the committee, Mr. President; so for that reason, I move that we place this resolution back in the Administrations Committee and to

**PRESIDENT GRAYBILL:** Have you moved that it be—

**DELEGATE ESKILDSEN:** I move—I so move, Mr. President.

**PRESIDENT GRAYBILL:** —that it be referred back to the Committee on—

**DELEGATE ESKILDSEN:** Administration.

**PRESIDENT GRAYBILL:** —Administration. All right, we have a motion to refer Resolution Number 6 back to the Committee on Administration by Mr. Eskildsen. Any discussion of the motion? (No response) All right; all those in favor of referring Resolution Number 6 back to the Committee on Administration, please say Aye.

**DELEGATES:** Aye.

**PRESIDENT GRAYBILL:** Opposed, No.

**DELEGATES:** No.

**PRESIDENT GRAYBILL:** The Noes have it. All right, we'll have a division. We'll vote on the voting machine. The votes are "pen. All those in favor of referring it back, vote Aye; those against voting it back, vote No.

Before the vote is closed, Mr. Holland, do you wish to be represented as present upon the journal? Very well, will the journal please show Mr. Holland present, and he may vote. All right, have all the delegates voted'?

(No response)

**PRESIDENT GRAYBILL:** Does any delegate wish to change his vote?

(No response)

**PRESIDENT GRAYBILL:** The vote is closed. The vote is 33 Aye and 55 No, and the motion fails—31 Aye and 55 No. so it fails. Therefore, we're back on Resolution Number 6.

**DELEGATE ROMNEY:** Mr. President.

**PRESIDENT GRAYBILL:** Mr. Romney.

**DELEGATE ROMNEY:** I fail to find anything in here which provide that each delegate get one copy.

**PRESIDENT GRAYBILL:** Well, Mr. Romney, each delegate gets a copy delivered to

Convention, or **beyond us. I'm sure that's the** sense of it. That's the way it was discussed; but if you want to raise that issue, fine.

**DELEGATE ROMNEY:** Well, of course, the delegate can take care of that situation by seeing that he gets one himself, because he has the possibility of disseminating two copies. However, when this Convention is terminated and we go home, after perhaps some issues are rather acrimonious and debatable, I'm sure that delegates are going to find that there will be times when they will be challenged as to how they voted or how somebody else voted on some of these issues. Now, I know that's true from the past and that the House and Senate journals are invaluable in such occasions. So, I think that every delegate should be warned: if they don't get a copy, that they see that they get one, where they can have it available to them very readily. Of course, I know you can run up to the county clerk and recorder's office or over to the library and have access to them that way. But this is something that you're going to have to face, and I think that everyone should be warned about it.

**PRESIDENT GRAYBILL:** Is there further discussion?  
Mr. Hanson.

**DELEGATE ROBERT HANSON:** Well, I was just looking at this and I was wondering; when the money is collected, where does it go?

**PRESIDENT GRAYBILL:** Did I ask—would you please ask again.

**DELEGATE ROBERT HANSON:** Where does the money that's raised from the sale of this—where do these funds go?

**PRESIDENT GRAYBILL:** Mr. Toole.

**DELEGATE ROBERT HANSON:** How are they accounted for?

**DELEGATE TOOLE:** The question is, where do the funds go? They go into the Convention budget.

**DELEGATE ROBERT HANSON:** And they're accounted for through the bookkeeper's office?

**DELEGATE TOOLE:** Be free for us to spend them.

**DELEGATE ROBERT HANSON:** So

actually, then, our **budget** of 505,000 could be enlarged a little bit through—

**DELEGATE TOOLE:** A little bit.

**DELEGATE ROBERT HANSON:** —from this income source.

**DELEGATE TOOLE:** A little bit.

**PRESIDENT GRAYBILL:** Is there further discussion of this proposed resolution? (No response) Very well, all in favor of Resolution Number 6, as amended to include the public libraries, for calling for distribution of the Convention proceedings outside the Convention, please indicate by saying Aye.

**DELEGATES:** Aye.

**PRESIDENT GRAYBILL:** Opposed, No.

**DELEGATES:** No.

**PRESIDENT GRAYBILL:** The Ayes have it. Mr. Toole, the Chair will recognize the Chairman of the Committee on Administration and would ask leave or, without objection, would revert to Order of Business Number 1, Committee Reports, so that we may finally adopt Mr. Toole's committee report, which contained the staff, budget and documents matters that we've now handled by resolution.

Mr. Toole.

**DELEGATE TOOLE:** Mr. President, I request that we revert to Order of Business Number 1, and I would like to move for the adoption of the report of the Committee on Administration, as amended.

**PRESIDENT GRAYBILL:** The report of the Committee on Administration was given to you the other day and does include references to this staff matter and to the budget and to the documents; and if there is further discussion on the report at this time, fine; otherwise, we'll adopt the report. So many as shall be in favor of adopting the report of the Committee on Administration, please say Aye.

**DELEGATES:** Aye.

**PRESIDENT GRAYBILL:** Opposed, No.  
(No response)

**PRESIDENT GRAYBILL:** The Ayes have it, and so ordered. Order of Business Number 8.

Mr. Clerk.

**CLERK HANSON:** Mr. Champoux, Order of Business Number 8.

**PRESIDENT GRAYBILL:** Well, we want to take up page introductions today under Order of Business Number 8.

Mr. Champoux.

**DELEGATE CHAMPOLJX:** Thank you, Mr. President. At this time I would like to present the pages that have served us all this week. And they surely have done one great job. I will announce the girls first. Each one will stand, and then one of the pages will come to the mike at the first chair there—

**PRESIDENT GRAYBILL:** Mr. Arness.

**DELEGATE CHAMPOUX:** --and will thank the Convention. The first one is Ada Berg from Bozeman. Is she here? She'll be here in a minute.

**PRESIDENT GRAYBILL:** Have a call of the-get Miss Berg in here if she's out in the hall there. Can we get a page to go after the page? (Laughter)

**DELEGATE CHAMPOUX:** Heidi Headapohl from Helena; Clary Keichert from Great Falls—would you come forward, Clary, please? Colleen Barnard from Saco; Karen Eck from Helena; James Ramleau from Whitefish; Curt, Alt from Butte. Could we make arrangements, Mr. President, to have a copy of the record within these? I would hope that these names would be inserted in the official record and a copy sent to—

**PRESIDENT GRAYBILL:** In the journal.

**DELEGATE CHAMPOUX:** In the journal, yes--copies sent to these people so when they get older and have children and grandchildren, they can show that they were here when we did this great work. How about a great hand for them?

**PRESIDENT GRAYBILL:** Will the—

(Applause)

**UNIDENTIFIED PAGE:** Well, I'd just like to say--does this work? Okay. That's not what

I wanted to say, but I wanted to say for all of us how much we enjoyed this week--you know, just getting to know all the delegates and all the staff members--and how much we appreciated being able to be a part of it, even if it was just for a week. We want to say that we're here to help you; and we know that you're here to help people, too, by giving them a better Constitution; and we wish you luck. And thank you.

(Applause)

**PRESIDENT GRAYBILL:** I'd like to ask that the clerk see that copies of the journal are gotten to Mr. Loman. Mr. Loman, you're in the hall, and we'd like the copies of the journal for today, containing their names, mailed to these pages after they go back home, and we'll try and do this each week.

Mr. Champoux.

**DELEGATE CHAMPOUX:** The lady working is Miss Ada Berg, right there. She just disappeared.

**PRESIDENT GRAYBILL:** There she is. (Applause)

**PRESIDENT GRAYBILL:** Very well, we'll be at ease here for one minute here while we change the tape.

(Convention at ease at 11:45 a.m. — Proceedings resumed at 11:50 a.m.)

**PRESIDENT GRAYBILL:** The Convention will be in order. Order of Business Number 9, Special Orders.

**CLERK HANSON:** None.

**PRESIDENT GRAYBILL:** Order of Business Number 10, General Orders.

**CLERK HANSON:** None.

**PRESIDENT GRAYBILL:** Order of Business Number 11, Committee Announcements and Notices. Before we get to committee announcements, the Chair would like to make the following announcements. First of all, Dale Harris has asked me to point out to you that on the weekend, and that's Saturday or Sunday, most of the doors of the Capitol are locked. The door on the oval in back is generally open, and the other front door underneath on the first floor is often open; or you can generally attract the attention of the guard to let you in at those two doors. That's on Saturdays.

Now, when we are making arrangements—at least we're Mr. Harris and I are asking the Capitol custodians to make other arrangements for a week from tomorrow, because, obviously, we'll be in session then. But in any event, if you find the doors aren't open that you want, try those two middle doors on either side, preferably in the back. Secondly, Mr. Harris wants me to announce that a stenographer will be available in the steno pool on Monday. Third, the Rules Committee wants to announce that the rules booklet will be printed and out for everyone by Monday. You've already heard the announcement of a meeting Tuesday at 7:30 in the Highway Commission auditorium, where people may view the public information films from other states. Now, are there committee announcements?

Mr. Aasheim.

DELEGATE AASHEIM: I wish to announce to the delegates—all the delegates—that the Legislative Committee is having a public hearing on Monday at 10 o'clock in this chamber. I hope you aren't too critical of us for calling it here, rather than the Senate chamber, but we felt there wouldn't be too much conflict. But we feel this is more available for the public—they would be more free to discuss the issues. Now, this is going to be a major hearing and probably will be more informative than one later on, because I see we're going to have a whole day, and longer if we need it, and we have considerable testimony coming. And we're going to discuss, or have discussed, the whole Legislative Article; and we encourage you to come. And if you want to invite any other people at home, we encourage you to do so, because the way I look at our schedule, we might not have as much time later on. And to my committee, the Legislative Committee, we will meet at 1:30 this afternoon.

PRESIDENT GRAYBILL: Mr. Etchart.

DELEGATE ETCHART: Mr. President, General Government Committee will meet at 1 o'clock in Room 410.

PRESIDENT GRAYBILL: General Government, at 1 o'clock.  
Mr. Champoux.

DELEGATE CHAMPOUX: Education Committee, in 436 at 1 o'clock, please.

PRESIDENT GRAYBILL: Education Committee, at 1 o'clock.  
Mr. Dahood.

DELEGATE DAHOOD: Bill of Rights, at 1:30.

PRESIDENT GRAYBILL: Bill of Rights, at 1:30.  
Mr. Rygg.

DELEGATE RYGG: Revenue and Finance, at 1:45.

PRESIDENT GRAYBILL: Revenue and Finance, at 1:45.  
Mr. Toole.

DELEGATE TOOLE: Public Information, in the foyer outside the Convention Hall, right after adjournment.

PRESIDENT GRAYBILL: Public Information, in the foyer, after adjournment..  
Mrs. Cross.

DELEGATE CROSS: Natural Resources, at 1:30 this afternoon.

PRESIDENT GRAYBILL: Natural Resources Committee, at 1:30 today.  
Mr. Joyce.

DELEGATE JOYCE: Executive Committee, at 2 o'clock in the committee room.

PRESIDENT GRAYBILL: Executive Committee, at 2 o'clock this afternoon.  
Mr. Schiltz.

DELEGATE SCHILTZ: I don't see anybody here for the Judiciary, but we're continuing a hearing at 1 o'clock in the Senate.

PRESIDENT GRAYBILL: Judiciary is continuing a hearing at 1 o'clock in the Senate, today.  
Mrs. Blend.

DELEGATE BLEND: Local Government will meet at 1:30 this afternoon.

PRESIDENT GRAYBILL: Local Government, at 1:30 this afternoon. Other committee announcements? Let's see—  
Mr. Heliker.

DELEGATE HELIKER: This is not a committee announcement, Mr. President. Is it in order?

PRESIDENT GRAYBILL: Is it an announcement?

DELEGATE HELIKER: Yes.

PRESIDENT GRAYBILL: Okay.

DELEGATE HELIKER: I'd like to announce that copies of Ellis Waldron's article on the Legislature are available, printed not at public expense. You may pick them up and take them home with you this weekend if you're going home. I believe Mrs. Bugbee has them over there at her desk. I hope Mr. Schiltz will not object that, since you are being paid mileage, that they're being distributed at public expense. (Laughter)

PRESIDENT GRAYBILL: All right. Mr. Waldron's treatise on the Legislature is in the cardboard box on Mrs. Bugbee's desk. Other announcements'? (No response) All right, seeing none, I'll call upon Mr. Eskildsen for a special announcement. Please listen to this.

DELEGATE ESKILDSEN: Mr. President and members of the Convention. Before I make the motion to recess, I'd like to make a short announcement. Beginning of the next week, sometime at the convenience--when it's convenient for the full chamber, we'll have an information meeting on procedure and so forth, on how the meetings are conducted; and any of those that wish to attend-it will be the time when we won't be on the

journal, so we can go through the whole procedure, and we'll finally understand more what we're doing. We are now more relaxed and we all have a general idea of how the Convention is going to be run, so it'll probably work out better at this time. Mr. President, I move, pursuant to the general powers vested in Montana Constitution Convention and in accordance with the provisions of Section 7(6) of the Enabling Act, Chapter 296, Law 1971, the Montana Constitution Convention shall recess temporarily until 9:30 a.m., on Tuesday, January 25th, 1972.

PRESIDENT GRAYBILL: Very well, you've heard a motion to recess the Convention until Tuesday morning at 9:30. Now, first of all, notice that we changed the time to 9:30 for next week. We intend to start the general sessions at 9:30 next week to give you a little more time in the morning for committee meetings. Secondly, on each weekend, we will adjourn-or we will recess the Convention in this form over the weekend to establish properly the 5-day workweek for our pay period and to distinguish ourselves from the Legislature, who pays differently. Having heard the motion to recess until Tuesday morning, all those in favor, say Aye.

DELEGATES: Aye.

PRESIDENT GRAYBILL: Opposed, No. (No response)

PRESIDENT GRAYBILL: So ordered. We're in recess.

(Recess at 11:56 a.m.)

**January 25, 1972**  
**9:35 a.m.**

**Ninth Day**

**Convention Hall**  
**Helena, Montana**

**PRESIDENT GRAYBILL:** The Convention will come to order. Let's rise for the invocation by Reverend Rurkhardt.

**DELEGATE BURKHARDT:** Let us pray. We ask guidance, Oh God, for the work of the day, somehow we may be open to hear each other and to hear from those in our state with vital concerns. Though the subzero temperatures are binding us close, grant that some kind of chinook may come through our minds and hearts, giving us a real openness to each other. Amen.

**PRESIDENT GRAYBILL:** The voting machine is open for roll call. Will the clerk show Mr. Heliker as excused, Mrs. Cain as excused, Carl Davis as excused, and Robert Kelleher as excused, and Arbanas as excused. Do you want to call the absent members and see if there's anyone here knows about them.

**CLERK SMITH:** Anderson. Brown.

**PRESIDENT GRAYBILL:** That all? All right, we'll close it. And please take the roll call. All right--no--Just a moment, now, the Convention-1 asked you, at least I should've asked you to vote Aye if you're present; you can't vote **No**, so we're now going to do it over again. I will open the ballot, and you may now vote-present by voting Aye. Do you want to call your names of the absent members again.

**CLERK SMITH:** Anderson.

**PRESIDENT GRAYBILL:** Very well. Now take the roll call by machine.

Aasheim		Present
Anderson,	J.	Present
Anderson,	O..	. Absent
Arbanas		Excused
Arness		Present
Aronow		Present
Artz		Present
Ask		Present
Babcock		Present
Barnard		Present
Bates		Present
Belcher		Present
Berg		Present
Berthelson	.. .. .	Present
Blaylock		Present
Blend		Present

Bowman	Present
Brazier	Present
Brown	Present
Bugbee	Present
Burkhardt	Present
Cain	Excused
Campbell	Present
Cate	Present
Champoux	Present
Choate	Present
Conover	Present
Cross	Present
Dahood	Present
Davis	Excused
Delaney	Present
Driscoll	Present
Drum	Present
Eck	Present
Erdmann	Present
Eskildsen	Present
Etchart	Present
Felt	Present
Foster	Present
Furlong	Present
Garlington	Present
Graybill	Present
Gysler	Present
Habedank	Present
Hanson, R.S.	Present
Hanson, R.	Present
Harbaugh	Present
Harlow	Present
Harper	Present
Harrington	Present
Heliker	Excused
Holland	Present
Jacobsen	Present
James	Present
Johnson	Present
Joyce	Present
Kamhoot	Present
Kelleher	Excused
Leuthold	Present
Loendorf	Present
Lorello	Present
Mahoney	Present
Mansfield	Present
Martin	Present
McCarvel	Present
McDonough	Present
McKeon	Present
McNeil	Present

Melvin .....	Present
Monroe .....	Present
Murray .....	Present
Noble .....	Present
Nutting .....	Present
Payne .....	Present
Pemberton .....	Present
Rebal .....	Present
Reichert .....	Present
Robinson .....	Present
Roeder .....	Present
Rollins .....	Present
Romney .....	Present
Rygg .....	Present
Scamlin .....	Present
Schiltz .....	Present
Siderius .....	Present
Simon .....	Present
Skari .....	Present
Sparks .....	Present
Speer .....	Present
Studer .....	Present
Sullivan .....	Present
Swanberg .....	Present
Toole .....	Present
Van Buskirk .....	Present
Vermillion .....	Present
Wagner .....	Present
Ward .....	Present
Warden .....	Present
Wilson .....	Present
Woodmansey .....	Present

**CLERK SMITH:** Mr. President, 94 present, 5 excused, 1 absent.

**PRESIDENT GRAYBILL:** Very well, let the journal so show. Now, Reports of Standing Committees.

**CLERK SMITH:** None, sir.

**PRESIDENT GRAYBILL:** Reports of Select Committees.

**CLERK SMITH:** None, sir.

**PRESIDENT GRAYBILL:** Communications.

**CLERK SMITH:** None, sir.

**PRESIDENT GRAYBILL:** Referral of Delegate Proposals.

**CLERK SMITH:** "Delegate Proposal Num-

ber 16. A proposal for a Constitutional Section regulating earmarking of state revenues. Be it proposed by the Constitutional Convention of the State of Montana." Introduced by Blend.

**PRESIDENT GRAYBILL:** Revenue and Finance for Number 16.

**CLERK SMITH:** "Delegate Proposal Number 17. A proposal repealing Article XVI, Section 4, of the Constitution of the State of Montana and adding a new section providing for the election of boards of county commissioners. Be it proposed by the Constitutional Convention of the State of Montana." Introduced by Jacobsen.

**PRESIDENT GRAYBILL:** 17, to Local Government.

**CLERK SMITH:** "Delegate Proposal Number 18. A proposal for a new Constitutional Section relating to the right to counsel. Be it proposed by the Constitutional Convention of the State of Montana." Introduced by Cate, Campbell and Champoux.

**PRESIDENT GRAYBILL:** 18, to Bill of Rights.

**CLERK SMITH:** "Delegate Proposal Number 19. A proposal amending Article V, Section 6, of the Constitution of the State of Montana to change the meeting date of the Legislature from the first Monday of January to the first Monday of February. Be it proposed by the Constitutional Convention of the State of Montana." Introduced by Miles Romney.

**PRESIDENT GRAYBILL:** Number 19, to Legislative.

**CLERK SMITH:** "Delegate Proposal Number 20. A proposal for a new Constitutional Article providing a public policy of a quality environment. Be it proposed by the Constitutional Convention of the State of Montana." Introduced by McNeil.

**PRESIDENT GRAYBILL:** Number 20, to Bill of Rights.

**CLERK SMITH:** "Delegate Proposal Number 21. A proposal for a new section to Article III, Bill of Rights, of the Constitution of the State of Montana, guaranteeing an individual's right to a quality environment. Be it proposed by the Constitutional Convention of the State of Montana." Introduced by McNeil.

**PRESIDENT GRAYBILL:** Number "1, to Bill of Rights.

**CLERK SMITH:** "Delegate Proposal Number 22. A proposal for a new Constitutional Article vesting legislative powers in a unicameral Legislature. Be it proposed by the Constitutional Convention of the State of Montana."

**PRESIDENT GRAYBILL:** Number 22, to Legislative.

**CLERK SMITH:** Introduced by Arlyne Reichert and others.

**PRESIDENT GRAYBILL:** Legislative.

**CLERK SMITH:** "Delegate Proposal Number 23. A proposal for a new Constitutional section providing for full state funding of welfare. Be it proposed by the Constitutional Convention of the State of Montana." Introduced by Blend.

**PRESIDENT GRAYBILL:** Number 23, to both Local Government and Revenue and Finance, jointly.

**CLERK SMITH:** "Delegate Proposal Number 24. A proposal repealing Article XIX, Section 2, of the Constitution of the State of Montana. Be it proposed by the Constitutional Convention of the State of Montana." Introduced by Choate.

**PRESIDENT GRAYBILL:** Number "4, to General Government.

**CLERK SMITH:** "Delegate Proposal Number 25. A proposal amending Article VII, Section 12, of the Constitution of the State of Montana to provide the Legislature with the opportunity to override gubernatorial vetoes. Be it proposed by the Constitutional Convention of the State of Montana." Introduced by Blaylock and others.

**PRESIDENT GRAYBILL:** Number 25, to Legislative and Executive, jointly.

**CLERK SMITH:** "Delegate Proposal Number 26. A proposal for a new Constitutional Article to provide boundaries for the State of Montana. Be it proposed by the Constitutional Convention of the State of Montana." Introduced by Brown.

**PRESIDENT GRAYBILL:** Number 26, to General Government.

**CLERK SMITH:** "Delegate Proposal Num-

ber 27. A proposal amending Article XIX, Section 9, of the Constitution of the State of Montana providing for a majority rather than two-thirds vote for legislative Constitutional amendments; providing for Constitutional amendment by the people; and prohibiting executive veto of proposed amendments. Be it proposed by the Constitutional Convention of the State of Montana." Introduced by Mahoney.

**PRESIDENT GRAYBILL:** Number 27, to General Government.

**CLERK SMITH:** "Delegate Proposal Number 28. A proposal for a new Constitutional section providing for legislative authorization of #ambling. Be it proposed by the Constitutional Convention of the State of Montana." Introduced by Belcher.

**PRESIDENT GRAYBILL:** Number 28, to General Government. There is no Order of Business Number 6, Final Consideration of Proposals? None?

**CLERK SMITH:** None, sir.

**PRESIDENT GRAYBILL:** That's Number 5, Number 6, Adoption of Proposed Constitution; none?

**CLERK SMITH:** None, sir.

**PRESIDENT GRAYBILL:** Number 7, Motions and Resolutions?

**CLERK SMITH:** None, sir.

**PRESIDENT GRAYBILL:** Number 8, Unfinished Business. Mr. Aasheim, you have a matter that I think you could take up at this time.

**DELEGATE AASHEIM:** Mr. Chairman [President], I believe we should be on Motions for my presentation.

**PRESIDENT GRAYBILL:** Very well, without hearing any objection, we will revert back to Order of Business Number 7, Motions.

**DELEGATE AASHEIM:** Mr. President and delegates. Yesterday we had a hearing on the Legislative Article in this chamber. It was very successful. We had a good hearing. And I want to apologize to you people who were deprived of your desks in the process, but it is a very good place to have a hearing. It is more informal, and the people are more at ease who are presenting a case. So at

this time I would like to move that the public hearings which are held in the evening at 7 o'clock or otherwise-I'll just amend my motion-that the public hearings which are held in the evening will be held in Convention Hall.

**PRESIDENT GRAYBILL:** Very well. The issue, then, that Mr. Aasheim wishes to present by this motion is whether or not we should hold hearings, schedule hearings-now this means major hearings with the public invited-in this hall, and the issue is, he's restricting it in his motion to evening meetings; but it does mean that (a) if you wanted to use your desk in the evening, you couldn't; and (b) you run some little risk of having somebody disturb your papers. However, you've heard his argument. Now, is there discussion on the motion to allow Convention Hall to be used in the evening for hearings?"

Mr. Eskildsen.

**DELEGATE ESKILDSEN:** Mr. President, did you use the word, Magnus-did you use the word "shall" or "may"? Some of the chairmen may not want to hold their hearing here for some reason or other; it might not be that large. Did you say "shall"- "they shall hold it here"?

**DELEGATE AASHEIM:** I don't recall, but I would amend it to "may", at the discretion of the coordinating committees.

**PRESIDENT GRAYBILL:** Mr. Aasheim, while we're debating it, why don't you write it up there at your desk, and then we'll have it. Got a piece of paper? Is there further discussion on the issue of whether or not to use Convention Hall in the evenings for committee hearings?

Mr. Mahoney.

**DELEGATE MAHONEY:** I think that was very nice yesterday, and I could get away from my desk, and I think you shouldn't limit this to evenings-I think the off days when the Convention is not in session, maybe like yesterday and Monday, I think it would be all right, as far as I'm concerned, if it was amended to make it in the off days, because we may have Sunday hearings, too, and this is a good place-the best place in the Capitol building or anything around here-to be heard at.

**PRESIDENT GRAYBILL:** Very well. Other discussion? All right, I guess we're ready to vote on that motion, Mr. Aasheim. I guess we'll

wait a moment till he formulates it.

Mr. Choate.

**DELEGATE CHOATE:** (Inaudible)-before taking the vote.

**PRESIDENT GRAYBILL:** Wait a minute. Would you start over again.

**DELEGATE CHOATE:** Mr. President, I suggest, that we clear the board from our roll call vote before we take this vote. The lights had still been on.

**PRESIDENT GRAYBILL:** Mr. Felt.

**DELEGATE FELT:** I would certainly agree with the suggestion that Mr. Aasheim is proposing, and I think it quite fine for us to act upon it. I suppose that actually, in our rules, we have delegated control over the use of this facility, I think, to the President of the Convention and that it would normally be available for use by any committee with the consent and approval of the President. And that so this might be more in the nature of expressing the sense of the membership to confirming that type of delegation of authority, and yet,, I don't know just what wording he is going to come out with. There was some wording about the concurrence of some group, which I would think might just be made the concurrence of the President of the Convention.

**PRESIDENT GRAYBILL:** All right. We'll take it that the sense of the motion is this: "I move that public hearings be held in Convention Hall at the discretion of the President. I further move that the first two rows be retained for the committee." You're referring to when a hearing is held, you want the first two rows to be retained for the committee to hear-to sit in. All right, that's the sense of the motion. And I think you're correct, Mr. Felt, but because people do have desks here that they like to use, we certainly want to get permission if we're going to do this on a regular basis. Note that he has-that Mr. Aasheim has changed the motion, "I move that public hearings be held in the Convention Hall at the discretion of the President." That is not now limited to nighttime, but it's limited to the discretion of myself, and I will, of course, work with Mr. Baucus, the committee coordinator, in scheduling hearings. Now, is there further discussion?-I move that public hearings be held in Convention Hall at the discretion of the President. I further move that the first two rows be retained for the committee. Any

further discussion of this motion in this form?

(No response)

**PRESIDENT GRAYBILL:** All right; all those in favor of the motion, say Aye.

**DELEGATES:** Aye.

**PRESIDENT GRAYBILL:** Opposed, Nay.

(No response)

**PRESIDENT GRAYBILL:** So ordered. Mr. Martin.

**DELEGATE MARTIN:** My parliamentary adviser advises me that this is the point where I might bring this up. At the request of several delegates, Mrs. Fallon, the printing clerk, and Dale have gotten some estimates for the imprinting of letterheads of the members' names. And we have some prices; and if they want information about that, they can get it. The prices, I might say-the Helena Letter Shop has quoted a price of \$5. That's for imprinting the names on letterheads.

**PRESIDENT GRAYBILL:** That's per ream? Per box?

**DELEGATE MARTIN:** Per box, yes. State Publishing is a little higher, 12.90; Thurber Printing is 10.35. At Livingston it was \$10.70. So you get an idea of what you can do and what you can't do. And while I'm on the floor, I wonder if I might have another moment to make-

**PRESIDENT GRAYBILL:** All right. To clear up that first point, I take it that they may see the printing clerk or yourself?

**DELEGATE MARTIN:** I think-No, they can go directly to the-1 don't think the printing clerk has the time or-

**PRESIDENT GRAYBILL:** All right. You're merely saying-

**DELEGATE MARTIN:** They may go directly to the Helena Letter Shop, 11 Placer Avenue, or they could telephone them and make whatever arrangements they would like.

**PRESIDENT GRAYBILL:** Helena Letter Shop was \$5.00?

**DELEGATE MARTIN:** Uh huh. If anyone wants to see-wants a copy of the letterhead

imprinting that I had, I'll be glad to show it to them.

**PRESIDENT GRAYBILL:** Very well. Okay. Now your next matter.

**DELEGATE MARTIN:** Well, I guess you'd-it's a sort of a little off the record and out of the journal. I'd like to-

**PRESIDENT GRAYBILL:** No, now, we're not going off the record and out of the journal, Mr. Martin, but go ahead. (Laughter)

**DELEGATE MARTIN:** It **can** be on the record, for that matter. We have a gentleman, and I think it's the sense of the Convention that silence and brevity will speed up the operation a little bit-we have a gentleman here who, Friday, made a vow and kept it, and that was that he wasn't going to open his mouth. And I should like, at this time, to present to Delegate Mahoney (Laughter) this symbol. It's a little gift from my granddaughter.

**PRESIDENT GRAYBILL:** Do **you** want to describe it? (Laughter)

**DELEGATE MARTIN:** It's a little dwarf, and it says on it, "Love America" (Laughter) and then across the face is a flag, "Keep your mouth shut." (Laughter) (Applause)

**PRESIDENT GRAYBILL:** Mr. Mahoney, would you like to break your resolution of Friday? (Laughter)

**DELEGATE MAHONEY:** The resolution was only for Friday. (Laughter) I want to thank you very much, Fred, for this; and I am trying my best, and there is nothing I'd rather have than to have my mouth sealed up with an American flag. (Applause)

**DELEGATE MARTIN:** One string that goes with that-I'll have to have it back after the session. (Laughter)

**PRESIDENT GRAYBILL:** Mr. Mahoney, I'm sure that the entire house thanks you for your resolution to keep your mouth shut every Friday. (Laughter) Thank you. All right. We're on Order of Business Number 10, General Orders; there's none, is that right?

**CLERK SMITH:** None. sir.

**PRESIDENT GRAYBILL:** So now we're down to Announcements. Now, before we go to Announcements, or before we start announcing committee assignments, I'd like to point out that we did scrape up a daily schedule today. And we'll have it in a little better form by tomorrow, but you do have your daily schedule, and Max Baucus is seeing to it that on the bottom of the daily schedule the committee hearings for that day are described. At least they're described that way if you have gotten the information to him and on the bulletin board. So I would think it would be unnecessary for committee chairmen to stand and announce anything that's on the daily Convention schedule. So please, from now on, refer to your daily Convention schedules for your committee hearings for the day. That does not mean that committee chairmen are not privileged to announce other meetings than shown there or announce future meetings if they're of sufficient importance, but I merely want to avoid the repetitious announcing of things that are already on your daily schedule.

Now, next, Mr. Eskildsen.

**DELEGATE ESKILDSEN:** Mr. President, members of the Convention. For the chairmen, I would like to announce that tomorrow, immediately on adjournment, we'll have an informal presentation by some of the more-learned gentlemen here, Charley Mahoney and Jim Felt and Don Nutting and Marshall Murray and myself, and we will run through, slowly, the various rules and movements that take place on the Convention floor. Any of you who wish to attend are certainly invited. We're doing this so it'll [be] off the record and out of the journal, so to speak; it won't be printed. And-so, I'd like to announce to the chairmen now, if possible, that you wouldn't call your meetings tomorrow until 10:30.

**PRESIDENT GRAYBILL:** Very well. Now this parliamentary information session is open to everyone, not just committee chairmen, but you committee chairmen will try and get started by 9:00—try to get through by 9:45 tomorrow, and they'll try and get through by 10:30 for you, so that might help you a little bit tomorrow if your members want to attend that.

Mr. Toole, did you have an announcement?

**DELEGATE TOOLE:** Public Information Committee, tomorrow morning, 8:00, Room 433.

**PRESIDENT GRAYBILL:** And I think, Mr. Toole, we should reannounce that tonight at 7:30, in the Highway Commission auditorium, is that right?

**DELEGATE TOOLE:** Mrs. Warden will make that announcement.

**PRESIDENT GRAYBILL:** Pardon?

**DELEGATE TOOLE:** Mrs. Warden will make that announcement.

**PRESIDENT GRAYBILL:** All right, Mrs. Warden.

**DELEGATE WARDEN:** In the Highway auditorium tonight at 7:30, will be the showing of the films of the Illinois and Pennsylvania Conventions. After this, I would like the members of the Public Information Committee to stay, because there will be some more films that they need to know about. But this is—these two showings are open to the public and to the delegates. Thank you.

**PRESIDENT GRAYBILL:** Very well. That's tonight at the Highway. Now, one other announcement. You'll notice that you've been given on your desks an announcement of a women's luncheon for your wives tomorrow noon. I only call this to your attention and ask that you check with your wife, if necessary by phone, because they do want an early count for reservations. So please take it upon yourself, if you have a wife here, to take care of this so that reservations can be adequately made.

**CLERK SMITH:** I have been asked by Mr. Holland to announce that there will be a Judiciary Committee meeting 10 minutes after adjournment today. In what room is that, Mr. Holland?

**DELEGATE HOLLAND:** 423-A.

**PRESIDENT GRAYBILL:** 423A. All right. And then I would like to make one other announcement. Sam Gilluly, the head of the Historical Society, called me, and you are all aware that you've gotten a formal invitation to the Historical Society's big night on Thursday night, and he is somewhat concerned, you committee chairmen, lest someone schedule committee hearings during his Historical Society show, and he asked me to call to your special attention that they have gone to some great pains to put on a very good evening for us there, and he'd like to remind

you all of it and remind you chairmen that perhaps this is a significant event and should not be conflicted with. He also made the point to me clearly, and I don't know if we can get the word out in this room, but we'll try otherwise, but the staff is also invited to this Historical Society open house on Thursday night. Now, are there other announcements'?

Mr. Champoux.

**DELEGATE CHAMPOUX:** Education Committee, at 10 minutes after adjournment of this meeting, please.

**PRESIDENT GRAYBILL:** Mr. Joyce.

**DELEGATE JOYCE:** Executive Committee, 10 minutes after adjournment, in the committee room.

**PRESIDENT GRAYBILL:** Mr. Ward.

**DELEGATE WARD:** Public Health, Welfare and Labor at 10:00 this morning, or right on adjournment, and again this evening at 8:00 p.m., on nonmunicipal corporations.

**PRESIDENT GRAYBILL:** And Mr. Murray.

**DELEGATE MURRAY:** Mr. President, Rules Committee, 9:00 in the morning. And one other matter, if I might, please. There's been a radio report this morning that the weather is not too good in the Kalispell area. I seem to recall in the recent past a little publicity in the centerfold of

*Life* magazine about one of our leading Montana cities and a little information in recent newspapers about the seat of our FBI in the State of Montana as being somewhat of a place to go or not to go, and I only want to report that, in spite of the weather in Kalispell—and the chill factor is -70" today and the schools are not in attendance—that *Family Circle* magazine, one of our leading national magazines, reports that the city of Kalispell and the Kalispell area is one of the 18 most economical and best places in the United States in which to live. We thought that the Convention should know that. (Applause)

**PRESIDENT GRAYBILL:** Thank you for that important announcement, Mr. Murray. (Laughter) Are there other announcements?

Mr. Eskildsen.

**DELEGATE ESKILDSEN:** Mr. President, I MOVE that the Convention stand adjourned until Wednesday, January 26th.

**PRESIDENT GRAYBILL:** Motion is to adjourn until Wednesday morning at 9:30, January 26th. All in favor, say Aye.

**DELEGATES:** Aye.

**PRESIDENT GRAYBILL:** Opposed, NW.

(No response)

**PRESIDENT GRAYBILL:** So ordered.

(Adjournment at 10:03 a.m.)

January 26, 1972  
9:30 a.m.

Tenth Day

Convention Hall  
Helena, Montana

**PRESIDENT GRAYBILL:** The Convention will be in order. For the information of the Convention, we have assigned one of the delegate ministers to each day of the week for invocation, and we have asked them if they wouldn't, from time to time, share their obligations with other ministers in the community. And this morning, Reverend Harbaugh has asked Len Watson, who is the minister of the First Presbyterian Church here in Helena, if he would lead us in invocation. So, shall we rise.

**REVEREND WATSON:** Let us pray. God of our fathers and Lord of our lives, how we praise You for this great land of ours and especially for this, our great State; and how we thank You for the blessings which come to us, a heritage from the past, a joy for the present and a challenge for the future—our freedoms, the cattle on a thousand hills, even the mantle of snow, water for our summer crops. Surely you are a great God and greatly to be praised. And, now, Lord, as our representatives take up their responsibilities for another day, fill their hearts and minds with the good of the past, the needs of our day and the hope of tomorrow, and we will be confident that Your will shall be done; in Jesus' name, Amen.

**PRESIDENT GRAYBILL:** Thank you. The clerk will take the roll by the voting machines and will open the votes, and vote Aye if you're present. (Laughter) Mr. Clerk, John Anderson is excused.

**CLERK SMITH:** Mr. Noble?

**PRESIDENT GRAYBILL:** Mr. Noble is late but will be here, so he should be excused.

**CLERK SMITH:** Mr. Rebal?

**DELEGATE REBAL:** Present.

**PRESIDENT GRAYBILL:** Mr. Rebal is present.

**CLERK SMITH:** Mr. Harper?

**UNIDENTIFIED DELEGATE:** (Inaudible) his car out of the snowbank.

**PRESIDENT GRAYBILL:** All right, we'll excuse Mr. Harper.

**CLERK SMITH:** Mr. Kelleher?

**PRESIDENT GRAYBILL:** Mr. Kelleher was excused yesterday for today. All right, we'll close the ballot, and you can take the roll.

Aasheim .....	Present
Anderson, J. ....	Excused.
Anderson, O. ....	Present
Arbanas .....	Present
Arness .....	Present
Aronow .....	Present
Artz .....	Present
Ask .....	Present
Babcock .....	Present
Barnard .....	Present
Bates .....	Present [Excused]
Belcher .....	Present
Berg .....	Present
Berthelson .....	Present
Blaylock .....	Present
Blend. ....	Present
Bowman .....	Present
Brazier .....	Present [Excused]
Brown .....	Present
Bugbee .....	Present
Burkhardt .....	Present
Cain .....	Present [Excused]
Campbell .....	Present
Cate .....	Present
Champoux .....	Present
Chonte .....	Present
Conover .....	Present
Cross .....	Present
Dahood .....	Present
Davis .....	Present
Delaney .....	Present
Driscoll .....	Present
Drum .....	Present
Eck .....	Present
Erdmann .....	Present
Eskildsen .....	Present
Etchart .....	Present
Felt .....	Present
Foster .....	Present
Furlong .....	Present
Garlington .....	Present
Graybill .....	Present
Gysler .....	Present
Habedank .....	Present
Hanson, R.S. ....	Present
Hanson, R. ....	Present
Harbaugh .....	Present
Harlow .....	Present

Harper .....	Excused
Harrington .....	Present
Heliker .....	Present
Holland .....	Present
Jacobsen .....	Present
James .....	Present
Johnson .....	Present
Joyce .....	Present
Kamhoot .....	Present
Kelleher .....	Excused
Leuthold .....	Present
Loendorf .....	Present
Lorello .....	Present
Mansfield .....	Present
Mahoney .....	Present
Martin .....	Present
McCarvel .....	Present
McDonough .....	Present
McKeon .....	Present
McNeil .....	Present
Melvin .....	Present
Monroe .....	Present
Murray .....	Present
Noble .....	Excused [Present]
Nutting .....	Present
Payne .....	Present
Pemberton .....	Present
Rebal .....	Present
Reichert .....	Present
Robinson .....	Present
Roeder .....	Present
Rollins .....	Present
Romney .....	Present
Rygg .....	Present
Scanlin .....	Present
Schiltz .....	Present
Siderius .....	Present
Simon .....	Present
Skari .....	Present
Sparks .....	Present
Speer .....	Present
Studer .....	Present
Sullivan .....	Present
Swanberg .....	Present
Toole .....	Present
Van Buskirk .....	Present
Vermillion .....	Present
Wagner .....	Present
Ward .....	Present
Warden .....	Present
Wilson .....	Present
Woodmansey .....	Present

**CLERK SMITH:** Mr. President, 4 [6] excused, 96 [94] present.

Editor's note: The official roll call record on file with the Historical Society shows the above roll call to be in error. Corrections are bracketed.

**PRESIDENT GRAYBILL:** Very well. The journal may so show. On the Order of Business, Report of Standing Committees.

**CLERK SMITH:** None, sir.

**PRESIDENT GRAYBILL:** 2, Report of Select Committees.

**CLERK SMITH:** None, sir.

**PRESIDENT GRAYBILL:** 3, Report of Communications.

**CLERK SMITH:** None, sir.

**PRESIDENT GRAYBILL:** 4, Introduction and Reference of Delegate Proposals.

**CLERK SMITH:** "Delegate Proposal Number 29. A proposal repealing Article XI, Section 10, of the Constitution of the State of Montana and adding a new section to provide that school elections be held in conjunction with other elections. Be it proposed by the Constitutional Convention of the State of Montana." Introduced by Erdmann and others.

**PRESIDENT GRAYBILL:** To the Education and to the General Government Committee, jointly.

**CLERK SMITH:** "Delegate Proposal Number 30. A proposal for a new Constitutional section eliminating the defense of sovereign immunity. Be it proposed by the Constitutional Convention of the State of Montana." Introduced by Cate and others.

**PRESIDENT GRAYBILL:** To the Judiciary Committee.

**CLERK SMITH:** "Delegate Proposal Number 31. A proposal amending Article XIX, Section 1, of the Constitution of the State of Montana to provide a brief oath of office. Be it proposed by the Constitutional Convention of the State of Montana." Introduced by Harlow.

**PRESIDENT GRAYBILL:** To the General Government Committee.

**CLERK SMITH:** "Delegate Proposal Number 32. A proposal for a new section in Article III of the present Constitution, the Bill of Rights,

guaranteeing freedom from discrimination. Be it proposed by the Constitutional Convention of the State of Montana.” Introduced by Robinson and Speer.

PRESIDENT GRAYBILL: To the Bill of Rights Committee.

CLERK SMITH: “Delegate Proposal Number 33. A proposal for a new Constitutional section to insure the rights of individual dignity, privacy, and free expression.” Introduced by Campbell and others.

PRESIDENT GRAYBILL: To the Bill of Rights Committee.

CLERK SMITH: “Delegate Proposal Number 34. A proposal amending Article III, Section 24, of the Constitution of the State of Montana, reaffirming the principles of reformation and providing automatic restoration of rights upon termination of state supervision. Be it proposed by the Constitutional Convention of the State of Montana.” Introduced by Campbell and others.

PRESIDENT GRAYBILL: To the Judiciary Committee.

CLERK SMITH: “Delegate Proposal Number 35. A proposal for a new Constitutional section in Article XII of the present Constitution to provide that the Legislative Assembly may allow preferential taxation. Be it proposed by the Constitutional Convention of the State of Montana.” Introduced by Robinson.

PRESIDENT GRAYBILL: To the Revenue and Finance Committee.

CLERK SMITH: “Delegate Proposal Number 36. A proposal repealing Section 2 and 4 of Article X of the Constitution of the State of Montana and amending Section 3 of Article X to provide for the seat of Montana government. Be it proposed by the Constitutional Convention of the State of Montana.” Introduced by Belcher and others.

PRESIDENT GRAYBILL: To the General Government Committee.

CLERK SMITH: “Delegate Proposal Number 37. A proposal for a new Constitutional section providing for earmarking by the Legislature. Be it proposed by the Constitutional

Convention of the State of Montana.” Introduced by Foster and others.

PRESIDENT GRAYBILL: To the Revenue and Finance Committee.

CLERK SMITH: “Delegate Proposal Number 38. A proposal for a new Constitutional section providing for citizen participation in the operation of government prior to final decision. Be it proposed by the Constitutional Convention of the State of Montana.” Introduced by Foster and others.

PRESIDENT GRAYBILL: To the Judiciary Committee.

CLERK SMITH: That is all, sir.

PRESIDENT GRAYBILL: No, I have a couple of others here from the President. Now, here’s an announcement of an assignment. “The President of the Montana Constitutional Convention hereby assigns the following delegate proposals to joint hearings, as shown on the schedule below. Delegate Proposal Number 1, which went to Natural Resources, is now also sent to the Bill of Rights, jointly. Delegate Proposal Number 12, which went to Natural Resources, to the Bill of Rights Committee, jointly. Delegate Proposal Number 20, which went to the Bill of Rights Committee, to the Natural Resources Committee, jointly. Delegate Proposal Number 21, to the Bill of Rights Committee, now to the Natural Resources Committee, jointly. This has the effect of putting the four bills on environment in joint hearings between the Bill of Rights and the Natural Resources Committee. Mr. Clerk, do you want to distribute that. Now, secondly, the following sections and Articles of the Montana Constitution are referred to the indicated committee, as shown on the attached schedule, signed by myself, President; and attached thereto is a schedule of the Constitutional assignments. Now, these Constitutional assignments were made during the interim period. However, they’ve been slightly modified, and I think the committee chairmen know in each case, and we have also given out a copy of this to the committee chairmen. However, this will be handled in the normal form like a delegate proposal, and in due course this afternoon, each of you will get a copy of this assignment and the schedule so you’ll all know to which committees various sections of the constitution are assigned. All right, I think that’s all the referrals. Order of Business Number 5, Final Consideration; none. Order of

Business Number 6, Adoption of Proposed Constitution; none. Order of Business Number 7, Motions and Resolutions.

Mr. Blaylock.

**DELEGATE BLAYLOCK:** Mr. Chairman [President], since this problem has been spoken about and written about in a newspaper, and since I have a question in my own mind even though I do not intend to run for any office in this year of 1972, I should like to move the following: I move that the President of this Convention ask the Attorney General of the State of Montana for a legal opinion to clarify what political positions delegates to this Convention may stand for in the year 1972. And I have in mind, Mr. Chairman—for instance, could delegates to this Convention stand for a school board election this year? Or is it all right for us to run for a precinct committeeman or committeewoman post in our respective parties’?

**PRESIDENT GRAYBILL:** Have you written that motion out, Mr. Blaylock? Would you send it to the rostrum? All right, Delegate Blaylock has made the following motion: “that the President of the Convention ask the Attorney General of the State of Montana for a legal opinion to clarify what political positions delegates to the Convention might stand for in the year 1972.” Is there discussion on the motion? (No response) Are you ready for the question? (No response) All right, we’ll put, then, the question of whether or not the President of this Convention should ask the Attorney General of the State of Montana for an opinion—a legal opinion—and to clarify what political positions delegates to this Convention may stand for in the year 1972. All those in favor of that motion, say Aye.

**DELEGATES:** Aye.

**PRESIDENT GRAYBILL:** Opposed, say NO.

(No response)

**PRESIDENT GRAYBILL:** So ordered. I will request that this morning of him. All right—are there other motions or resolutions? Order of Business 8, Unfinished Business.

**CLERK SMITH:** None, sir.

**PRESIDENT GRAYBILL:** Order of Business 9, Special Orders.

**CLERK SMITH:** None, sir.

**PRESIDENT GRAYBILL:** Order of Business 10, General Orders.

**CLERK SMITH:** None, sir.

**PRESIDENT GRAYBILL:** Order of Business 11, Committee Announcements and Notices. First of all, you’ll note that the daily Convention schedule is in somewhat better form today and your committee announcements are there if they have been published previously. Secondly, I would like to make an announcement that the meeting of committee chairmen scheduled for this evening is being rescheduled for adjournment Friday morning. There was one committee had a conflict this evening. There was a possibility that the liaison officer and myself might not be able to be there tonight, so we’ve decided that we’d like to have the committee chairmen meet on adjournment Friday. Now you’ll recall that Friday morning is scheduled for procedural committees anyway, so there should be no conflicts with committee schedules. Secondly, I can announce that a Mr. Casella, who is Executive Director, I believe it is, of the National Municipal League, will be in Helena on Friday observing our Convention. And we had scheduled a meeting with the committee chairmen for him that morning anyway. so we will take up first the committee chairmen’s business and then we will meet and discuss matters with Mr. Casella at that meeting. And the meeting will be in Room 431 on adjournment Friday morning. Now, secondly, I presume you’re aware that there is a luncheon this noon for wives, and if any of them have decided to come that couldn’t come yesterday, please notify one of the stenographers. Third, who is going to make the announcement? Oh, am I to make the announcement about the clerks? I think so—the clerk—do you want to make the announcement about that? All right. I’ll make the announcement. The clerk’s office now has designation slips by which you may designate which two persons—or two places. you want copies of the Convention proceedings to go. So, pick up a slip at the clerk’s office and fill it out if you want to. Now, we’re certainly not urging you to; and if you don’t have anyone in mind, let’s not print just for the sheer joy of printing. Hut, if you want to designate, the clerk’s office has those slips available. Third, does the clerk have an announcement about the State Auditor?

**CLERK SMITH:** The Auditor’s office will be open on Saturday from 10:00 to 3:00 for pay purposes only. The Auditor’s office is located on

the second floor in the west wing of the Capitol building, directly below us. And, there is a second announcement. There will be a PEO Founders' Day luncheon Saturday, January 29th, and all are cordially invited to attend. Reservations can be made with Mrs. Fallon in the chief clerk's office.

PRESIDENT GRAYBILL: Very well. Mr. Eskildsen, do you have an announcement about this morning's parliamentary information session? Just a moment, may the record show Mr. Noble present.

DELEGATE ESKILDSEN: Mr. President.

PRESIDENT GRAYBILL: Mr. Eskildsen.

DELEGATE ESKILDSEN: The information we were supposed to put out today we'll wait, because the rules will be on our desk this evening some time and we'll have a chance to go over them, and I think it would be better, when we're going through rules in procedure and putting out information, if we all had the rules before us. So, we will have that on adjournment Friday.

PRESIDENT GRAYBILL: We'll have it--certainly--What I meant by that other announcement about committee chairmen, it'll be after your hearing--after your meeting.

DELEGATE ESKILDSEN: Okay. So it'll be now moved on up to recess Friday.

PRESIDENT GRAYBILL: Very well. We won't have the parliamentary information session this morning. We will have it on Friday morning at recess, and the committee chairmen meeting will be after that session on Friday morning. Now, are there other announcements?

Mrs. Warden.

DELEGATE WARDEN: May I ask that the Cascade County delegation meet at the back of the room for just a few minutes after this session.

PRESIDENT GRAYBILL: Very well. Cascade County in the left-rear corner of the chamber at the close of this session. Other announcements?

Mr. Holland.

DELEGATE HOLLAND: A meeting of Judiciary, in the committee room, 10 minutes after adjournment.

PRESIDENT GRAYBILL: Mr. Joyce.

DELEGATE JOYCE: Mr. President, I must apologize to the Convention. I noticed that the Executive Committee here is the only one on our daily schedule that apparently is doing nothing, but I want to announce that at 2 o'clock today, the Executive Committee is going to meet with the Board of Railroad and Public Service Commissioners. We will have the information of our subsequent meetings will appear on this list later, and the Executive Committee will meet in the committee-Room 430 on adjournment-10 minutes after adjournment.

PRESIDENT GRAYBILL: Very well. Mr. Toole.

DELEGATE TOOLE: Mr. President, the Public Information Committee will have a meeting every morning at 8:30 in the Public Information Director's office until further notice.

PRESIDENT GRAYBILL: All right, 8:30 every morning for Public Information until further notice.

Mrs. Bugbee.

DELEGATE BUGBEE: Mr. President, since we have a limitation of two going-of the Convention proceedings, would it be possible to allocate one of these to each of the citizen corps chairmen in their areas?

PRESIDENT GRAYBILL: Well we'll take care of the citizen corps, Mrs. Bugbee, aside from that delegation--that allocation. Other announcements?

Mr. Eskildsen.

DELEGATE ESKILDSEN: Mr. President, I move we stand adjourned until Thursday, January 27th, 1920--1972. (Laughter)

PRESIDENT GRAYBILL: The motion is to adjourn until Thursday at 9:30. All in favor, say Aye.

DELEGATES: Aye.

PRESIDENT GRAYBILL: Opposed, No. (No response)

PRESIDENT GRAYBILL: So ordered.

(Adjournment at 9:52 a.m.)

January 27, 1972  
9:40 a.m.

Eleventh Day

Convention Hall  
Helena, Montana

PRESIDENT GRAYBILL: (Inaudible) order. The Convention today sent George Harper to Great Falls to debate, and so in his absence, I'm going to ask Father Arbanas to lead us in an invocation.

DELEGATE ARBANAS: Let "spray. Our Father, we thank You for the challenge and the opportunities of this new day. Give us joy and courage and wisdom. Help us to listen to others and see the needs of others. Amen.

PRESIDENT GRAYBILL: Very well, we'll take roll on the voting machine by voting Aye if you're present. Four of the delegates are in Great Falls on this taping that they're doing, so they are excused.

CLERK SMITH: Mr. Barnard, Mr. Harper. Mr. Johnson, Mr. Nutting and Mrs. Robinson are excused. Mr. Kelleher.

PRESIDENT GRAYBILL: Mr. Kelleher is excused. Okay.

CLERK SMITH: Mr. President, 94 present; 6 excused. Quorum.

PRESIDENT GRAYBILL: Very well. the journal may so show.

Aasheim	..	Present
Anderson, J.	.....	Present
Anderson,	0..	Present
Arbanas	.	Present
Arness	.....	Present
Aronow	.....	Present
Artz		Present
Ask	.....	Present
Babcock	.....	Present
Barnard	.	Excused
Bates	.....	Present
Belcher	.. ..	Present
Berg	.....	Present
Berthelson		Present
Blaylock		Present
Blend,	..	Present
Bowman..		Present
Brazier	..	Present
BROWN	.....	Present
Bugbee		Present
Burkhardt		Present
Cain.		Present
Campbell		Present

Cate	.....	Present
Champoux	.....	Present
Choate	.....	Present
Conover	.....	Present
Cross	.....	Present
Dahood	.....	Present
Davis	.....	Present
Delaney	.....	Present
Driscoll	.....	Present
Drum	.....	Present
Eck	.....	Present
Erdmann	.....	Present
Eskildsen	.....	Present
Etchart	.....	Present
Felt	.....	Present
Foster	.....	Present
Furlong	.....	Present
Garlington	.....	Present
Graybill	.....	Present
Gysler	.....	Present
Habedank	.....	Present
Hanson, R.S.	.....	Present
Hanson, K.	.....	Present
Harbaugh	.....	Present
Harlow	.....	Present
Harper	.....	Excused
Harrington	.....	Present
Heliker	.....	Present
Holland	.....	Present
Jacobsen	.....	Present
James	.....	Present
Johnson	.....	Excused
Joyce	.....	Present
Kamhoot	.....	Present
Kelleher	.....	Excused
Leuthold	.....	Present
Loendorf	.....	Present
Lorello	.....	Present
Mahoney	.....	Present
Mansfield	.....	Present
Martin	.....	Present
McCarvel	.....	Present
McDonough	.....	Present
McKeon	.....	Present
McNeil	.....	Present
Melvin	.....	Present
Monroe	.....	Present
Murray	.....	Present
Noble	.....	Present
Nutting	.....	Excused
Payne	.....	Present
Pemberton	.....	Present

Rebal .....	Present
Reichert .....	Present
Robinson .....	Excused
Roeder .....	Present
Rollins .....	Present
Romney .....	Present
Rygg .....	Present
Scanlin .....	Present
Schiltz .....	Present
Siderius .....	Present
Simon .....	Present
Skari .....	Present
Sparks .....	Present
Speer .....	Present
Studer .....	Present
Sullivan .....	Present
Swanberg .....	Present
Toole .....	Present
Van Buskirk .....	Present
Vermillion .....	Present
Wagner .....	Present
Ward .....	Present
Warden .....	Present
Wilson .....	Present
Woodmansey .....	Present

**PRESIDENT GRAYBILL:** Order of Business Number 1, Reports of Standing Committees.

**CLERK SMITH:** None, sir.

**PRESIDENT GRAYBILL:** Order of Business Number 2, Reports of Select Committees.

**CLERK SMITH:** None, sir.

**PRESIDENT GRAYBILL:** Order of Business Number 3, Communications.

**CLERK SMITH:** "The Honorable Leo Graybill, Jr., President, Constitutional Convention; State of Montana, State Capitol Building, Helena, Montana. Dear President Graybill: Enclosed with this letter is a resolution adopted by the delegates to our Constitutional Convention some days ago, expressing their best wishes to the Constitutional Convention of the State of Montana. I know you will enjoy your experience as President, as I do. It is a once-in-a-lifetime experience. You have my very best wishes for a successful Convention; one that will result in the drafting of a new Constitution for the State of Montana—a Constitution that will be adopted by the citizens of your great state. Very truly yours, Frank A. Wenstrom, President of the Constitutional Convention of the State of North Dakota."

**PRESIDENT GRAYBILL:** Now you may read the resolution.

**CLERK SMITH:** "A resolution expressing the best wishes of the North Dakota Constitutional Convention to the Constitutional Convention of the State of Montana: Whereas, along the length and breadth of this land, there is a concerted effort to revise and reform many state constitutions in order that these basic documents reflect the changes and advancements that have occurred in this century, affecting our society and way of life; and whereas, the citizens of the states of North Dakota and Montana, having recognized that there may be a need for such revision and reform, have authorized constitutional conventions to undertake this effort; and whereas, the delegates to the North Dakota Constitutional Convention have now been in plenary session for 10 days and recognize the monumental problems confronting them as they attempt to revise and rewrite the North Dakota Constitution of 1899; and whereas, the delegates to the Montana Constitutional Convention are now assembled in Helena for the same basic purposes, having determined that a proposed revision of their own constitution was advisable. Now therefore, be it resolved by the North Dakota Constitutional Convention: That this Convention express its sincere wishes for a most successful organizational meeting and that the delegates to the Montana Constitutional Convention may produce a revised Constitution so nearly perfect that it may be second only to that created by the State of North Dakota. Be it further resolved: That a copy of this resolution be forwarded to the President of the Montana Constitutional Convention. Frank A. Wenstrom, President; William B. Pearce, First Vice-President; Stanley Saugstad, Second Vice-President; Louis Vogel, Secretary; and G. R. Gilbreath, Chief Clerk." That is all, sir.

**PRESIDENT GRAYBILL:** Very well. Shortly, under Resolutions, we will have a reply ready for them. The journal clerk may record the North Dakota resolution in the journal.  
Mr. Arness.

**DELEGATE ARNESS:** Mr. President, may I comment? Apparently that's a North Dakota joke. (Laughter)

**PRESIDENT GRAYBILL:** I suppose it would only be fair to let each one of you tell your own North Dakota joke at this time.  
Mr. Barnard.

**DELEGATE BARNARD:** I'd just like to announce that I am present now.

**PRESIDENT GRAYBILL:** Very well. Mr. Barnard is present. All right, Order of Business Number 4, Introduction and Reference of Delegate Proposals.

**CLERK SMITH:** "Delegate Proposal Number 39. A proposal for a new Constitutional Section providing for a wage commission. Be it proposed by the Constitutional Convention of the State of Montana." Introduced by Cate and others.

**PRESIDENT GRAYBILL:** Number 39, to Public Health, Welfare, Labor and Industry.

**CLERK SMITH:** "Delegate Proposal Number 40. A proposal for a new Constitutional Article on Local Government. Be it proposed by the Constitutional Convention of the State of Montana." Introduced by Felt and others.

**PRESIDENT GRAYBILL:** Number 40, to Local Government.

**CLERK SMITH:** "Delegate Proposal Number 41. A proposal for two new Constitutional sections which will retain the provisions of the present Constitution relating to appropriations for charitable purposes and aid to nonpublic schools. Be it proposed by the Constitutional Convention of the State of Montana." Introduced by Leuthold.

**PRESIDENT GRAYBILL:** Number 41, to Education.

**CLERK SMITH:** "Delegate Proposal Number 42. A proposal for a new Constitutional section providing for initiative, referendum and recall powers for local government. Be it proposed by the Constitutional Convention of the State of Montana: Introduced by Blend.

**PRESIDENT GRAYBILL:** Number 42, to General Government.

**CLERK SMITH:** "Delegate Proposal Number 43. A proposal for a new Constitutional section providing for equality of educational opportunity." Introduced by Champoux and others.

**PRESIDENT GRAYBILL:** Number 43, to Education.

**CLERK SMITH:** "Delegate Proposal Num-

ber 44. A proposal for a new Judicial Article. Be it proposed by the Constitutional Convention of the State of Montana." Introduced by Locndorf.

**PRESIDENT GRAYBILL:** Number 44, to Judiciary.

**CLERK SMITH:** "Delegate Proposal Number 45. A proposal amending Article III. Section 3, of the Constitution of the State of Montana, recognizing the right to basic necessities. Be it proposed by the Constitutional Convention of the State of Montana." Introduced by Monroe and others.

**PRESIDENT GRAYBILL:** Number 45, jointly to the Bill of Rights Committee and to the Public Health, Welfare, and Labor and Industry Committee.

**CLERK SMITH:** "Delegate Proposal Number 46. A proposal for a new Constitutional section providing for the financing of public school system. Be it proposed by the Constitutional Convention of the State of Montana." Introduced by McKeon.

**PRESIDENT GRAYBILL:** Number 46, jointly to Education and Revenue and Finance.

**CLERK SMITH:** That is all, sir.

**PRESIDENT GRAYBILL:** All right. Number 5, Final Consideration of Proposals.

**CLERK SMITH:** None, sir.

**PRESIDENT GRAYBILL:** 6, Adoption of Proposed Constitution.

**CLERK SMITH:** None, sir.

**PRESIDENT GRAYBILL:** 7. Motions and Resolutions. We have a resolution, which I have signed, which Mr. Harris has prepared and which we will now read to you, which we will send, if you approve, to North Dakota. Would you read the Resolution, Number 8.

**CLERK SMITH:** "Resolution Number 8. A resolution sending greetings of the Montana Constitutional Convention to the Constitutional Convention of the State of North Dakota. Whereas, on July 4, 1889, delegates to the Constitutional Conventions met in the great states of Montana and North Dakota to draft constitutions to govern the new states preparing to join the Union; and whereas the following communication was received by the Montana Constitutional Convention of 1889

from the North Dakota Constitutional Convention: Bismarck, North Dakota; July 4, 1889. Constitutional Convention: The Constitutional Convention of North Dakota sends greeting and bids you Godspeed in your advance movement towards statehood and full American citizenship. May the four new stars about to be added to the national flag not lose in brilliancy through lack of care in laying the foundations of the states-to-be. Let Washington bring fruit and flowers-Montana, its precious metals-to add to the beauty and wealth of our nation; while the Dakotas will bring wheat and corn for the people of the world. Signed: F. B. Fancher, President. Whereas, the sister conventions proposed constitutions, which the people approved in 1889, that have governed our states for 82 years; and whereas, the conditions of life have changed greatly since we sister states adopted our present constitutions and because of this, citizens of Montana and North Dakota have voted for and called conventions to revitalize our basic documents; and whereas, both conventions are now assembled and have undertaken the rewarding task of preparing proposed constitutions for consideration by their people. Now, therefore, be it resolved by the Constitutional Convention of the State of Montana: That the delegates to the Montana Constitutional Convention send fraternal greetings to the people of North Dakota and their delegates in convention assembled. That the delegates to the Montana Constitutional Convention congratulate the North Dakota Constitutional Convention and convey their wishes that the North Dakota Convention as well as the Montana Convention will have the ability to draft constitutions that will meet the approval of the people of our great states and serve as examples for all other states. Be it further resolved: That a copy of the resolution be sent to the President of the North Dakota Constitutional Convention." Introduced by Leo Graybill, Jr.

**PRESIDENT GRAYBILL:** Very well, you've heard the proposed resolution to the State of North Dakota in which Mr. Harris has, I think, interestingly drawn upon the historical references to the 1889 Constitutions and to North Dakota's message to us at that time and has sent them greetings and good wishes. Is there any discussion? (No response) Very well. All in favor of adopting this resolution and sending it to the State of North Dakota, please say Aye.

**DELEGATES:** Aye.

**PRESIDENT GRAYBILL:** Opposed, Nay.

(No response)

**PRESIDENT GRAYBILL:** The Ayes have it, and so ordered. And we will write a cover letter and send the resolutions out to them. Are there any other motions or resolutions? (No response) Very well. 8, Unfinished Business.

**CLERK SMITH:** None, sir.

**PRESIDENT GRAYBILL:** 9, Special Orders of the Day.

**CLERK SMITH:** None, sir.

**PRESIDENT GRAYBILL:** 10, General Orders of the Day.

**CLERK SMITH:** None, sir.

**PRESIDENT GRAYBILL:** 11, Announcements and Notices. First of all, I'm sure you're all aware that the Historical Society party is tonight and they have invited all of us and the staff and will look forward to seeing us there. Secondly, you will be receiving, today, notices today of a second social gathering of the body, a dinner at the Montana Club next Tuesday night. I thought you might want to keep that in mind. It is necessary that we get at least 50 reservations for this party, so please think about it and if possible get your reservations in as promptly as possible to my secretary. Third, I'm sure you committee chairmen are aware that they will meet on adjournment, or at least after the parliamentary exercise, tomorrow. We will meet in the Senate. We will discuss some business for the first portion of that period, and then we will meet with the National Municipal League representative who will be there. I think we invited the vice-chairmen to come to that meeting, and certainly you may come to the whole meeting if you want to.

Now, Mrs. Warden, do you have an announcement?

**DELEGATE WARDEN:** Yes, Mr. President. The Public Information meeting will be held Friday morning from 10:00 to 12:00 in Room 431. There will be an 8:30 meeting every morning for the subcommittee chairmen of Public Information in Miss Harrison's office, and this is just for the subcommittee of Public Information. Thank you.

**PRESIDENT GRAYBILL:** Very well; Public Information, tomorrow morning at 10

o'clock-431. Now, yesterday I announced that you could designate people to whom the proceedings were to be sent, and you have done so all too well. And the leadership would like to announce that anybody who doesn't want to designate will be rewarded with some sort of a small gold star, because our printing and our mailing costs are skyrocketing. So, please don't designate anyone to receive the proceedings, which are extensive, unless there's a real good reason for it, unless you really want it there. Let's not just designate somebody for the sheer joy of sending this stuff through the mail to them. So those of you who haven't designated should feel a moment's pride in having not done so. Are there other announcements?

Yes, Mr. Loendorf.

**DELEGATE LOENDORF:** Loendorf. I'd like to announce, Mr. President, that the First Judicial District Bar Association invites the lawyer-delegates to their annual meeting. It's tomorrow night at 6:30 at the Montana Club. There'll be a no-host cocktail hour, followed by dinner, and you should make a reservation with Mr. Brazier or myself sometime today, and the cost is 5.50 perperson. And the announcement, I see, also notes that Melvin Belli may be a special guest.

**PRESIDENT GRAYBILL:** Mr. Schiltz.

**DELEGATE SCHILTZ:** Mr. President, Style and Drafting, tomorrow morning at 9 o'clock. That won't conflict with anything you've set, will it?

**PRESIDENT GRAYBILL:** At 9 o'clock?

**DELEGATE SCHILTZ:** Yes.

**PRESIDENT GRAYBILL:** We'll have a session at 9:30 until about a quarter of 10:00.

**DELEGATE SCHILTZ:** We'll be through by 9:30.

**PRESIDENT GRAYBILL:** Okay — 9 o'clock is fine; Style and Drafting.  
Mr. Champoux.

**DELEGATE CHAMPOUX:** Education, 10 minutes after adjournment of this session, please.

**PRESIDENT GRAYBILL:** Mr. Holland.

**DELEGATE HOLLAND:** Judiciary, 10 minutes after adjournment.

**PRESIDENT GRAYBILL:** Mrs. Cross.

**DELEGATE CROSS:** This morning for— Natural Resources will deal with water. And that's at 10:30; and the one at 1:30 is a joint hearing with the Public Lands and Education Committee.

**PRESIDENT GRAYBILL:** Very well.  
Mr. Joyce.

**DELEGATE JOYCE:** Executive, 10 minutes after adjournment at the committee room.

**PRESIDENT GRAYBILL:** Very well. Are there other announcements'? (No response)  
All right, Mr. Eskildsen.

**DELEGATE ESKILDSEN:** Mr. President, I move that the Convention stand adjourned until 9:30 a.m., Friday, January 28th, 1972.

**PRESIDENT GRAYBILL:** All in favor of adjourning until 9:30 Friday morning, say Aye.

**DELEGATES:** Aye.

**PRESIDENT GRAYBILL:** Opposed, Nay.  
(No response)

**PRESIDENT GRAYBILL:** The Ayes have it, and so ordered.

(Convention adjourned at 9:58 a.m.)

January 28, 1972  
9:40 a.m.

Twelfth Day

Convention Hall  
Helena, Montana

**PRESIDENT GRAYBILL:** The Convention will come to order. Shall we all rise and have invocation by Delegate Scanlin.

**DELEGATE SCANLIN:** Let us pray. "He that hath ears to hear, let him hear." These words of Jesus remind us, oh God, that it is more important to listen than to speak. Make us good listeners, that we may be enabled better to understand the issues before us and to add to our understanding of our fellow human beings. Amen.

**PRESIDENT GRAYBILL:** We will take the roll call by voting Aye on the voting machines.

**CLERK SMITH:** Mr. Artz, Mr. Campbell, Mr. Cate, Mr. James, Mr. Johnson. Mr. Kelleheris excused.

**PRESIDENT GRAYBILL: Very well.**  
**Take** the recorded vote.

Aasheim .....	Present
Anderson J.....	Present
Anderson, O.....	Present
Arbanas .....	Present
Arness.....	Present
Aronow.....	Present
Artz .....	Present
Ask.....	Present
Babcock .....	Present
Barnard .....	Present
Bates .....	Present
Belcher .....	Present
Berg .....	Present
Berthelson .....	Present
Blaylock.. .....	Present
Blend .....	Present
Bowman .....	Present
Brazier .....	Present
Brown.. .....	Present
Bugbee .....	Present
Burkhardt .....	Present
Cain .....	Present
Campbell .....	Present
Cate .....	Present
Champoux.....	Present
Choate .....	Present
Conover .....	Present
Cross.. .....	Present
Dahood .....	Present
Davis .....	Present
Delaney .....	Present

Driscoll .....	Present
Drum .....	Present
Eck .....	Present
Erdmann .....	Present
Eskildsen .....	Present
Etchart .....	Present
Felt.....	Present
Foster .....	Present
Furlong,, .....	Present
Garlington.....	Present
Graybill .....	Present
Gysler .....	Present
Habedank .....	Present
Hanson, R.S.....	Present
Hanson, R. ....	Present
Harbaugh .....	Present
Harlow .....	Present
Harper .....	Present
Harrington .....	Present
Heliker .....	Present
Holland. ....	Present
Jacobsen .....	Present
James .....	Present
Johnson .....	Present
Joyce .....	Present
Kamhoot .....	Present
Kelleher .....	Excused
Leuthold .....	Present
Loendorf.....	Present
Lorello .....	Present
Mahoney .....	Present
Mansfield .....	Present
Martin .....	Present
McCarvel .....	Present
McDonough.....	Present
McKeon .....	Present
McNeil .....	Present
Melvin .....	Present
Monroe .....	Present
Murray .....	Present
Noble .....	Present
Nutting .....	Present
Payne .....	Present
Pemberton .....	Present
Rebal .....	Present
Reichert .....	Present
Robinson .....	Present
Roeder .....	Present
Rollins. ....	Present
Romney .....	Present
Rygg .....	Present
Scanlin .....	Present

Schiltz	Present
Siderius	Present
Simon	Present
Skari	Present
Sparks..	Present
Speer.....	Present
Studer.....	Present
Sullivan	Present
Swanberg..	Present
Toole	Present
Van Buskirk	Present
Vermillion	Present
Wagner	Present
Ward.....	Present
Warden	Present
Wilson..	Present
Woodmansey	Present

**CLERK SMITH:** Mr. President, 99 present, 1 excused. Quorum, Mr. President.

**PRESIDENT GRAYBILL:** Very well. The journal may so show. Order of Business Number 1, Report of Standing Committees.

**CLERK SMITH:** None, sir.

**PRESIDENT GRAYBILL:** Order of Business Number 2, Report of Select Committees.

**CLERK SMITH:** None, sir.

**PRESIDENT GRAYBILL:** 3, Communications.

**CLERK SMITH:** None, sir.

**PRESIDENT GRAYBILL:** 4, Introduction and Reference of Delegate Proposals.

**CLERK SMITH:** "Delegate Proposal Number 47. A proposal for a new Constitutional section providing for three types of elections. Be it proposed by the Constitutional Convention of the State of Montana." Introduced by Cain.

**PRESIDENT GRAYBILL:** 47, to General Government.

**CLERK SMITH:** "Delegate Proposal Number 48. A proposal for two new Constitutional sections providing for water rights." Introduced by Etchart.

**PRESIDENT GRAYBILL:** 48, to Natural Resources.

**CLERK SMITH:** "Delegate Proposal Num-

ber 49. A proposal amending Article XI, Section 5, of the Constitution of the State of Montana providing for apportionment of school funds. Be it proposed by the Constitutional Convention of the State of Montana." Introduced by Blaylock and others.

**PRESIDENT GRAYBILL:** 49, to Education.

**CLERK SMITH:** "Delegate Proposal Number 50. A proposal for a new Constitutional section guaranteeing the equal protection of the laws. Be it proposed by the Constitutional Convention of the State of Montana." Introduced by Campbell.

**PRESIDENT GRAYBILL:** 50, to Bill of Rights.

**CLERK SMITH:** "Delegate Proposal Number 51. A proposal for a new Constitutional section prohibiting discrimination in employment and the sale or rental of property on the basis of race, color, creed, national ancestry or sex. Be it proposed by the Constitutional Convention of the State of Montana." Introduced by Campbell.

**PRESIDENT GRAYBILL:** 51, to Bill of Rights.

**CLERK SMITH:** "Delegate Proposal Number 52. A proposal amending Article XIX, Section 8, of the Constitution of the State of Montana to permit future constitutional convention delegates to be elected on a nonpartisan basis. Be it proposed by the Constitutional Convention of the State of Montana." Introduced by Warden and others.

**PRESIDENT GRAYBILL:** Number 52, to General Government.

**CLERK SMITH:** "Delegate Proposal Number 53. A proposal amending Article VIII, Section 20, of the Constitution of the State of Montana. Be it proposed by the Constitutional Convention of the State of Montana." Introduced by Ask and others.

**PRESIDENT GRAYBILL:** 53, to Judiciary.

**CLERK SMITH:** "Delegate Proposal Number 54. A proposal repealing Article XIX, Section 6, of the Constitution of the State of Montana. Be it proposed by the Constitutional Convention of the State of Montana." Introduced by Rollins.

**PRESIDENT GRAYBILL: 54,** to Local Government.

**CLERK SMITH:** "Delegate Proposal Number 55. A proposal for a new Constitutional section providing for compensation for victims of crime. Be it proposed by the Constitutional Convention of the State of Montana." Introduced by Cate.

**PRESIDENT GRAYBILL: 55,** to Bill of Rights.

**CLERK SMITH:** "Delegate Proposal Number 56. A proposal for a new Constitutional Article on Local Government. Be it proposed by the Constitutional Convention of the State of Montana." Introduced by Erdmann.

**PRESIDENT GRAYBILL: 56,** to Local Government.

**CLERK SMITH:** "Delegate Proposal Number 57. A proposal for a new Constitutional section providing for citizens' rights access to government documents and procedures. Be it proposed by the Constitutional Convention of the State of Montana." Introduced by Eck and others.

**PRESIDENT GRAYBILL: 57,** to the Bill of Rights.

**CLERK SMITH:** "Delegate Proposal Number 58. A proposal for a new Constitutional section providing for periodically presenting the question of a Constitutional Convention to the voters. Be it proposed by the Constitutional Convention of the State of Montana." Introduced by Harlow and Hanson.

**PRESIDENT GRAYBILL: 58,** to General Government.

**CLERK SMITH:** "Delegate Proposal Number 59. A proposal for a new Preamble to the Constitution of the State of Montana. Be it proposed by the Constitutional Convention of the State of Montana." Introduced by Campbell and Mae Nan Robinson.

**PRESIDENT GRAYBILL: 59,** to Bill of Rights. There has been a request that we read Proposal Number 59, which is short, to the Convention, and unless I hear objection, I'll ask the clerk to read Proposal Number 59. Hearing none, proceed.

**CLERK SMITH:** "Section 1. There shall be

a preamble in the new Constitution to read as follows: Preamble. We, the people of Montana, instilled with the spirit of our Creator, gathering our strength from the grandeur of our mountains and the richness of our rolling grasslands, with a reverence for the quiet beauty of our state, with the desire to live in peace, in order to improve the quality of life and equality of opportunity for this and succeeding generations, do hereby ordain and establish this Constitution."

**PRESIDENT GRAYBILL:** Very well. That proposal has been assigned to Bill of Rights. Very well. Order of Business Number 5, Final Consideration.

**CLERK SMITH: None,** sir.

**PRESIDENT GRAYBILL: 6,** Adoption of Proposed Constitution.

**CLERK SMITH: None,** sir.

**PRESIDENT GRAYBILL: 7,** Motions and Resolutions. The Chair would recognize Mr. Holland.

**DELEGATE HOLLAND: Your** Honor—or Mr. President. (Laughter)

**PRESIDENT GRAYBILL:** Mr. Holland, if there's one thing I haven't been, it's elevated to the Judiciary, but go ahead. (Laughter)

**DELEGATE HOLLAND:** Well, in the Judiciary, we've been bowing and scraping to judges for the last 3 days, and I'm not about to forget my manners, and I apologize. (Laughter) The Chair has referred Delegate Proposals Number 30, 34 and 38 to Judiciary. I have discussed the matter of their referral with some of their-with the main sponsors on each bill; each one wants them into the Bill of Rights Committee. They feel they properly belong there. I've discussed the matter with Mr. Dahood, who is the Chairman of the Bill of Rights; he desires to have them in his committee. I therefore move that Delegate Proposals Number 30, 114, 38 be transferred from Judiciary to the Hill of Rights Committee.

**PRESIDENT GRAYBILL:** Would you identify the subjects of those? I'm not familiar with 38.

**DELEGATE HOLLAND:** I think I better read 38, because I'm not real clear of exactly what they want. "Section 1. There shall be a new Consti-

tutional provision to provide as follows: Right of Participation. The public shall have the right to expect governmental agencies to afford every feasible opportunity for citizen participation in the operation of the government prior to final decision. The Legislature shall provide, by law, points of access and institutional structures to maximize such a right." It would be, then, I would take it, a right of participation to be implemented by the Legislature.

**PRESIDENT GRAYBILL:** Well, 30 refers to restitution of prisoners, as I recall.

**DELEGATE HOLLAND:** Yes, and 34 is the abolition of sovereign immunity in the State and subdivisions thereof.

**PRESIDENT GRAYBILL:** All right. And can you tell me who the author of 38 is, because I hadn't checked that one out.

**DELEGATE HOLLAND:** 38 is sponsored by Donald Foster. I've discussed this matter with him. George James, Mae Nan Robinson, Lyle Monroe, Veronica Sullivan, Jerome Cate, Neil D. Furlong, Bob Campbell, Jerome Loendorf, Dorothy Eck and Don Rebal. I've been informed by Mr. Cate that the initial sponsor was Mr. Foster. I discussed the matter with Mr. Foster, and he has assured me he believes it belongs in the Bill of Rights. And I discussed the matter with Mr. Dahood, and he also believes it belongs there and wishes it transferred.

**PRESIDENT GRAYBILL:** Mr. Dahood.

**DELEGATE DAHOOD:** The Bill of Rights Committee joins in the motion submitted by the Judiciary Committee.

**PRESIDENT GRAYBILL:** Very well. The motion is to move Delegate Proposals 30, 34 and 38 from Judiciary to Bill of Rights. Now, does anybody want to segregate that and vote on them individually? The Chair has no objection to moving them. If not, all in favor of moving them, say Aye.

**DELEGATES:** Aye.

**PRESIDENT GRAYBILL:** Opposed, no. (No response)

**PRESIDENT GRAYBILL:** So ordered. Now, Mr. Heliker.

**DELEGATE HELIKER:** Mr. President,

I'd like to move that Delegate Proposal Number 39, which has to do with salary scales of elected officers, be transferred from the Public Health Committee to the Executive Committee.

**PRESIDENT GRAYBILL:** On 39—the Chair will admit I didn't read it carefully enough, and I'd like the house to approve this. May we move 39 from Public Health to Executive? All in favor, say Aye.

**DELEGATES:** Aye.

**PRESIDENT GRAYBILL:** Opposed? (No response)

**PRESIDENT GRAYBILL:** So ordered. All right, Order of Business Number--are there other motions and resolutions? Order of Business Number 8, Unfinished Business.

**CLERK SMITH:** None, sir.

**PRESIDENT GRAYBILL:** Number 9, Special Orders.

**CLERK SMITH:** None, sir.

**PRESIDENT GRAYBILL:** Number 10, General Orders.

**CLERK SMITH:** None, sir.

**PRESIDENT GRAYBILL:** Number 11, Special Announcements. As I think you're mostly aware, Mr. William Casella, Jr., the Executive Director of the National Municipal League, will be with us today. He is going to meet this morning, between 11:00 and 12:00, with the committee chairmen, and he's going to meet this afternoon at 2:00 p.m. with the Local Government Committee. And we have secured the Senate for that meeting. for your information, Mr. Anderson. And he's going to have lunch today with some of the executive officers of the Convention. Secondly, I'd like to announce that the Council on Children and Youth, which is a Montana council concerning itself with children and youth, is going to have a youth fair on Monday; you've seen the announcements in the hallways. They had scheduled this youth fair in conjunction with us and we then changed our schedule, but they're going ahead on Monday anyway. The Bill of Rights Committee has graciously consented to hold a hearing on Monday morning on some issues in the Bill of Rights which the young people might be interested in, and we'll listen to their testimony.

Anyone else that wants to hold anything on Monday or participate, we'd be happy to have you do so. Those of you who are here, might want to come out and observe the youth fair. I've been asked to make the following announcement about mail. There is no mail delivery in the Capitol on Sunday. Mail can be picked up on Monday, of course; and furthermore, the center doors of the Capitol will be the only ones open over the weekend; the other doors will be posted. That's Sunday and, I guess, maybe that's Saturday this week. Then we have—the committee chairmen, I think, are all aware that they are meeting this morning, after the parliamentary exercise, in the Senate. The committee secretaries, however, will also be meeting at the same time in the Judiciary room—Room 412. So if some of you can't find your committee secretary, that's why. They are also holding a meeting this morning from, let's say, 10:30 on in Judiciary—412, and I again have been asked to call your attention to that notice you got yesterday about dinner next Tuesday and R.S.V.P. replies to my secretary or one of the other secretaries. Are there other announcements'?

Mr. Blaylock.

**DELEGATE BLAYLOCK:** Mr. President, as Vice-President of the Bill of Rights Committee, I should like to announce that, in accordance with the request of the President about meetings on Friday, that, on the schedule which was handed to us today, that the Bill of Rights hearing on discrimination and right to bear arms will be heard tomorrow, Saturday, at 10 o'clock in the Governor's conference room.

**PRESIDENT GRAYBILL:** Very well. That hearing is tomorrow.  
Mrs. Warden.

**DELEGATE WARDEN:** As Vice-chairman of the Public Information Committee, there will be a meeting of the committee in Room 431 on adjournment, from 10:00 to 1200.

**PRESIDENT GRAYBILL:** On adjournment—that's after the parliamentary exercise? Very well.  
Mr. Heliker.

**DELEGATE HELIKER:** I'd like to note a correction in the daily schedule. The hearing of the Public Health Committee today is scheduled for 8:00 p.m. Also, I'd like to announce that the meeting of the committee scheduled for 3:00 p.m. this afternoon has been cancelled.

**PRESIDENT GRAYBILL:** Very well.  
Mr. Etchart.

**DELEGATE ETCHART:** Mr. President, the General Government Committee will meet at 1:30 this afternoon. Thank you.

**PRESIDENT GRAYBILL:** Is that in place of the 10:00 a.m. meeting?

**DELEGATE ETCHART:** Yes.

**PRESIDENT GRAYBILL:** Very well—1:30 p.m., General Government.  
Mr. Joyce.

**DELEGATE JOYCE:** The Executive Committee will meet in the committee room at 2:00 p.m. today.

**PRESIDENT GRAYBILL:** Very well.  
Mr. Rygg.

**DELEGATE RYGG:** I notice there is nothing on this sheet for Revenue and Finance, but we are having our hearings at 1:30 in Room 215 in the Mitchell Building.

**PRESIDENT GRAYBILL:** Mrs. Reichert.

**DELEGATE REICHERT:** Mr. President, I'd like to request the Cascade County delegation to meet with me in the rear of the chamber immediately upon adjournment.

**PRESIDENT GRAYBILL:** That had better be upon the adjournment after the parliamentary exercise, is that all right?

**DELEGATE REICHERT:** That's fine.

**PRESIDENT GRAYBILL:** Very well.  
Mr. Anderson.

**DELEGATE OSCAR ANDERSON:** Please note that the Local Government meeting at 2 o'clock is going to be in the Senate chambers and not in Room 437.

**PRESIDENT GRAYBILL:** Very well. Other announcements?  
Oh, Mr. Champoux.

**DELEGATE CHAMPOUX:** Mr. President, is it going to be the custom now that we're going to announce each day, each of our hearings is—

**PRESIDENT GRAYBILL:** No, these have all been changes, I think.

**DELEGATE CHAMPOUX:** Oh, I see; all right, thank you, sir.

**PRESIDENT GRAYBILL:** Except maybe one that I'm not going to mention. If you've got it on there, I'd rather you didn't announce it, but if it's wrong on there, then we certainly don't mind you correcting it.

Mr. Eskildsen.

**DELEGATE ESKILDSEN:** Mr. President, I move that we adjourn until Saturday, January 29th, 9:30 a.m., 1972.

**PRESIDENT GRAYBILL:** The motion is to adjourn the Convention until Saturday at 9:30 a.m. All in favor, say Aye.

**DELEGATES:** Aye.

**PRESIDENT GRAYBILL:** Opposed, Nay.

(No response)

**PRESIDENT GRAYBILL:** Please bear in mind that the parliamentary exercise is going to take place now.

(Adjournment at 10 a.m.)

January 29, 1972  
9:35 a.m.

Thirteenth Day

Convention Hall  
Helena, Montana

**PRESIDENT GRAYBILL:** The Convention will be in order. This morning Delegate Arbanas has made arrangements for the Reverend Bernard Sullivan, the pastor of St. Mary's Catholic Church here in Helena, to give us our invocation. Reverend Sullivan.

**REVEREND SULLIVAN:** Oh, Heavenly Father, we thank You for calling us together again this morning; we thank You for the rest that we have had during the night and for the opportunity You have given all of us this day to serve and honor You and one another. Inspire this assembly. Keep this assembly open to listen to one another and to listen to the needs of Your people so that the common good of all the people of our state will be promoted; through Jesus Christ, our Lord.

**PRESIDENT GRAYBILL:** The clerk will take the roll. We may indicate our presence by voting Aye on the voting machine.

**CLERK SMITH:** Mr. Schiltz is excused. Mr. Felt is excused. Mr. Arness?

**PRESIDENT GRAYBILL:** Mr. Arbanas, would you push Mr. Arness'—

**CLERK SMITH:** Mr. Holland, Mr. McKeon, Mr. Toole.

**PRESIDENT GRAYBILL:** Mr. Toole is present. He has been here this morning.

**CLERK SMITH:** Mr. Holland, Mr. McKeon.

**PRESIDENT GRAYBILL:** Very well, take the recorded vote.

Aasheim	..	..	Present
Anderson,	J.	..	Present
Anderson,	O..	..	Present
Arbanas	..	..	Present
Arness	.....		Present
Aronow			Present
Artz			Present
Ask	.....		Present
Babcock	..		Present
Barnard	.....		Present
Bates			Present
Belcher			Present
Berg	.....		Present
Berthelson			Present
Blaylock	.....		Present

Blend	.....	Present
Bowman	.....	Present
Brazier	.....	Present
Brown	.....	Present
Bugbee	.....	Present
Burkhardt	.....	Present
Cain	.....	Present
Campbell	.....	Present
Cate	.....	Present
Champoux	.....	Present
Choate	.....	Present
Conover	.....	Present
Cross	.....	Present
Dahood	.....	Present
Davis	.....	Present
DeJaney	.....	Present
Driscoll	.....	Present
Drum	.....	Present
Eck	.....	Present
Erdmann	.....	Present
Eskildsen	.....	Present
Etchart	.....	Present
Felt	.....	Excused
Foster	.....	Present
Furlong	.....	Present
Garlington	.....	Present
Graybill	.....	Present
Gysler	.....	Present
Habedank	.....	Present
Hanson, R.S.	.....	Present
Hanson, R.	.....	Present
Harbaugh	.....	Present
Harlow	.....	Present
Harper	.....	Present
Harrington	.....	Present
Heliker	.....	Present
Holland	.....	Absent
Jacobsen	.....	Present
James	.....	Present
Johnson	.....	Present
Joyce	.....	Present
Kamhoot	.....	Present
Kelleher	.....	Present
Leuthold	.....	Present
Loendorf	.....	Present
Lorello	.....	Present
Mahoney	.....	Present
Mansfield	.....	Present
Martin	.....	Present
McCarvel	.....	Present
McDonough	.....	Present
McKeon	.....	Absent

McNeil .....	Present
Melvin .....	Present
Monroe .....	Present
Murray .....	Present
Noble .....	Present
Nutting .....	Present
Payne .....	Present
Pemberton .....	Present
Rebal .....	Present
Reichert .....	Present
Robinson .....	Present
Roeder .....	Present
Rollins .....	Present
Romney .....	Present
Rygg .....	Present
Scanlin .....	Present
Schiltz .....	Excused
Siderius .....	Present
Simon .....	Present
Skari .....	Present
Sparks .....	Present
Speer .....	Present
Studer .....	Present
Sullivan .....	Present
Swanberg .....	Present
Toole .....	Present
Van Buskirk .....	Present
Vermillion .....	Present
Wagner .....	Present
Ward .....	Present
Warden .....	Present
Wilson .....	Present
Woodmansey .....	Present

**CLERK SMITH:** Mr. President—

**PRESIDENT GRAYBILL:** Yes, sir.

**CLERK SMITH:** -98 present-Excuse me,  
96 present, 2 excused, 2 unexcused.

**PRESIDENT GRAYBILL:** A quorum is present. The journal may so show. All right; Number 1, Reports of Standing Committees.

**CLERK SMITH:** None, sir.

**PRESIDENT GRAYBILL:** Number 2, Reports of Select Committees.

**CLERK SMITH:** None, sir.

**PRESIDENT GRAYBILL:** Number 3, Communications.

**CLERK SMITH:** "State of Montana, Office of the Attorney General, Helena, 59601. Constitu-

tional Convention-delegates holding another public office; public officers-Constitutional Convention delegates holding another public office. Chapter 1, Extraordinary Session Laws of 1971; Article V, Section 3; Article V, Section 7; Article XIX, Section 8, Montana Constitution. Held: 1. A delegate to the Constitutional Convention may not serve in another public office during his term as delegate, which term as delegate shall last until the Constitutional Convention adjourns sine die. 2. A delegate to the Constitutional Convention may serve in any public office, the term for which commences after the Constitutional Convention adjourns sine die.

January 28th, 1972. Mr. Leo C. Graybill, President, Montana Constitutional Convention; State Capitol, Helena, Montana. Dear Mr. Graybill: I am in receipt of your letter of January 26, 1972, in which you request my opinion as to what political positions may delegates to the Convention stand for in the year 1972. Article XIX, Section 8, Constitution of Montana, setting forth the provisions for calling a Constitutional Convention, provides in pertinent part: The qualifications of members (delegates) shall be the same as the members of the Senate, and vacancies occurring shall be filled in the manner provided for filling vacancies in the Legislative Assembly. Bracketed word added. The basic qualifications for senator are set forth in Article V, Section 3, Constitution of Montana, which provides: 'No person shall be a representative who shall not have attained the age of 21 years or a senator who shall not have attained the age of 24 years and who shall not be a citizen of the United States and who shall not, for at least 1% months next preceding his election, have resided within the county or district in which he shall be elected.' In addition, Article V, Section 7, Constitution of Montana, provides: 'No senator or representative shall, during the term for which he shall have been elected, be appointed to any civil office under the state; and no member of' Congress or other person holding an office, except notary public, or in the militia, under the United States or this state, shall be a member of either house during his continuance in office.' Emphasis supplied. The provisions of Article V, Section 7. supra, must be considered an additional qualification for the position of senator and, therefore, an additional qualification for the position of delegate to the Constitutional Convention. The Supreme Court of Michigan, in considering whether a member of the Legislature could serve as a city councilman, stated in Doyle versus City of Dearborn, 121 2d 473, 477

(1963): 'However, home-rule cities are mandated to establish in their charters the qualifications of its officers.' The word 'qualifications', as used in the statute, is used in the generic sense and includes qualifications to be elected to the office and also qualifications to hold the office, sometimes referred to as eligibility. Thus, the prohibition against holding another office by a legislator during the term for which he was elected is a continuing qualification to hold office. As the qualifications for Constitutional Convention delegate are the same as those for state senator, pursuant to the provisions of Article XIX, Section 8, *supra*, a delegate to the Constitutional Convention is bound by the provisions of Article V, Section 7, *supra*. The Montana Supreme Court stated the meaning of the additional qualification found in Article V, Section 7, *supra*, 42nd Legislative Assembly versus Lemon [M...], 481, [P2d 330, 333] (1971): 'Any state and local officers who are prohibited by the Constitution or laws of Montana from holding more than one office may not serve as delegates to the Constitutional Convention. A delegate to the Constitutional Convention is a state officer holding a public office of civil nature. Constitutional prohibitions against certain officers holding more than one office include state senators and representatives during the term for which they shall have been elected', Article V, Section 7, Montana Constitution. These restrictions prevent such officers from holding any other public office or civil office of the state, and these two terms are synonymous. Citing authority. Emphasis supplied. As delegates to the Constitutional Convention have the same qualifications as state senators, delegates are also prohibited from holding more than one public office during their term. The question of what constitutes a public office was considered by the Montana Supreme Court in *State ex rel. Barney versus Hawkins*, 79 M. 506, 257 page 411 (1927). In the 42nd Legislative Assembly versus Lennon, *supra*, page 333, the court cited approvingly the requirements for a public office set forth in the Barney case, as follows: 'After an exhaustive examination of the authorities, we hold that the five elements are indispensable in any position of public employment, in order to make it a public office of a civil nature: (1) it must be created by the Constitution or by the Legislature or created by a municipality or other body through authority conferred by the Legislature; (2) it must possess a delegation of a portion of the sovereign power of government to be exercised for the benefit of the public; (3) the powers conferred, and the

duties to be discharged, must be defined, directly or impliedly, by the Legislature or through legislative authority; (4) the duties must be performed independently and without control of superior power, other than law, unless they may be those of an inferior or subordinate office, created or authorized by the Legislature and by it placed under the general control of a superior officer or body; (5) it must have some permanency and continuity and not be only temporary or occasional.' Thus delegates to the Constitutional Convention are prohibited during their term from holding any office which contains the five elements necessary to constitute a public office as set forth in the Barney case, *supra*. The restriction against dual office-holding applies during the term for which the delegates have been elected. The Montana Constitution does not set a specific term for delegates to the Constitutional Convention, but provision was made by the 42nd Legislature. Chapter 1, Section 76, Extraordinary Session Laws of 1971, provides: 'It shall be the duty of the delegates elected to assemble in the plenary session in the chambers of the House of Representatives in the State Capitol Building in the city of Helena at 10 o'clock a.m. on January 17, 1972. The Convention, which may recess from time to time, shall then remain in session as long as necessary.' Emphasis supplied. The Montana Supreme Court considered the duration of the term of the delegate in Lennon, *supra*, stating at page 335: 'A delegate to the Constitutional Convention holds his position for the entire period of time the Constitutional Convention is in session. His position is permanent and continuous in the sense that it continuously exists until the duties for which it was created have been completed. As no definite duration is specified for the term of delegate and as a delegate will serve while the Convention is in session, the term of delegate will last until the Convention adjourns sine die.' Therefore, it is my opinion that: (1) a delegate to the Constitutional Convention may not serve in another public office during his term as delegate, which term as delegate shall last until the Constitutional Convention adjourns sine die; and (2) a delegate to the Constitutional Convention may serve in any public office the term for which commences after the Constitutional Convention adjourns sine die. Very truly yours, Robert L. Woodahl, Attorney General of the State of Montana."

PRESIDENT GRAYBILL: Very well, we asked the Attorney General for his opinion, and

we have it. Now, this Attorney General's opinion is posted on the bulletin board, if you want to check that law, and we did read it to you because it is his communication and because I think it's instructive for us to understand what an Attorney General's opinion is. And the upshot of it is that you may not hold other public offices while you are delegates and that you are delegates until we adjourn finally but that you may hold other public offices the term of which commences after we adjourn finally. Since all of the public offices for which the general election is held are going to start after next January, obviously you can run for any of those, but if there are school board or other elections, the term of which might start before we adjourn, you might be in trouble. So that's the upshot of it, and I think that ought to settle the matter. The clerk will spread the Attorney General's opinion upon the record and in the journal. Any further comment on the communication from the Attorney General? (No response) We have Mr. Blaylock to thank for that. (Laughter)

All right, Order of Business Number 4, Introduction and Reference of Delegate Proposals.

**CLERK SMITH:** "Delegate Proposal Number 60. A proposal amending Article XVI, Section 8, of the Constitution of the State of Montana to provide that counties now in existence may not be abolished without having a vote of the people." Introduced by Rod Hanson and others.

**PRESIDENT GRAYBILL:** To Local Government, Number 60.

**CLERK SMITH:** "Delegate Proposal Number 61. A proposal for a new Constitutional section providing for equal protection of the law." Introduced by Champoux and others.

**PRESIDENT GRAYBILL:** Number 61, to Bill of Rights.

**CLERK SMITH:** "Delegate Proposal Number 62. A proposal for a new Constitutional Article creating a reapportionment and boundary commission." Introduced by Mrs. Katy Payne and Mae Nan Robinson.

**PRESIDENT GRAYBILL:** Number 62, to General Government.

**CLERK SMITH:** "Delegate Proposal Number 63. A proposal amending Article V, Section 44, of the Constitution of the State of Montana providing for legislative financial disclosure." Introduced by Vermillion and others.

**PRESIDENT GRAYBILL:** Number 63, to Legislative.

**CLERK SMITH:** "Delegate Proposal Number 64. A proposal for a new Constitutional section providing for a maximum interest rate of 12 percent." Introduced by Cate and others.

**PRESIDENT GRAYBILL:** Number 64, to General Government.

**CLERK SMITH:** "Delegate Proposal Number 65. A proposal for a new Constitutional section recognizing rights of a person under the age of majority." Introduced by Monroe and others.

**PRESIDENT GRAYBILL:** Number 65, to Bill of Rights.

**CLERK SMITH:** "Delegate Proposal Number 66. A proposal for a new Constitutional section authorizing the Legislature to provide for excise taxes in lieu of personal property taxes on motor vehicles, airplanes, boats, trailers and similar property." Introduced by Schiltz and Loendorf.

**PRESIDENT GRAYBILL:** Number 66, to Revenue and Finance.

**CLERK SMITH:** "Delegate Proposal Number 67. A proposal for a new Preamble to the Constitution of the State of Montana."

**PRESIDENT GRAYBILL:** Number 67,—well, go ahead; excuse me. Introduced by—

**CLERK SMITH:** Introduced by Foster.

**PRESIDENT GRAYBILL:** Number 67, to Bill of Rights.

**CLERK SMITH:** "Delegate Proposal Number 68. A proposal to amend Article XI, Section 1, 3, 5 and 12, and to repeal Sections 6, 7 and 10 of that Article to provide for investment of public school funds as provided by law." Introduced by Davis.

**PRESIDENT GRAYBILL:** Number 68, to Education.

**CLERK SMITH:** "Delegate Proposal Number 69. A proposal for a new Constitutional section in the Judicial Article to provide for prosecuting attorneys." Introduced by Davis and Ask.

**PRESIDENT GRAYBILL:** Number 69, to Judiciary.

**CLERK SMITH:** That is all, sir.

**PRESIDENT GRAYBILL:** Very well.  
Final Consideration, Order of Business Number 5.

**CLERK SMITH:** None, sir.

**PRESIDENT GRAYBILL:** Order of Business Number 6, Adoption of Proposed Constitution.

**CLERK SMITH:** None, sir.

**PRESIDENT GRAYBILL:** Order of Business Number 7, Motions and Resolutions.  
(No response)

**PRESIDENT GRAYBILL:** **None.** Order of Business Number 8, Unfinished Business. The Chair would recognize Mr. Champoux.

**DELEGATE CHAMPOUX:** At this time, Mr. President, it gives me great pleasure in introducing the pages that have worked for us this week. I would like to announce their names, the cities that they come from. They will **stand**, and then one page will answer, at the first mike, to the Convention. Theresa Boschert from Billings; Carol Bossing from Lincoln; Ernie Brooner from Kalispell; David Copp from Geraldine; Bob Cure from Great Falls. And we will have a response from Carol Bossing.

**MISS BOSSING:** On behalf of the pages, I would like to give you my thanks and their thanks for you to **take** your time that you've done this week to give us the meaningful experience that we should have, since we are going to be running this government soon and we must be capable and informed citizens of Montana to do so. We are also very proud to be a member and a part of the historical event that takes place this year, and we hope that you will finish very successfully with your efforts to try and create the dynamic Constitution of the State of Montana. Thank you very much.  
(Applause)

**PRESIDENT GRAYBILL:** Mr. Champoux.

**DELEGATE CHAMPOLJX:** Mr. President, could we have entered on the journal the names of these pages and send them a record so that they can note their presence here. Thank you very much.

**PRESIDENT GRAYBILL:** We will; we'll

enter the names of the pages on the journal today, and we will send them a copy of the proceedings today so that they will have it for their own personal use. Thank you very much, pages. All right, Order of Business Number-is there any other unfinished business?

(No response)

**PRESIDENT GRAYBILL:** Order of Business Number 9, Special Orders.

**CLERK SMITH:** **None,** sir.

**PRESIDENT GRAYBILL:** Order of Business Number 10, General Orders.

**CLERK SMITH:** **None,** sir.

**PRESIDENT GRAYBILL:** Order of Business Number 11, Announcements. Mrs. Warden, you had an announcement,

**DELEGATE WARDEN:** Excuse me. You're probably all wondering where that newspaper is this morning. Well, it's all ready to go, but you won't get it until Monday because the print shop doesn't work today.

**PRESIDENT GRAYBILL:** In this connection, the Chair would like to point out that the printing does not work today, and that's why you have not got your daily Convention schedule. Now, the committee chairmen have got daily Convention schedules and in a few moments we'll ask them to make their committee announcements orally today. Apparently this is going to happen to us once in a while on Saturday if we don't get it down to the printer early enough, so please bear with us. The same is true of the committee summaries of what they've done. This is tied up in printing, and you will get them. It's been done, but it just doesn't get-didn't get through printing. Now, one or two other announcements, and then I'll take the floor announcements. You're all aware that on Monday there will be a youth fair here in the morning, and those of you who are in town should probably drop out and observe and participate in that. The Bill of Rights Committee is going to hold a special hearing at that time, and we're appreciative of that effort. The youth fair got bogged up in changing our workweek, and it's a little unfortunate. I would also like to reannounce that those of you who want to make reservations for the social dinner that the Convention intends to hold Tuesday night at the Montana Club, please make those reservations.

We have several, but we haven't quite enough yet, so please get those in so we know what we're doing. All right, are there announcements from the floor?

Mrs. Reichert.

**DELEGATE REICHERT:** Mr. President, I have a pair of men's glasses on my desk, and I don't know whose they are. (Laughter) I wish the owner would please claim them.

**PRESIDENT GRAYBILL:** I'm sure that someone will come up later, Mrs. Reichert.  
Mr. Siderius.

**DELEGATE SIDERIUS:** I believe they're mine. (Laughter)

**PRESIDENT GRAYBILL:** Mrs. Pemberton.

**DELEGATE PEMBERTON:** Mr. President, I have a man's cigar on my desk, if anyone would like to call for it. (Laughter)

**PRESIDENT GRAYBILL:** Now, the Chair would like to announce that this is for announcements and not for bragging. (Laughter) All right, now, I do think we ought to announce the committee hearings today. Bill of Rights?

**DELEGATE BLAYLOCK:** Mr. President.

**PRESIDENT GRAYBILL:** Mr. Blaylock.

**DELEGATE BLAYLOCK:** Bill of Rights will meet, 10:30 in the Governor's conference room.

**PRESIDENT GRAYBILL:** Very well. And Legislative?

**DELEGATE AASHEIM:** Mr. President, we have a hearing tonight at 7:30 on district and apportionment, and I hope you people will not sign up for the party Tuesday night, to be here for the hearing on unicameral and bicameral.

**PRESIDENT GRAYBILL:** How did you get that through the scheduling committee? Never mind, I'll see you later. (Laughter) Executive?

**DELEGATE JOYCE:** Mr. President.

**PRESIDENT GRAYBILL:** Mr. Joyce.

**DELEGATE JOYCE:** The Executive Committee will meet in the committee room at 10:30, at which time they will hear from Mr. Nelson and Mrs. Meloy from the State Board of Education. At 11:15, they will meet with a representative of the Legislative Council. At 2:00 p.m. this afternoon, the Executive Committee will meet with former Governor Babcock in the Governor's reception room.

**PRESIDENT GRAYBILL:** Very well. Judiciary? They have none shown here.  
Mrs. Pemberton.

**DELEGATE PEMBERTON:** Mr. President, Judiciary Committee will meet 10 minutes after adjournment in Room 428-A. Our regular room is being used, because it's larger, for another committee.

**PRESIDENT GRAYBILL:** Four-two-what?

**DELEGATE PEMBERTON:** Four-two-eight.

**PRESIDENT GRAYBILL:** Four-two-eight-A.

**DELEGATE PEMBERTON:** -A. Right.

**PRESIDENT GRAYBILL:** Judiciary. Very well. Local Government?  
Mr. Anderson.

**DELEGATE OSCAR ANDERSON:** Room 437, 10 "clock this morning and 2 o'clock this afternoon.

**PRESIDENT GRAYBILL:** Very well. Revenue and Finance?  
Mr. Rygg.

**DELEGATE RYGG:** (Inaudible) 1:30 this afternoon in 215 of the Mitchell Building.

**PRESIDENT GRAYBILL:** 10:30 and 2:30, I guess that was, this afternoon.

**DELEGATE RYGG:** 10:30 and 1:30.

**PRESIDENT GRAYBILL:** 10:30 and 1:30 in the Mitchell Building. Very well. Education?

**DELEGATE CHAMPOUX:** Education will have a public hearing in this hall 10 minutes after adjournment sir.

**PRESIDENT GRAYBILL:** Very well.  
Public Health?

**DELEGATE HELIKER:** Public Health will hold a hearing in Room 412 or 413—it says 412 here, but I was told 413—

**PRESIDENT GRAYBILL:** Very well.

**DELEGATE HELIKER:** --at 10 o'clock this morning. There is no evening hearing, as it says on the schedule.

**PRESIDENT GRAYBILL:** Very well.  
Natural Resources?  
Mrs. Cross.

**DELEGATE CROSS:** The Natural Resources Committee will have a public hearing at 10:30 this morning in the Senate chambers, and it will deal chiefly with public trust and environment.

**PRESIDENT GRAYBILL:** Very well.  
General Government?  
Mr. Etchart.

**DELEGATE ETCHART:** Mr. President, General Government Committee will meet at 10:15, Room 410, to take up the question of lotteries.

**PRESIDENT GRAYBILL:** Very well.  
The Auditor's office has asked me to announce that they will be open today from 10:00 until 2:00 p.m. to disperse checks to delegates. Are there other announcements? (No response) Mr. Eskildsen will make our special recess announcement today. I have been asked to ask you to remain in your seats for one moment for a special matter that some of the delegates wish to have off the record, which will take place immediately following our recess, so if you'll just sit quietly for 1 minute after recess.

Mr. Eskildsen.

**DELEGATE ESKILDSEN:** Mr. President, I move, pursuant to the general powers vested in the Montana Constitutional Convention and in accord with the provisions of Section 7 (6) of the Enabling Act [Chapter 296, Laws 1971], the Montana Constitutional Convention shall recess temporarily until 9:30 a.m. on Tuesday, February 1, 1972.

**PRESIDENT GRAYBILL:** All those in favor of recessing the Convention temporarily until Tuesday morning at 9:30, please say Aye.

**DELEGATES:** Aye.

**PRESIDENT GRAYBILL:** Opposed.  
Nay.  
(No response)

**PRESIDENT GRAYBILL:** So ordered, and the journal may show.

(Convention recessed at 10:00 a.m.)

February 1, 1972  
9:40 a.m.

Fourteenth Day

Convention Hall  
Helena, Montana

**PRESIDENT GRAYBILL:** If you will all rise, we'll ask Delegate Ask to lead us in the Pledge of Allegiance.

**DELEGATE ASK:** (With delegates participating) I pledge allegiance to the flag of the United States of America and to the republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

**PRESIDENT GRAYBILL:** If you'll remain standing, we'll have Delegate Burkhardt lead us in an invocation.

**DELEGATE BURKHARDT:** Let us pray. Lift our spirits to match the beauty of the day, we pray, oh God. Give us, from time to time, the reverence to sense greatness all around us in the dedication of fellow delegates, in the beauty of Charles M. Russell's work before us, and in the future yet to be shaped. Amen.

**PRESIDENT GRAYBILL:** Good morning. We'll start this morning with the Reports of Standing Committees. Oh, all right, we'll take the roll call this morning by voting Aye on the voting machine.

**CLERK SMITH:** Delegate Holland and Murray are excused. Delegate Babcock, Mr. Swanberg, Mr. Toole.

**PRESIDENT GRAYBILL:** Very well. Take the machine vote.

Aasheim	Present
Anderson, J.	Present
Anderson, O.	Present
Arbanas	Present
Arness	Present
Aronow	Present
Artz	Present
Ask	Present
Babcock	Present
Barnard	Present
Bates	Present
Belcher	Present
Berg	Present
Berthelson	Present
Blaylock	Present
Blend	Present
Bowman	Present
Brazier	Present
Brown	Present

Bugbee	Present
Burkhardt	Present
Cain	Present
Campbell	Present
Cate	Present
Champoux	Present
Choate	Present
Conover	Present
Cross	Present
Dahood	Present
Davis	Present
Delaney	Present
Driscoll	Present
Drum	Present
Eck	Present
Erdmann	Present
Eskildsen	Present
Etchart	Present
Felt	Present
Foster	Present
Furlong	Present
Garlington	Present
Graybill	Present
Gysler	Present
Habedank	Present
Hanson, R.S.	Present
Hanson, R.	Present
Harbaugh	Present
Harlow	Present
Harper	Present
Harrington	Present
Heliker	Present
Holland	Excused
Jacobsen	present
James	Present
Johnson	Present
Joyce	Present
Kamhoot	Present
Kelleher	Present
Leuthold	Present
Loendorf	Present
Lorello	Present
Mahoney	Present
Mansfield	Present
Martin	Present
McCarvel	Present
McDonough	Present
McKeon	Present
McNeil	Present
Melvin	Present
Monroe	Present
Murray	Excused

Noble .....	Present
Nutting .....	Present
Payne .....	Present
Pemberton .....	Present
Rebal .....	Present
Reichert .....	Present
Robinson .....	Present
Roeder .....	Present
Rollins .....	Present
Romney .....	Present
Rygg .....	Present
Scanlin .....	Present
Schiltz .....	Present
Siderius .....	Present
Simon .....	Present
Skari .....	Present
Sparks .....	Present
Speer .....	Present
Studer .....	Present
Sullivan .....	Present
Swanberg .....	Present
Toole .....	Present
Van Buskirk .....	Present
Vermillion .....	Present
Wagner .....	Present
Ward .....	Present
Warden .....	Present
Wilson .....	Present
Woodmansey .....	Present

**CLERK SMITH:** Mr. President, 98 present, 2 excused. Quorum, Mr. President.

**PRESIDENT GRAYBILL:** Very well. The journal may so show. Now, we'll start with Reports of Standing Committees.

**CLERK SMITH:** None, sir.

**PRESIDENT GRAYBILL:** Reports of Select Committees.

**CLERK SMITH:** None, sir.

**PRESIDENT GRAYBILL:** Communications.

**CLERK SMITH:** None, sir.

**PRESIDENT GRAYBILL:** Introduction and Reference of Delegate Proposals.

**CLERK SMITH:** "Delegate Proposal Number 70. A proposal for a new Constitutional section providing for consumer protection." Introduced by Speer and others.

**PRESIDENT GRAYBILL:** Number 70, to Public Health.

**CLERK SMITH:** "Delegate Proposal Number 71. A proposal for a new Constitutional section providing for a merit system for state employees." Introduced by Speer and others.

**PRESIDENT GRAYBILL:** Number 71, to Public Health.

**CLERK SMITH:** "Delegate Proposal Number 72. A proposal repealing Article XII, Section 3, of the Constitution of the State of Montana." Introduced by Ask and Arness.

**PRESIDENT GRAYBILL:** Number 72, to Revenue and Finance.

**CLERK SMITH:** "Delegate Proposal Number 73. A proposal for a new Constitutional section providing for the right of public and private employees to engage in collective bargaining." Introduced by Heliker and others.

**PRESIDENT GRAYBILL:** Number 73, to Public Health.

**CLERK SMITH:** "Delegate Proposal Number 74. A proposal to amend Article XI, Section 3, of the Constitution of the State of Montana to permit the public school fund to be invested as provided by law." Introduced by Conover and others.

**PRESIDENT GRAYBILL:** Number 74, to Education.

**CLERK SMITH:** "Delegate Proposal Number 75. A proposal amending Article III, Section 14, of the Constitution of the State of Montana, providing compensation in eminent domain proceedings for use impairment, providing compensation to the full extent of loss, and providing judicial determination of the issues of necessity in public use." Introduced by Campbell and others.

**PRESIDENT GRAYBILL:** Number 75, to the Bill of Rights Committee.

**CLERK SMITH:** "Delegate Proposal Number 76. A proposal for a new Constitutional Article providing for the regulation of public utilities." Introduced by Heliker and others.

**PRESIDENT GRAYBILL:** Number 76, to the Public Health Committee.

**CLERK SMITH:** "Delegate Proposal Number 77. A proposal for a new Constitutional Article creating the executive branch of government." Introduced by Roeder.

**PRESIDENT GRAYBILL:** Number 77, to the Executive Committee.

**CLERK SMITH:** That is all, sir.

**PRESIDENT GRAYBILL:** Very well. Order of Business Number 5, Final Consideration.

**CLERK SMITH:** None, sir.

**PRESIDENT GRAYBILL:** Order of Business Number 6, Adoption of Proposed Constitution.

**CLERK SMITH:** None, sir.

**PRESIDENT GRAYBILL:** Order of Business Number 7, Motions and Resolutions. Apparently there are none. Order of Business Number 8, Unfinished Business.

**CLERK SMITH:** None, sir.

**PRESIDENT GRAYBILL:** Order of Business Number 9, Special Orders.

**CLERK SMITH:** None, sir.

**PRESIDENT GRAYBILL:** Order of Business Number 10, General Orders.

**CLERK SMITH:** None, sir.

**PRESIDENT GRAYBILL:** Order of Business Number 11, Committee Announcements and Notices. The Chair would like to ask you to take your daily schedule for Tuesday, February 1st, and under description under Natural Resources, that description should be under General Government. In other words, in the second-to-last box on the right-hand side, that description is the description of the General Government's hearings, not of the Natural Resources hearings. Now, we have, at the moment, about 68 or 70 reservations for the delegate dinner tonight at the Montana Club. Will those who have not made reservations but who intend to go, please let the Sergeant-at-Arms' office know this morning so we may notify the club. You might take note that there is no Legislative hearing tonight, if some of you have been holding off on that account. We'd also like to announce that tomorrow Larry Margolis, who is Executive Director of the Council for Legislative Reform, I believe

the name of it is, will visit the Convention. He'll be around in the afternoon; and then in the evening, at 7:30 p.m. tomorrow night, in this chamber, we will have another delegates' meeting similar to the one we had with Mr. Unruh, which Mr. Margolis will address on general legislative matters. On Friday night, we have a guest coming from Nebraska. Senator Terry Carpenter has been a Senator in Nebraska for 16 years and a congressman before that, and he will be in Helena with us on Friday afternoon and Friday night. And Friday night, at 7:30, we'll have a meeting. It will technically be a Legislative Committee meeting, but the delegates are all invited. And he also will discuss both pros and cons of the unicameral system, and he will also discuss other legislative matters that might come up. So, we have those two special outside information meetings this week. The committee chairmen should take notice that the meeting which we had previously scheduled for Wednesday night has to be changed because of Mr. Margolis' visit. We will have that meeting on Thursday night. On Thursday night, we will consider, in detail, with the committee chairmen, vice-chairmen and research analysts, the format of the committee reports. That'll be Thursday night. Because we had to put that off until then, we are going to ask that the committee chairmen meet again on Friday morning during our restricted Procedural Committee time; and that Friday morning meeting will be devoted to discussing the problem of whether or not to have a recess and the problem of when to take the proposed Constitution to the public for ballot. Now, the committee chairmen will discuss that in their meeting Friday morning, and from that meeting, we hope to have the Rules Committee formulate some sort of a resolution. It may not be a unanimous resolution, but, in other words, a resolution. Then, I intend to ask this Convention to debate, on Saturday morning, the issue of how and when we want to present this matter to the public. We must settle that issue promptly because of scheduling problems. So you ought to be thinking about that this week and discussing among yourselves what you think and gathering what information you can. There will be a Budget Subcommittee meeting tomorrow morning at 8:00 a.m. in the President's office. The committee chairmen should be reappraised at this time that they have summary reports of what they've done, to date, due tomorrow. And tomorrow, during the Convention session in the morning, we will take a period of time and we'll ask each committee Chairman to explain, in 3 or 4 minutes, to this

body, the sense of where his committee is. In other words, we're going to have an oral report by each committee Chairman--a quick, short, oral report for the benefit of the delegates--tomorrow morning as to where other committees stand. And I'm sure we'll all be interested to hear about that. One other announcement; Mr. Eskildsen has asked me to announce that he does have tickets for those of you who wish to attend the Governor Anderson appreciation night banquet, which is Saturday night. So, it is possible to get those tickets from Mr. Eskildsen. Saturday night, next. Now, are there other announcements?

Mr. Martin.

**DELEGATE MARTIN:** Will the District 11 delegates meet over in this corner after recess.

**PRESIDENT GRAYBILL:** District 11 delegates, on the west side, on adjournment.  
Mr. Aasheim.

**DELEGATE AASHEIM:** The Legislative Committee, 10 minutes after adjournment.

**PRESIDENT GRAYBILL:** Legislative, 10 minutes after adjournment.  
Mrs. Pemberton.

**DELEGATE PEMBERTON:** The Judiciary Committee will meet at 11 o'clock. Our room is being used until that time.

**PRESIDENT GRAYBILL:** Very well. Judiciary, at 11:00.  
Mrs. Blend.

**DELEGATE BLEND:** Mr. President, Local Government will meet 10 minutes after adjournment.

**PRESIDENT GRAYBILL:** Local Government, 10 minutes after adjournment.  
Mr. Joyce.

**DELEGATE JOYCE:** Executive Committee, 10 minutes after adjournment.

**PRESIDENT GRAYBILL:** Executive, 10 minutes after adjournment. Other announcements?

Mrs. Cross.

**DELEGATE CROSS:** Mr. President, I would like to announce that the Natural Resources Committee will also meet 15 minutes after adjournment, in 402, and I would also like to acknowledge this beautiful bouquet from those who signed the card "Environmentally yours, The Majority." (Laughter)

**PRESIDENT GRAYBILL:** Very well. Are there other announcements?  
Mr. Dahood.

**DELEGATE DAHOOD:** The Bill of Rights Committee will meet one-half hour after adjournment. And, with respect to "Environmentally yours," I think our committees are going to meet at 1:30 this afternoon on the topic of environment, when the recipient of the beautiful bouquet, I think, has an important statement to make with respect to the environment. So, we look forward to having as many delegates as possible there on that particular contentious topic. Thank you, Mr. President.

**PRESIDENT GRAYBILL:** Perhaps Mrs. Cross should bring Exhibit A to the hearing this afternoon. (Laughter)  
Mr. Rygg.

**DELEGATE RYGG:** Revenue and Finance, at 10:30 in the regular room.

**PRESIDENT GRAYBILL:** Revenue and Finance, at 10:30 in your regular room. Other announcements? Very well.  
Oh, Mr. Kelleher.

**DELEGATE KELLEHER:** For the benefit of those delegates who don't read the very fine paper called the Billings Gazette, there was a superb editorial by Dan Foley of the Gazette state bureau in last Sunday's *Gazette*, and I hope that those of you who haven't read it would try to do so. Thank you.

**PRESIDENT GRAYBILL:** Very well.  
Mr. Eskildsen.

**DELEGATE ESKILDSEN:** Mr. President, Rules Committee at 8 o'clock tomorrow morning. I move we adjourn until 9:30 a.m. Wednesday, February the 2nd, 1972.

**PRESIDENT GRAYBILL:** All in favor of adjourning until 9:30 a.m., Wednesday, February 2nd, please say Aye.

**DELEGATES:** Aye.

**PRESIDENT GRAYBILL:** Opposed,  
Nay.  
(No response)

**PRESIDENT GRAYBILL:** The Ayes have it, and so ordered.

(Adjournment at 9:54 a.m.)

February 2, 1972  
9:40 a.m.

Fifteenth Day

Convention Hall  
Helena, Montana

**PRESIDENT GRAYBILL:** I'll have Delegate Harbaugh give the invocation. Will you all please rise.

**DELEGATE HARBAUGH:** Let us pray. Almighty God, whose help is not far from any one of us and whose mercy is extended to all who will seek it, cause us to maintain a humble perspective of our own ability and encourage us to seek the counsel of your Holy Spirit, that in the work before us this day, we may be at one with your great purpose in the world. Amen.

**PRESIDENT GRAYBILL:** We'll take the roll call by voting Aye on the voting machines, please. Oscar Anderson is excused.

**CLERK HANSON:** Brown, Delegate Driscoll, Delegate Drum, Delegate Felt, Delegate Etchart, Delegate Martin, Delegate Monroe.

**PRESIDENT GRAYBILL:** Very well. Will you take the machine vote.

Aasheim .....	Present
Anderson, J. ....	Present
Anderson O. ....	Excused
Arbanas .....	Present
Arness .....	Present
Aronow .....	Present
Artz .....	Present
Ask .....	Present
Babcock .....	Present
Barnard .....	Present
Bates .....	Present
Belcher .....	Present
Berg .....	Present
Berthelson .....	Present
Blaylock .....	Present
Blend .....	Present
Bowman .....	Present
Brazier .....	Present
Brown .....	Present
Bugbee .....	Present
Burkhardt .....	Present
Cain .....	Present
Campbell .....	Present
Cate .....	Present
Champoux .....	Present
Choate .....	Present
Conover .....	Present
Cross .....	Present
Dahood .....	Present

Davis .....	Present
Delaney .....	Present
Driscoll .....	Present
Drum .....	Present
Eck .....	Present
Erdmann .....	Present
Eskildsen .....	Present
Etchart .....	Present
Felt .....	Present
Foster .....	Present
Furlong .....	Present
Garlington .....	Present
Graybill .....	Present
Gysler .....	Present
Habedank .....	Present
Hanson, R.S. ....	Present
Hanson, R. ....	Present
Harbaugh .....	Present
Harlow .....	Present
Harper .....	Present
Harrington .....	Present
Heliker .....	Present
Holland .....	Present
Jacobsen. ....	Present
James .....	Present
Johnson .....	Present
Joyce .....	Present
Kamhoot .....	Present
Kelleher .....	Present
Leuthold .....	Present
Loendorf .....	Present
Lorello .....	Present
Mahoney .....	Present
Mansfield .....	Present
Martin .....	Present
McCarvel .....	Present
McDonough .....	Present
McKeon .....	Present
McNeil .....	Present
Melvin .....	Present
Monroe.. ....	Present
Murray .....	Present
Noble .....	Present
Nutting .....	Present
Payne .....	Present
Pemberton .....	Present
Rebal .....	Present
Reichert .....	Present
Robinson .....	Present
Roeder .....	Present
Rollins .....	Present
Romney .....	Present

Rygg.....	Present
Scanlin.....	Present
Schiltz.....	Present
Siderius.....	Present
Simon.....	Present
Skari .. .. .	Present
Sparks.....	Present
Speer.....	Present
Studer.....	Present
Sullivan.....	Present
Swanberg.....	Present
Toole.....	Present
Van .. .. .	Present
Vermillion.....	Present
Wagner.....	Present
Ward.....	Present
Warden.....	Present
Wilson.....	Present
Woodmansey .....	Present

**CLERK HANSON:** Mr. President.

**PRESIDENT GRAYBILL:** Mr. Clerk, before you announce the vote, we'll recognize Mr. Monroe to put himself on the record.

**DELEGATE MONROE:** Mr. President, please count me present.

**PRESIDENT GRAYBILL:** Very well. Mr. Monroe is present.

**CLERK HANSON:** Mr. President, 99 delegates present, 1 excused.

**PRESIDENT GRAYBILL:** Very well. The journal may so show. Reports of Standing Committees.

The Chair will recognize Mr. Murray.

**DELEGATE MURRAY:** Mr. President,

**PRESIDENT GRAYBILL:** Mr. Murray.

**DELEGATE MURRAY:** We, your Committee on Rules, having had under consideration Resolution Number 3, a resolution to provide that certain citizens' suggestions be forwarded to the Legislative Council, recommend the same be adopted as amended.

Mr. President.

**PRESIDENT GRAYBILL:** Mr. Murray.

**DELEGATE MURRAY:** This is a short resolution, drafted and introduced by Delegate Roeder, and I would ask that he speak to it at this time, please.

**PRESIDENT GRAYBILL:** Very well. The motion is on the Rules Committee Resolution Number 2, which you've just heard Mr. Murray read, the substance of which is to give citizens' suggestions to the Legislative Council.

Mr. Roeder.

**DELEGATE ROEDER:** Mr. President, I wonder if I might be vouchsafed just a moment or two, to explain my resolution. This Convention has bent over backwards to be open and candid with the public. One of the devices we have employed to involve the public is delegate proposals and if I may use an expression that was a favorite one with Governor Nutter, "and this is as it should be". However, I think there's some dangers in the practice of using citizen proposals or soliciting them. I think we, potentially, are setting up some citizens for disappointment. As we have seen, most of these proposals are [of] the legislative nature, some of them with merit and some without merit. I think if we simply ignore them, we will create the impression that, after soliciting citizen involvement, we turn a blank face. I think, psychologically, this would be a very big mistake. I think it would be a great disappointment. I think the disappointment would be all the greater because, I think, many citizens have, in an open way, turned to us because they know that most of us aren't politicians. So, my proposal is an attempt to assuage or avoid any disappointment by setting up a regularized system of passing those on—those that have potential legislative merit—passing them on to the Legislature through the Legislative Council. Mr. President, there's another thought that has occurred to me in connection with these citizen proposals and that is, I think that in soliciting them, we raise the danger of creating the impression that we can see our role as one of simply responding to the vocal constituents who express their feelings. I think this is wrong. I don't think we can create the impression that we're going to sit back and wait for the wisdom, somehow mysteriously, to well up from the public and then we will write this into a Constitution. I think the public can exercise good judgment. It exercised good judgment in electing most of us, but I think this judgment has to be educated. We have to lead; we have to be the educators; and I think this job is particularly difficult because, if we stick to our role, we are going to deal in abstractions rather than specifics, if we are doing the right thing in writing a Constitution. I'd like to end my remarks with a quote taken from an essay dealing with the Michigan Constitutional Conven-

tion: "A Constitution is a power document. It is a charter of power, but it is harder for people to get excited about the question of power—that is, who shall do it—than about issues and programs—that is, what shall be done. Power has a greater reach into the future. Program is more immediate. It takes more political insight and vision to understand power than program. To enlarge that insight and vision about power requires qualitatively improved political education." And that's our job. Thank you, Mr. President.

**PRESIDENT GRAYBILL:** Very well. Mr. Murray.

**DELEGATE MURRAY:** Mr. President, by way of explanation, the committee amended the resolution in the fourth line by inserting, after the word "delivery", the words "of a copy", because the rules provide that the original citizens' suggestions be returned from the committee to the Secretary and kept here. And so we ask that a copy of the suggestion be sent to the Legislative Council.

**PRESIDENT GRAYBILL:** Mr. Murray, the Chair is in doubt or confused.

**DELEGATE MURRAY:** Well—

**PRESIDENT GRAYBILL:** Are you talking about Resolution 2 or Resolution 3?

**DELEGATE MURRAY:** Resolution 3, Mr. President—the short one.

**PRESIDENT GRAYBILL:** Well, I guess that's what confused me, because I thought you were talking about Resolution 2.

**DELEGATE MURRAY:** I thought so after you made mention of that fact. Our motion is as to Resolution Number 3—the short one.

**PRESIDENT GRAYBILL:** Very well. Now, does everyone have a copy of Resolution 3 before them? The Chair does not, but I sent for one.

**DELEGATE MURRAY:** May I read it then?

**PRESIDENT GRAYBILL:** No—a—

**DELEGATE MURRAY:** It's very brief.

**PRESIDENT GRAYBILL:** Let's say the—the main thing—everyone has been given a copy. It would be among your delegate proposals, and I merely want you to have it, if possible, because of a

change we want to make in it. So, I call your attention to the fact that we are now talking about Resolution Number 3, to provide that certain citizen suggestions be forwarded to the Legislative Council. Mr. Clerk.

Now, I think everyone's had a chance to find it if they are going to find it. Now, would you explain the amendment you are proposing; and the reason I'm doing this is the Chair is going to ask, this morning, that you amend your Resolution Number 3 by interlineation. The amendment is three words long, and the Chair has decided not to have a separate piece of paper printed with those three words on it for you. So we're going to do it by interlineation.

Now, Mr. Murray, would you explain the amendment.

**DELEGATE MURRAY:** Mr. President, the amendment is in the fourth line, after the word "delivery"—"shall direct delivery", and then you insert "of a copy".

**PRESIDENT GRAYBILL:** Very well. So that the last phrase reads: "The Chairman of the committee shall direct delivery of a copy of the suggestion to the Legislative Council for further consideration." Very well. Now, I think we are all talking about Resolution Number 3, amended. Is there further discussion? Is it my understanding, from the standing committee report, that the Rules Committee recommends that Resolution Number 3 be adopted?

**DELEGATE MURRAY:** That is right, Mr. President.

**PRESIDENT GRAYBILL:** All right. Is there other discussion on Resolution Number 3? If not, all those in favor of adopting Resolution Number 3, which is a resolution providing that committee chairmen shall suggest that certain citizen suggestions, deemed meritorious, be given to the citizens—a copy of them be given to the Legislative Council. All in favor of that resolution, say Aye.

**DELEGATES:** Aye.

**PRESIDENT GRAYBILL:** Opposed, No. (No response)

**PRESIDENT GRAYBILL:** The Ayes have it, and so ordered.

**CLERK HANSON:** "Mr. President. We, your Committee on Rules, having had under

consideration Resolution Number 2, a resolution entitled 'A resolution of the Constitutional Convention of the State of Montana, urging the members and staff of the Legislative Council to give consideration to citizens' suggestions submitted to the Convention', respectfully report as follows: that Resolution Number 2 be not adopted. Signed: Murray, Chairman."

**PRESIDENT GRAYBILL:** Mr. Murray.

**DELEGATE MURRAY:** Mr. President. Mr. Roeder dropped both resolutions into the hopper, and the Rules Committee decided that, with the amendment, Resolution Number 3 would do the job, and Mr. Roeder concurs. And so we urge that Resolution Number 2 be not adopted.

**PRESIDENT GRAYBILL:** Is there discussion on Resolution Number 2? You might pull that from your-find it, and you'll see what it amounts to. It's the same thing, only in a much longer form. Very well. All those in favor of adopting Resolution Number 2, which would be another form of sending the-all right-I guess we would go on your report. All those in favor of adopting the committee report not to adopt Resolution Number 2, please signify by saying Aye.

**DELEGATES:** Aye.

**PRESIDENT GRAYBILL:** Opposed, No. (No response)

**PRESIDENT GRAYBILL:** The Ayes have it, and the committee report is adopted, which means that Resolution Number 2 is not adopted. Now, may I just parenthetically say, for the benefit of you committee chairmen, I think the way to do this to avoid excessive, additional photostating is to decide which of these you want to give to the Legislative Council and let the clerk's office or the President's office know. We already have one photostat of each of these matters. As the committee Chairman and, I suppose, the whole body is now well aware, many of these are duplicitous; and in the event that we want to give a duplicitous one to the Legislative Council, perhaps we could devise a way to give them a copy of the suggestion and indicate the number of people who had supported it, so we aren't put to the expense of printing a thousand sheets of paper again as we have been so far. So let's figure out which ones you want to send down to the Legislative Council, if any; and after we have figured that out, we'll figure out a way to make one copy for the

Legislative Council. All right. I think there are no other special committee reports, but this morning, we have a procedure whereby we are going to ask the committee chairmen to give a short summary of their committee work to date, by way of a report. In other words, a report of each committee Chairman--a short report indicating how their committee has fared and where they stand. I think probably the best thing to do would be for me to go down the list of committees, skipping the administrator--skipping the procedural committees, in order; and if anyone is not ready and wants to be passed, I'll pass you; but we'll proceed on that basis. On that basis, I would like to call on the Chairman of the Bill of Rights Committee, Mr. Dahood. You may state your position from where you stand, sir.

**DELEGATE DAHOOD:** Mr. President and fellow delegates. To this date, our committee has held seven formal-notice public hearings and six committee room hearings. Twenty delegate proposals have been referred to our committee. Some of the proposals add to the Bill of Rights, some tend to modify some of the provisions; none of the proposals, in our judgment, detract substantially from the rights of the Montana citizen under our Bill of Rights. There has been a great deal of debate and, we think misinterpretation, with respect to the right to keep and bear arms; and for the information of our fellow delegates, the committee has asked me to state here and now that there has never been a proposal before the Bill of Rights Committee to change the present Constitutional right to keep and bear arms. We have had one proposal asking that we place within the Bill of Rights a provision that there shall never be registration or taxation of firearms in the State of Montana. However, the National Association to Keep and Bear Arms has contacted us by telegram, with over 500 signatures and an assurance that another 1,000 signatures are forthcoming, that they want the present provision in our Bill of Rights maintained. The consensus of the committee, at this time, seems to be that we will recommend that the present provision be maintained. There are delegate proposals for abolishing capital punishment, proposals for enhancing the right of privacy in the State of Montana, for making sure that electronic surveillance is guarded by the law so it will not infringe upon private rights. We have had a great deal said about the need for revising our religious liberty provision because of its excess wording, as the proponents for revision contend, and adopting in place thereof the provi-

sion contained in the federal First Amendment. The tentative feeling of the committee, to some extent, is that perhaps adopting the federal First Amendment might well be in order, inasmuch as we are bound by the provisions of the Supreme Court of the United States and that First Amendment, and I think, in our judgment, adopting the federal First Amendment is not going to change the status of the law with respect to religious liberty in the State of Montana. There has been a great deal of debate with respect to the need for a constitutional provision protecting the environment in the State of Montana. A great deal has been said before our committee and in the newspapers with relevance to what is called "a public trust theory". There is some discussion in our committee that perhaps a more proper phrase for describing the protection clause is "a public benefit theory". The manner in which such a proposal would be implemented seems to be the focal point of debate. In any event, I think the committee, in sum and substance, is satisfied that there should be a constitutional declaration stating that we expect a lawmaking body in the State of Montana, whether it be, hopefully on my part, unicameral or bicameral, to make sure that that high-quality environment is protected. There has been some discussion already with respect to the rights of young people. We have heard a great deal of testimony in that connection. I think all of us are sympathetic toward some type of constitutional declaration that the rights of the young people must be protected, so that there will not be dissatisfaction on their part with the manner in which the adult population administers the law that affects them in their everyday activity. There is a provision, a proposal, before our committee that all persons of the age of 18 and over shall be adults for all purposes and entitled to hold any elective office in the State of Montana. I think there is sentiment in our committee to refer that proposal to the Committee as a Whole, asking that it be approved for the reason that we think that once a person is an adult, he should be an adult for all purposes, and as some of us have stated, if he's brilliant enough and able enough to convince the electorate for the State of Montana that, at the age of 18 or 19 or 20, he ought to be the Governor of the State of Montana, any person that magnificent ought to be the Governor of the State of Montana. (Laughter) We are having delegate proposals argued today and tomorrow. We hope that our fellow delegates who have initiated proposals that have been referred to our committee will come for-

ward. We expect to have some of the proponents of some of the more controversial proposals before us. We invite one and all to come to our hearings today and tomorrow and Saturday at 2 o'clock. I can report, at this time, that our committee has not reached any point of agreement or any consensus with respect to any particular proposal. At this point, they even accept the tentative opinions that I have already enunciated simply because all of our hearings are not yet completed and we do not intend to conduct such discussions, with respect to what our tentative draft will be, until such hearings have been concluded. Thank you, Mr. President.

**PRESIDENT GRAYBILL:** Thank you, Mr. Dahood.

Mr. Aasheim of the Legislative Committee.

**DELEGATE AASHEIM:** Mr. President, delegates. Our committee has been divided into four subcommittees: bicameral, unicameral, constitutional restrictions, and reapportionment. We have had three public hearings, one on the complete Legislative Article, one on the unicameral-bicameral, and one on reapportionment. Presently, we are reviewing our overview. We went over the Article and found areas in which we were in agreement, and today, we are going to review particularly those in which we were in disagreement. Today, we are going to consult with some legislators to get their opinions on, particularly, the constitutional restrictions that are imposed upon the Legislature. It is the thinking of the committee that we will bring to the floor the bicameral and the unicameral for a proposal, and we shall make recommendations as to whether or not the proposal will be presented to the people for their acceptance or rejection. Of course, you will help us decide that; but we will make the recommendation. I have nothing further to comment as to our progress, except to say that by this Saturday, we shall have our rough draft ready so that the press will have the sense of the committee as to the various areas in which we have discussed the Legislative Article.

**PRESIDENT GRAYBILL:** Thank you, Mr. Aasheim.

Mr. Joyce.

**DELEGATE JOYCE:** Mr. President, the Executive Committee has held no public hearings as yet. We have been holding meetings, and we have summoned to our committee, or requested,

the attendance of the present Governor, ex-Governor Babcock, all of the elected officials, the State Examiner, members of the State Board of Equalization, the head of the Revenue and Administration Committees or divisions of state government, the Board of Education representatives, the Reorganization Directors, the Administrator of the Land Board, the Legislative Auditor and the Adjutant General. On our committee, the issues that remain--we have not resolved any of them as we see them. The essence-the question--the big question is which of the-how many of the presently elected officials shall be retained as constitutional offices. The second issue, which is closely allied thereto, is how many of the constitutional boards on which the elected members serve will continue to be constitutional boards. This cuts us across the Education Committee in that the Superintendent of Public Instruction is on that board, and it also cuts us across those committees that are dealing with the Land Board in that four of the present elected officials are on that board. We are going to have a joint meeting today with the Education Committee to hear from the Superintendent of Public Instruction in that connection. And-the next question that is before our committee are the veto powers of the Governor. We hope to confer with the Legislative Committee before we make any resolution in that connection. The fourth major issue before our committee is what to do with the Lieutenant Governor and the powers of succession, and whether we can make the office of Lieutenant Governor more attractive than John Nance Garner inelegantly described the vice-presidency some years ago. Those are our principal areas. We have not-we have deliberately, so far, refrained from making any--arriving at any decisions on any of these issues until such time as we would hear from the people whom we think have something relevant to say. We are planning, this week, to start running our individual ideas around the table. Each member of the committee reserves the right to change his position without notice and several times, if necessary; but we will, we hope, come out with some consensus. We have two delegate proposals before us; one relative to a constitutionally established wage commission, and we are going to get a proposal, I understand, on having a parliamentary system of government from Delegate Kelleher. And so, next Saturday at 1:30 pm., in the Governor's reception room, the Executive Committee will hold its first public hearing, in which we will discuss the present Executive Article, all

delegate proposals that have been introduced pertaining to the Executive Article, the parliamentary system of government, the veto power, and any and all matters pertaining to the Executive branch of the state government in the Executive Article of the Constitution. So, all ye who have cause to be heard before the Executive Committee can draw an eye at that time, and the committee will give you its undivided attention. Thank you, Mr. President.

**PRESIDENT GRAYBILL:** Thank you, Mr. Joyce.  
Mr. Holland, Judiciary.

**DELEGATE HOLLAND:** Mr. President. The Judiciary Committee has held seven public hearings, including 3 days principally devoted to proponents of the Montana Plan, a public hearing in consideration of the Supreme Court, a public hearing principally to the subject of District Courts, **one to the subject** of Justice of the Peace Courts, and a public hearing principally to the subject of county attorneys. Scheduled for today we have a public hearing on the clerks of District and Supreme Courts, and public hearings have been set for this Thursday and Friday for consideration of opponents of the Montana Plan and all other witnesses. Tentative votes have already been taken in our committee as to the feeling of the various members upon the various facets of the Judicial Article. As of today, I'm going to appoint subcommittees to write drafts, and I will appoint chairmen for each subcommittee to write the drafts. At the present time, it appears that there will be at least two drafts written, possibly three. None of the members are committed to any one thing yet; all reserve the right to change and to go to any one of the various proposals that are put up here. It is expected that the final reports from the chairmen of these committees will be due on February 8th, 1972. The Romney hearing has not yet been held but will be scheduled--actually, heard on the date scheduled, and we have been contacting tentative speakers to present various viewpoints at this meeting. It is expected that we will have our final report ready to be submitted to the Constitutional Convention-on the date set, February 16th.

**PRESIDENT GRAYBILL:** Thank you, Mr. Holland.  
Mrs. Blend, the Local Government Committee Vice-chairman.

**DELEGATE BLEND:** Mr. President, the Local Government Committee has concluded 5 days of hearings, which were well attended, sometimes to capacity. Testimony came from a wide variety of sources, including the League of Cities and Towns, the County Commissioners Association, and the group representing other elected county officials. Interested citizens, individual city and county officials, political scientists, and the Director of the National Municipal League also have testified before our committee. The committee now is involved in accomplishing hearings of formal delegate proposals and citizens' suggestions. Each delegate who has submitted a proposal that has been referred to the Local Government Committee will be invited to appear before the committee to explain his or her proposal. In addition, several committee members have submitted informal working drafts which should be of considerable assistance. It is hoped that consensus can be reached on several of the major items before the committee by the end of this week. Several matters pertaining to Local Government have been assigned to other committees. Either through informal communication or formal meetings, the Local Government Committee is keeping itself informed of related actions in other committees, including Judiciary, Legislative, Revenue and Finance, and General Government. Nine sections, eight in Article XIV and one in Article XIX, have been assigned to the Local Government Committee. The committee tentatively has agreed to delete two of these sections and to revise and, where possible, combine the others. In that regard, the Local Government Committee may face a somewhat unusual problem. We are all well aware of instances in which the present Constitution is overly detailed. However, in terms of Local Government, some of the greatest problems have arisen over constitutional silence concerning what powers cities and counties should have. In other words, our job extends considerably beyond simply pruning out-of-date provisions from the 1889 Constitution. Committee progress, particularly in the last four meeting days, has been very gratifying. At this point, we fully expect to report out a much-improved Local Government Article well within our time schedule. Thank you, Mr. President.

**PRESIDENT GRAYBILL:** Thank you, Mrs. Blend.

Revenue and Finance, Mr. Kygg.

**DELEGATE RYGG:** Mr. President and fellow delegates. I want to report on the Mitchell gang. This gang consists of the notorious nine who are apparently banished from the Capitol Building. Apparently, they were banished because it was rumored that they were going to make the new Constitution read in such a manner that money could be raised—that the legislators could raise enough money to take care of all the needs and wants of the Montanans. Since then, at that time, however, it has been decided that a disinterested party must be named in order to differentiate between the wants and the needs. I can now report that this gang is holed up across the street and completely surrounded by the Montana state revenueurs. The revenueurs report that they had been in contact with this gang and have now sent in their special team, called the Board of Equalization, to negotiate with this group. At first, there hasn't been much meeting of minds, but now the Board reports that we think progress has been made, as the Board has assured the gang that Montanans really don't mind taxes; they just want to make sure the other guy pays them. (Applause)

Enough of that. The Revenue and Finance Committee has been given Articles XII, XXI and Sections 5 and 6 of Article XI. It is our hope that we can condense these three Articles into about one-third of the original wording. I think there are about 44 sections in all, and I believe we'll probably get them down to about 15 or 16 and will probably suggest one or two Articles. And, of course, that will be up to the drafting to change that; but we're going to reduce them considerably, I'm quite sure. We have subcommittees working on XXI and XIII; and one on XXI is pretty far along, and I expect we'll have a report from them momentarily. And we think that this full Article can possibly be reduced to maybe two sections. The other subcommittee isn't quite as far along, but I think I can assure you that they will provide a tax limit that is not stated in dollars, but rather a ceiling that will fluctuate with either a taxable evaluation or some other criteria. We have another subcommittee working, too, on Sections 5 and 6 of Article XI. This is rather a large committee. It is headed by Rich Champoux, and they plan to give us their findings on February 8th. The general hearings that we had last week were not well attended. In fact, if we hadn't invited people, we would probably have had very few there. I will say though, that the testimony that we have had, and especially from the state officials, has been excellent and

very informative for the committee. About the only issue that seems to require a public hearing is that of the antidiversion amendment, and we have called this hearing for Friday, February 4th, at 1:30, in the Senate chambers. The other issues of any interest at all seems to have been the sections on mining taxation, although it is possible that the section of exempting charitable institutions might have some discussion later. We are now working on a skeleton Article for the Romney hearing, and, of course, we will have it ready on the 10th and we will have our draft completed on February 17th. And while I'm on my feet, I see we aren't listed here, I will tell the committee we do have a meeting at 10:30. And I thank you, Mr. President.

**PRESIDENT GRAYBILL:** Thank you, Mr. Rygg. The President would only comment that I was surprised to hear that the Mitchell gang had now disclosed its location. We thought your purpose in leaving the Capitol was to keep away from the rest of us so we couldn't get at you. (Laughter)  
I'll call next on Mr. Champoux for Education.

**DELEGATE CHAMPOUX:** Mr. President, the Education and Public Lands Committee has held seven public hearings. We have deliberated all aspects of education. We have held a joint meeting on public lands with the Natural Resources Committee. We have received, so far, six delegate proposals. I understand two more are coming in on the Board of Regents. Most of our proposals are on financing, with one on a proposal not to change the section on no state aid to nonpublic schools. While we are on that subject, we held an entire day's meeting, last Saturday, on that. They have--there have been 20 witnesses before the committee on this business of state aid to nonpublic schools. Of those 20 witnesses, 17 have testified that they want no change in the Constitution; 3 of them have testified that they would like a change. Of the 70 citizens' suggestions we have received, 50 of them have been on this subject; 47 of them want no change in the Constitution and 3 would like a change. There have been other interesting little developments that come up here and there. For instance, on this business of the ages in the Constitution--what I am speaking about here is the 6 to 21 limitation. One of the interesting comments that has been made in that area--one would assume that most people would want to get rid of that, but we have had some people that want to keep it--on the lower end, to keep babysitting out of the schools. On the business of public lands,

there has been much discussion on access. A lot of people are interested in using these lands. The multiple-use concept has come in for quite a bit of discussion. On the other hand, the opposing arguments have been based on the idea of trust and responsibility--in terms of the State Land Board and the people that are leasing it. In the same area, we have had quite a bit of development on this 2½ percent diversion of the slate school lands money for improvement of the land, and to the satisfaction, I think, of the committee--I can speak, I think, for the committee on this--that we were much impressed with what has been done with this 2½ percent and what has accrued because of it. Mr. Drum will be pleased to hear that. The business of the constitutional status of the county superintendent of schools has been discussed. Lots of people have come in to talk to us about that, principally county superintendents of schools. The State Boards of Education have been discussed in a lot of detail. There is much support, I feel, for a Board of Regents. We are going to be discussing two proposals on that that are tentative, and also the business about the election or appointment of the Superintendent of Public Instruction. We are going to have a full public meeting with the Executive Committee this afternoon at 2 o'clock on that in the Senate Building--rather Senate chambers. The other thing that's taken up quite a bit of our time has been this business of financing public education and the implications of the Serrano versus Priest decision. We are going to be going into that in much more detail next Monday or next Tuesday, but it comes up continuously. The other subject is the business of state and local responsibility for providing and supporting public education, and the word we are hung up on is "support". What does that mean in terms of specifics, and how--exactly how specific should we get on this? As far as decisions on any of these are concerned, deliberations will begin today on a tentative draft. I want to make only one other comment while I'm here. On our daily Convention schedule, you'll notice that we have a hearing this morning on community colleges and vocational rehabilitation. I want to add that, in case Mr. Driscoll is suspicious--he isn't here; well, anyhow--thank you, sir.

**PRESIDENT GRAYBILL:** Very well.  
Thank you Mr. Champoux.  
Next, Public Health, Mr. Heliker.

**DELEGATE HELIKER:** Mr. President, the Public Health Committee currently has before it the following major subjects, which are being considered or are in prospect. The first is the virtual deletion of Article XV on corporations other than municipal, with possible proposal of a shorter Article. I may say that if any delegate or member of the public present has knowledge of a reason to retain any section of Article XV, we would appreciate if he or she would come forward. We have some difficulty in securing expressions of opinion from state officers and from representatives of other interested parties on this subject. Second Article before us is Article X on state institutions, Sections 1 and 5. Our disposition at the present time is to simplify considerably Section 1 and to revise Section 5 so as to shift responsibility for welfare funding toward the state, away from the county. Another subject under consideration is inclusion of a section in the Bill of Rights defining the right to basic necessities of life. This is Proposal Number 45, which will be considered jointly with the Bill of Rights Committee. A fifth subject is a proposal to guarantee a state—or establish a state merit system for public employees. A sixth is a proposal for consumer protection section. With regard to Article XVIII, the Labor Article, we have been considering and have held numerous hearings on the following subjects: convict labor, the prohibition of child labor in dangerous occupations, the 8-hour day, the right to work, the right of private employees to bargain collectively, the right of public employees to bargain collectively, the right of public employees to strike. A final subject before the committee is the public utility regulation, Proposal Number 76. The committee has heard testimony on all of the subjects enumerated except for the proposals relative to consumer protection, the merit system, and public utility regulation. The groups represented by testimony before the committee include the Department of Labor and Industry, the Montana AFL-CIO, the Employment Security Commission, the American Federation of State, County and Municipal Employees, Secretary of State's office, Department of Institution, the Cascade County Commissioners, the State Department of Welfare, the Montana State Low-Income Group, the Railroad and Public Service Commission, Department of Revenue, the State Auditor's office and the Anaconda Company. The committee is awaiting recommendations from the Railroad and Public Service Commission, the State Real Estate Commission and members of the University Law

Faculty. The commission has discussed Articles on the nonmunicipal corporations and welfare and is currently awaiting subcommittee reports. It is expected that the subcommittees will report this week and that the committee will be able to draft some definite language on those Articles before the end of the week. The committee has scheduled hearings on labor and on public utility regulation on various dates from February 2nd to the 10th. The committee will hold evening meetings during that period to develop proposals for submission to the Committee of the Whole on all four topics. The Romney hearing for the Public Health Committee is scheduled for February 11th and our final committee proposal will be in final form by February 18th. With regard to the hearings scheduled, we have scheduled hearings this week on all topics relating to Labor Article or any subject having to do with labor, including Proposal Number 73 today, tomorrow Proposal Number 71 on the merit system proposal. February 3rd, at 3 o'clock in the afternoon, a joint hearing with the Bill of Rights Committee on Proposal Number 45. Beginning Saturday morning and continuing all day Saturday and in the mornings of the 8th, 9th and 10th of next week, hearings on the public utility regulation, Proposal Number 76. On the morning of the 8th, Proposal Number 70 on consumer protectionism. I am pleased to be able to announce that Senator Lee Metcalf has accepted my invitation to appear and testify before our committee, on the public utility regulation proposal, on February 10th at 10:00 a.m., which hearing will be held in the Senate chamber. Thank you.

**PRESIDENT GRAYBILL:** Thank you, Mr. Heliker.

Now, Mrs. Cross, Natural Resources, please.

**DELEGATE CROSS:** Mr. President and delegates. At the conclusion of the second week of the Constitutional Convention, the Committee on Natural Resources and Agriculture has, I believe, caught up with those committees which had the benefit of informational input from the commission staff. In order to do this and beginning last Wednesday, on January 19th, a series of informal meetings were held daily and covered all aspects of natural resources; namely, water and water rights, wildlife, minerals, air, forests, and timber in public lands. In addition, this committee has reviewed and discussed the assigned Articles in the present Constitution. They include Article III, Section 15, on water use; Article XVII, public

lands; Article XVIII, Section 1, the Department of Agriculture; and Article XIX, Sections 3 and 7, also dealing with public lands. And we also reviewed Article XII, Section 9, which deals with the livestock mill levy. The conclusions reached and the recommendations made on these particular Articles and sections are in Report Number 6, and this was entitled "The Legislative Council Report on the Montana Constitution", and have also been reviewed by this committee. Citizens' suggestions referred to this committee, as well as letters to the individual committee members, have been read and reviewed by the entire group. Delegate Proposals 1, 2, 12, 20, 21 and 48, all of which deal directly or indirectly with the natural resources, have also been studied, and our committee is up-to-date on those. I am also pleased to report that three formal public hearings have been held. On Thursday, January 27th, a joint meeting was held with the Education and Public Lands Committee; on Saturday, January 29th, dealing with public trust in the environment; and February 1st, a joint hearing with the Bill of Rights Committee and the Natural Resources and Agricultural Committee. We have hearings scheduled from February 2nd to the 5th, and I would like to mention that the fact remains we have a formal public hearing and I understand that two gentlemen, one representing the Peabody Coal Company and the other the Western Energy Company, will be here to tell us about their reclamation plans. So those delegates who may be interested are invited to attend, and we will meet upon adjournment this morning.

**PRESIDENT GRAYBILL:** Thank you, Mrs. Cross.

General Government, Mr. Etchart.

**DELEGATE ETCHART:** Mr. President, fellow delegates. The Committee on General Government and Constitutional Amendment has been meeting each session day, acquainting itself with and hearing testimony on the areas that have been assigned to the committee. The committee has used an informal system to accomplish this end. In the hearings held before last week, the committee went over the assigned areas article by article and discussed the presented background research material. The next week, January 25th to January 28th, was devoted to general hearings, with individual topics scheduled for each day. During its general hearings, the committee would hear testimony from interested parties and discuss the issues in depth. The general areas

assigned to the committee are: constitutional revision, which is mainly Article XIX, Sections 8 and 9; the processes of initiative, referendum and recall, which is Article V, Section 1; constitutional establishment of an oath, which is Article XIX, Section 1; state boundaries, which is Article I; suffrage and elections, Article IX; lotteries, Article XIX, Section 2; distribution of powers, Article IV; in some areas of federal-state relations, which is Ordinance I, Sections 5 and 6. In miscellaneous areas, it can best be described as General Government topics. The committee members would discuss each topic and attempt to iron out any points of contention in order to help the individual members of the committee to form a better opinion on each topic. Then, in each area, one or more of the committee members would, with the help of the committee, draft and introduce a delegate proposal. The purpose behind this was to give the committee something concrete with which to work. The proposal also gives both the Convention and the public a better idea of how the subject-matter assigned to the committee might be handled. I would recommend to my fellow delegates that they study the delegate proposals assigned to this committee if they want to get a pretty good idea of what the thinking of the committee is at this point. Let me also stress that the committee did not, on any subject, make an official, binding decision on the disposition of any of these topics. The committee is merely working to establish groundwork for the ultimate disposition of the subjects. This groundwork is often composed of committee consensus on certain subjects, but we've never taken final decisions. Such decisions were deliberately not made, as the committee feels that such action, prior to specific hearings to be held the week of February 1st to 5th, would be premature and improper. We want the committee to retain an open mind on all matters until we have all the information available for us. At this point, it would be appropriate to give a brief discussion on the areas of controversy before the committee. The controversial areas in Constitutional Revision and Amendment are all related to the structuring of these processes. The same, basically, holds true of the areas of initiative and referendum; though in these areas, there is also the question of the scope of the processes. As for recall, a device relatively foreign to Montana, the issues concern its creation, scope and structure. In the area of Suffrage and Election procedures, the constitutional issues fall mainly in the scope of how much structuring of these areas should be included in the Constitu-

tion. General Government is somewhat of a catch-all area in encompassing the issues of oath, lotteries, distribution of powers, some areas of federal-state relations, and miscellaneous subjects. The issues in these areas vary with each individual topic. The committee is scheduled to turn in three reports to the Convention. The first two, Suffrage and Elections and Constitutional Amendment and Revision, are due on February 12th, and the third, General Government, is due February 19th. For the information of the members of the committee, we will be meeting on adjournment, and we will take up Delegate Proposals Number 29 and 47 today. Thank you.

PRESIDENT GRAYBILL: Thank you, Mr. Etchart. The Chair would like to thank all of the committee chairmen for their reports, which I thought were excellent and useful to myself and the delegates. The Chair would also like to express to the entire body my real gratitude for the hard work that's been done. I think it is really amazing how much information we have been able to assemble and assimilate in the past two weeks, and I certainly think it's timely for me to certainly express my view that you've done an excellent job as a group and that we have certainly got a good start on the Convention. Now, I am quite hopeful, in terms of our schedule, because of all the work that's been done. I don't want to mislead anybody, because you'll see in about two minutes that the delegate proposals are beginning to roll in today and there's a lot more work to do. But I think, to date, we have certainly taken hold quickly and done a great deal of work, and I want to congratulate the delegates and the committees on the work they've done. I think that concludes Reports of Standing Committees. Are there any reports of Select Committees'?

CLERK HANSON: None, sir.

PRESIDENT GRAYBILL: Any Communications?

CLERK HANSON: None, sir.

PRESIDENT GRAYBILL: Introduction and Reference of Delegate Proposals, Order of Business Number 4.

CLERK HANSON: Mr. President, "Delegate Proposal Number 78. A proposal for a new Constitutional section providing for equal opportunity for employment. Be it proposed by Constitutional Convention, State of Montana." Introduced

by Studer and others. Delegate Proposal Number 78.

PRESIDENT GRAYBILL: Number 78, to Public Health.

CLERK HANSON: "Delegate Proposal Number 79; introduced by McNeil. A proposal amending Article IV, Section 1, of the Constitution of the State of Montana, providing for distribution of governmental powers to subdivisions of the state. Be it proposed by Constitutional Convention, State of Montana." Delegate Proposal Number 79.

PRESIDENT GRAYBILL: Number 79, to Local Government.

CLERK HANSON: "Delegate Proposal Number 80. A proposal amending Article XII, 1[b], of the Constitution, State of Montana, relating to highway fees and license tax. Be it proposed by Constitutional Convention, State of Montana." Introduced by Toole and others. Delegate Proposal Number 80, Mr. President.

PRESIDENT GRAYBILL: Number 80, to Revenue and Finance.

CLERK HANSON: "Delegate Proposal Number 81; introduced by Harrington and others. A proposal for a new Constitutional section providing for religious liberty and repealing Article III, Section 4; Article V, Section 35; and Article XI, Section 8, of the present Constitution. Be it proposed by the Constitutional Convention, State of Montana." Delegate Proposal Number 81, Mr. President.

PRESIDENT GRAYBILL: Number 81, to Bill of Rights.

CLERK HANSON: "Delegate Proposal Number 82; introduced by Brown. A proposal for five new Constitutional sections concerning the elective process. Be it proposed by the Constitutional Convention of the State of Montana." Delegate Proposal Number 82, Mr. President.

PRESIDENT GRAYBILL: Number 82, to General Government.

CLERK HANSON: "Delegate Proposal Number 83; introduced by Jacobsen. A proposal for a new Constitutional section providing for acquisition of historic sites. Be it proposed by the

Constitutional Convention, State of Montana." Delegate Proposal Number 83, Mr. President.

**PRESIDENT GRAYBILL:** Number 83, to Natural Resources.

**CLERK HANSON:** "Delegate Proposal Number 84; introduced by Brown. A proposal repealing Article I, Section 1, of the Constitution of the State of Montana. Be it proposed by the Constitutional Convention, the State of Montana." Delegate Proposal Number 84, Mr. President.

**PRESIDENT GRAYBILL:** Number 84, to General Government.

**CLERK HANSON:** "Delegate Proposal Number 85; introduced by Rollins. A proposal for a new Constitutional Article providing for the Montana university system. Be it proposed by the Constitutional Convention, the State of Montana." Delegate Proposal Number 85, Mr. President.

**PRESIDENT GRAYBILL:** Number 85, to the Education Committee.

**CLERK HANSON:** "Delegate Proposal Number 86. A proposal repealing the Preamble of the Constitution of the State of Montana and having a new Preamble. Be it proposed by the Constitutional Convention, the State of Montana." Delegate Proposal Number 86, Mr. President.

**PRESIDENT GRAYBILL:** Number 86, to Bill of Rights.

**CLERK HANSON:** "Delegate Proposal Number 87; introduced by Foster and Skari. A proposal for a new Constitutional section providing for the rights of those under the age of majority. Be it proposed by the Constitutional Convention of the State of Montana." Delegate Proposal Number 87, Mr. President.

**PRESIDENT GRAYBILL:** Number 87, to Bill of Rights.

**CLERK HANSON:** "Delegate Proposal Number 88; introduced by Cate. A proposal amending Article III, Section 18, of the Constitution of the State of Montana, concerning self-discrimination [incrimination]. Be it proposed by the Constitutional Convention, the State of Montana." Delegate Proposal Number 88, Mr. President.

**PRESIDENT GRAYBILL:** Number 88, to the Bill of Rights.

**CLERK HANSON:** "Delegate Proposal Number 89; introduced by Anderson and others. A proposal repealing Article XVI, Section 1, 2 and 8, of the Constitution of the State of Montana and combining the intent of those sections in a new section on county boundaries and county seats. Be it proposed by Constitutional Convention, State of Montana." Delegate Proposal Number 89, Mr. President.

**PRESIDENT GRAYBILL:** Number 89, to Local Government.

**CLERK HANSON:** "Delegate Proposal Number 90; introduced by Brazier. A proposal for a new Constitutional section permitting the Legislature to provide for disqualification of judges. Be it proposed by the Constitutional Convention, the State of Montana." Delegate Proposal Number 90, Mr. President.

**PRESIDENT GRAYBILL:** Number 90, to Judiciary.

**CLERK HANSON:** "Delegate Proposal Number 91; introduced by Cain and others. A proposal for a new Constitutional section providing equal educational opportunity for all students. Be it proposed by the Constitutional Convention, the State of Montana." Delegate Proposal 91, Mr. President.

**PRESIDENT GRAYBILL:** Number 91, to Education.

**CLERK HANSON:** "Delegate Proposal Number 92; introduced by Arness and Blend. A proposal for a new Constitutional Article vesting judicial powers in a court of appeals and inferior courts. Be it proposed by the Constitutional Convention of the State of Montana." Delegate Proposal Number 92, Mr. President.

**PRESIDENT GRAYBILL:** Number 92, to Judiciary.

**CLERK HANSON:** "Delegate Proposal Number 93; introduced by Siderius. A proposal amending Article III, Section 3 and 11, of the Constitution, the State of Montana, and adding a new section to that Article, the Bill of Rights, to provide for collective bargaining. Be it proposed by the Constitutional Convention, State of Montana." Delegate Proposal Number 93, Mr. President.

**PRESIDENT GRAYBILL:** Number 93, to both the Bill of Rights Committee and the Public

Health Committee, jointly. And I call your attention to the fact you have a joint hearing set on another bill, and you better add this one to that hearing.

**CLERK HANSON:** "Delegate Proposal Number 94; introduced by Habedank. A proposal for four new Constitutional sections providing for constitutional amendment. Be it proposed by the Constitutional Convention, State of Montana." Delegate Proposal Number 94.

**PRESIDENT GRAYBILL:** Number 94, to General Government.

**CLERK SMITH:** "Delegate Proposal Number 95. A proposal for a new Constitutional section providing for creation of auxiliary canvassing boards." Introduced by Erdmann and others.

**PRESIDENT GRAYBILL:** Number 95, to General Government.

**CLERK SMITH:** "Delegate Proposal Number 96. A proposal for a new Constitutional Article on irrigation and water rights." Introduced by Erdmann and others.

**PRESIDENT GRAYBILL:** Number 96, to Natural Resources.

**CLERK SMITH:** "Delegate Proposal Number 97. A proposal for a new Constitutional Article providing for local government." Introduced by Ask.

**PRESIDENT GRAYBILL:** Number 97, to Local Government.

**CLERK SMITH:** "Delegate Proposal Number 98. A proposal for two new Constitutional sections protecting the rights of prisoners." Introduced by Kelleher.

**PRESIDENT GRAYBILL:** Number 98, to the Bill of Rights.

**CLERK SMITH:** "Delegate Proposal Number 99. A proposal for a new Constitutional Article providing for a city-manager form of government." Introduced by Kelleher.

**PRESIDENT GRAYBILL:** Number 99, to Local Government.

**CLERK SMITH:** "Delegate Proposal Number 100. A proposal for a new Constitutional section prohibiting involuntary servitude a part of

each week, except for necessary and recreational services." Introduced by Kelleher.

**PRESIDENT GRAYBILL:** Number 100, to Bill of Rights.

**CLERK SMITH:** "Delegate Proposal Number 101. A proposal for a new Constitutional section limiting campaign spending for the Legislature." Introduced by Kelleher.

**PRESIDENT GRAYBILL:** Number 101, to Legislative.

**CLERK SMITH:** "Delegate Proposal Number 102. A proposal for a new Constitutional section authorizing financial support for private colleges and universities, provided they can guarantee freedom of thought." Introduced by Kelleher.

**PRESIDENT GRAYBILL:** Number 102, to Education.

**CLERK SMITH:** "Delegate Proposal Number 103. A proposal for a new Constitutional section guaranteeing the right to be born and a right to die." Introduced by Kelleher.

**PRESIDENT GRAYBILL:** Number 103, to Bill of Rights.

**CLERK SMITH:** "Delegate Proposal Number 104. A proposal for a new Constitutional section reserving to the people of Montana all subsurface rights except under school and Indian lands." Introduced by Kelleher.

**PRESIDENT GRAYBILL:** Number 104, to Natural Resources.

**CLERK SMITH:** "Delegate Proposal Number 105. A proposal for a new Constitutional section guaranteeing equal pay for equal work for government employees." Introduced by Kelleher.

**PRESIDENT GRAYBILL:** Number 105, to Public Health.

**CLERK SMITH:** "Delegate Proposal Number 106. A proposal amending Article XIX, Section 8, of the Constitution of the State of Montana, providing for future Constitutional Conventions." Introduced by Arbanas.

**PRESIDENT GRAYBILL:** Number 106, to General Government.

**CLERK SMITH:** "Delegate Proposal Number 107. A proposal for a new Constitutional Article providing for joint election of the Governor, Lieutenant Governor and Attorney General." Introduced by Arbanas.

**PRESIDENT GRAYBILL:** Number 107, to Executive.

**CLERK SMITH:** "Delegate Proposal Number 108. A proposal for a new Constitutional section providing for county election on alternative forms of government." Introduced by Eck and others.

**PRESIDENT GRAYBILL:** Number 108, to Local Government.

**CLERK SMITH:** "Delegate Proposal Number 109. A proposal for a new Constitutional section allowing income-taxpayers to contribute \$1 to party of their choice." Introduced by Kelleher.

**PRESIDENT GRAYBILL:** Number 109, to Revenue and Finance.

**CLERK SMITH:** "Delegate Proposal Number 110. A proposal for a new Constitutional section limiting the number of times a person may succeed himself in office." Introduced by Geoffrey L. Brazier.

**PRESIDENT GRAYBILL:** Number 110, to Executive.

**CLERK SMITH:** "Delegate Proposal Number 111. A proposal amending Article XIX, Section 2, of the Constitution of the State of Montana to prohibit gambling as a means of financing state government and to permit charitable or nonprofit organizations to engage in gift enterprises." Introduced by Harbaugh and others.

**PRESIDENT GRAYBILL:** Number 111, to General Government.

**CLERK SMITH:** "Delegate Proposal Number 112. A proposal for a new Constitutional section providing that the state not engage in the wholesale liquor business." Introduced by Jacobsen and others.

**PRESIDENT GRAYBILL:** Number 112, to General Government.

**CLERK SMITH:** "Delegate Proposal Number 113. A proposal for a new Constitutional sec-

tion providing for a Teachers' Salary Equity Board." Introduced by Roeder.

**PRESIDENT GRAYBILL:** Number 113, to Education. Now, the chair would like to remind the delegates that tomorrow morning is the final day for submission-tomorrow's the final day for submission of delegate proposals. So, if you have other delegate proposals in the works, please get busy on them. Order of Business Number 5, Final Consideration.

**CLERK HANSON:** None, sir.

**PRESIDENT GRAYBILL:** Order of Business Number 6, Adoption of Proposed Constitution.

**CLERK HANSON:** None, sir.

**PRESIDENT GRAYBILL:** Order of Business Number 7, Motions and Resolutions.

**CLERK HANSON:** None.

**PRESIDENT GRAYBILL:** Order of Business Number 8, Unfinished Business. The Chair would call on Mr. Champoux.

**DELEGATE CHAMPOUX:** At the suggestion of a number of people, Mr. President, we've decided to introduce the pages earlier in the week. So, at this time, I would like to introduce the pages; one of them will respond. Jeanne Driscoll from Butte--would you please stand as we call your name-Debbie McCallum from Hot Springs; Nancy Elliott from Havre; Steve Davis from Dillon-and I suspect that's Delegate Carl Davis' son, is that correct?

**PRESIDENT GRAYBILL:** Yes.

**DELEGATE CHAMPOUX:** Doug Diehl from Winston; Mary Rygg from Kalispell-and this is the daughter of a fellow delegate, Sterling Rygg. I think we ought to give these young people a good hand. (Applause)

**PRESIDENT GRAYBILL:** Mr. Driscoll.

**DELEGATE DRISCOLL:** Mr. President, I don't know what the Honorable Chairman has against me, but one of those kids up there happens to be my daughter also. (Applause)

**PRESIDENT GRAYBILL:** Mr. Champoux, did you have any particular doubt about that matter?

**DELEGATE CHAMPOUX:** No, but she was so good-looking I just-you know-I couldn't imagine-(Laughter)

**PRESIDENT GRAYBILL:** Very well. Go ahead, young lady.

**DEBRA McCALLUM:** Members of the Convention. The pages of the third week would like to express our appreciation to you for letting us be a part of this, the making of a future Montana. This experience is going to be one of a great educational value for all of us, and we sincerely hope that we can aid you in any way in writing a lasting Constitution for the State of Montana. Thank you. (Applause)

**PRESIDENT GRAYBILL:** The names of the pages introduced and the fact that they are here with us this week will be entered in the journal and in the proceedings, and copies of the proceedings will be given to these young pages for their own personal use. We are very happy to have you here, and we're looking forward to a good week with you. Order of Business Number 9, Special Orders.

**CLERK HANSON:** None.

**PRESIDENT GRAYBILL:** Order of Business Number 10, General Orders.

**CLERK HANSON:** None.

**PRESIDENT GRAYBILL:** Order of Business Number 11, Announcements. The Chair would like to have you note on your daily schedule that the committee chairmen announcement there is incorrect. This is the meeting that we cancelled tonight so that we could hear Mr. Margolis. Now, Larry Margolis, Executive Director of the Commission on Reforming the State Legislature—that's not quite the right name, but anyway—he's going to be with us this afternoon; and there will be a delegate meeting of all delegates, just like now except off the record, in the House chamber here at 7:30 tonight—in the Convention chamber here at 7:30 tonight—to hear Mr. Margolis talk; and he will also be around, we hope, this afternoon to visit with some of you. But because of that, the committee chairmen meeting which is shown there should be stricken; and I think the committee chairmen are all aware that that meeting will be held at 7:30 tomorrow night instead and that the format of the committee proposal booklets will be the prime topic of discussion. Are there other announce-

ments that are not shown on the daily Convention schedule?

Mr. Aasheim.

**DELEGATE AASHEIM:** The Legislative Committee, at 11 o'clock. I'd also like to announce again the meeting Friday night with Mr. Carpenter from Nebraska, who will discuss the Unicameral Article.

**PRESIDENT GRAYBILL:** On Friday night, it's another meeting here with Mr. Carpenter from Nebraska.

Mr. Holland.

**DELEGATE HOLLAND:** (Inaudible) 10 minutes after adjournment.

**PRESIDENT GRAYBILL:** Mr. Joyce.

**DELEGATE JOYCE:** Mr. President. Executive, 20 minutes after adjournment.

**PRESIDENT GRAYBILL:** Mr. Murray.

**DELEGATE MURRAY:** Mr. President. Rules and Resolutions, 8:30 in the morning.

**PRESIDENT GRAYBILL:** Mrs. Blend.

**DELEGATE BLEND:** Mr. President, Local Government will meet at 11:15 in Room 437.

**PRESIDENT GRAYBILL:** Mr. Champoux.

**DELEGATE CHAMPOUX:** Education Committee, five minutes after adjournment, please.

**PRESIDENT GRAYBILL:** Mrs. Bates.

**DELEGATE BATES:** Mr. Chairman, I wish to announce to this Convention that the bicameral legislative proposal is now printed and it will be ready to be submitted, and if there are others that would like to sign it—I have a number of signatures on it now—but you can do so immediately after this meeting. Thank you.

**PRESIDENT GRAYBILL:** Very well. Mr. Kelleher.

**DELEGATE KELLEHER:** Mr. President. This Sunday, I plan to go to Edmonton. We were going to leave about 1 o'clock in the afternoon. Edmonton, for the benefit of the delegates who are not familiar with our Canadian cousins to the north, is the Riviera of Canada. It is 6 degrees

above zero in Canada-in Edmonton. And we plan to be up there-I should say I plan to be up there—all day Monday, which is a nonwork day, visiting with the leadership of the new government. Very fortunately for us, Canada has just changed their leadership. They had elections last October, and they are getting ready for their new Legislature, so we will have an opportunity to discuss with them the problems of transferring of government-of transition of government. We'll be able to be up there Tuesday morning and fly back Tuesday afternoon and get back to Great Falls about 4 o'clock, so we can be back in Helena Tuesday evening for our Tuesday evening committee meetings. So we won't waste any time. We'll only be gone that one workday. The round-trip fare is less than \$100. It's a—we wish we could go to Hawaii. We wish they had a parliamentary form of government, but they don't. The fare is less than \$100, and I would like to invite anybody--any of the delegates--not just Legislative Committee delegates, but any of the delegates, to come up with me to Edmonton to look into their form of government and to compare what I like to call our limited monarchy form of government here in Montana with a parliamentary form of government that they have in Canada, which vests all of the power in the people. Thank you, Mr. President.

**PRESIDENT GRAYBILL:** Very well, Mr. Kelleher. You've had your commercial. (Laughter) Are there other announcements?  
Mr. Eskildsen.

**DELEGATE ESKILDSEN:** Mr. President, I move we adjourn until 9:30 Thursday, February the 3rd, 1972.

**PRESIDENT GRAYBILL:** All in favor of adjourning until 9:30 Thursday, say Aye.

**DELEGATES:** Aye.

**PRESIDENT GRAYBILL:** Opposed, Nay.  
(No response)

**PRESIDENT GRAYBILL:** The Ayes have it, and so ordered.

(Adjournment at 9:52 a.m.)

February 3, 1972  
9:40 a.m.

Sixteenth Day

Convention Hall  
Helena, Montana

**PRESIDENT GRAYBILL:** Will you please rise, and Delegate Harper will lead us in an invocation.

**DELEGATE HARPER:** Let us pray. Our Heavenly Father, we really are thankful that we are having this experience, learning together about the issues of our state government, and we pray now that creeping pride of knowing more than others might not catch us unawares. May every hurt and desire, anguish and joy and need of all of our people be ours, and may we be reminded that we really are the people as we meet. And today, help us to be good stewards of our time and energy and their money. Amen.

**PRESIDENT GRAYBILL:** We will take the roll by voting Aye on the voting machines. Oscar Anderson and Mr. Ward are excused.

**CLERK SMITH:** Mrs. Bates, Blaylock, Blend, Bowman, Burkhardt, Etchart, Felt.

**PRESIDENT GRAYBILL:** Very well, will you take the machine vote.

Aasheim	Present
Anderson, J.	Present
Anderson, O.	Excused
Arbanas	Present
Arness	Present
Aronow	Present
Artz	Present
Ask.	Present
Babcock	Present
Barnard	Present
Bates	Present
Belcher	Present
Berg	Present
Berthelson	Present
Blaylock	Present
Blend	Present
Bowman	Present
Brazier	Present
Brown	Present
Bugbee	Present
Burkhardt	Present
Cain	Present
Campbell	Present
Cate	Present
Champoux	Present
Choate	Present
Conover	Present

Cross	Present
Dahood	Present
Davis	Present
Delaney	Present
Driscoll	Present
Drum	Present
Eck	Present
Erdmann	Present
Eskildsen	Present
Etchart	Present
Felt	Present
Foster	Present
Furlong	Present
Garlington	Present
Graybill	Present
Gysler	Present
Habedank	Present
Hanson, R.S.	Present
Hanson, R.	Present
Harbaugh	Present
Harlow	Present
Harper	Present
Harrington	Present
Heliker	Present
Holland	Present
Jacobsen	Present
James	Present
Johnson	Present
Joyce	Present
Kamhoot	Present
Kelleher	Present
Leuthold	Present
Loendorf	Present
Lorello	Present
Mahoney	Present
Mansfield	Present
Martin	Present
McCarvel	Present
McDonough	Present
McKeon	Present
McNeil	Present
Melvin	Present
Monroe	Present
Murray	Present
Noble	Present
Nutting	Present
Payne	Present
Pemberton	Present
Rebal	Present
Reichert	Present
Robinson	Present

Roeder	Present
Rollins.	Present
Romney	Present
Rygg.....	Present
Scanlin.....	Present
Schiltz	Present
Siderius.	Present
Simon.....	Present
Skari	Present
Sparks.....	Present
Speer.....	Present
Studer.....	Present
Sullivan	Present
Swanberg.....	Present
Toole	Present
Van Buskirk.....	Present
Vermillion	Present
Wagner	Present
Ward.....	Excused
Warden.....	Present
Wilson.....	Present
Woodmansey	P r e s e n t

**CLERK SMITH:** Mr. President, 98 present, 2 excused. Quorum, Mr. President.

**PRESIDENT GRAYBILL:** Very well, the journal may so show. All right, Order of Business Number 1, Report of Standing Committees.

**CLERK SMITH:** None, sir.

**PRESIDENT GRAYBILL:** Order of Business Number 2, Report of Select Committees.

**CLERK SMITH:** None, sir.

**PRESIDENT GRAYBILL:** Order of Business Number 3, Communications. Under communications, the President would like to announce, so that it will appear in the journal, that Larry Margolis, the Executive Secretary of the Citizens' Conference on State Legislature, has been with us yesterday and this morning and that last night at 7:30 p.m. in Convention Hall, he addressed the delegates in another of our distinguished speaker series, and I think all of those who were here last night greatly enjoyed his remarks. Now, he's with us in the chamber this morning, and, Larry, I wish you'd stand up so that those who did not get here last night will see you. (Applause) Mr. Margolis is really putting himself out to be with us this morning. He wants to get over to the Russell Museum, and we're going to send him there as soon as we're through here. He's

very anxious to see the pictures. Very well, Order of Business Number 4, Introduction and Reference of Delegate Proposals.

**CLERK SMITH:** "Delegate Proposal Number 114. A proposal for a new Constitutional section on public sightliness and good order." Introduced by Bugbee and others. Delegate Proposal 114, Mr. President.

**PRESIDENT GRAYBILL:** Number 114, to Natural Resources.

**CLERK SMITH:** "Delegate Proposal Number 115. A proposal for a new Constitutional section providing that this Constitution shall not affect present elective offices before 1977." Introduced by Bugbee and Eck. Mr. President, Delegate Proposal Number 115.

**PRESIDENT GRAYBILL:** Number 115, to General Government.

**CLERK SMITH:** "Delegate Proposal Number 116. A proposal amending Article III, Section 3, of the Constitution of the State of Montana, recognizing the people's obligation to preserve their rights and property." Introduced by Ward and others. Mr. President, Delegate Proposal Number 116.

**PRESIDENT GRAYBILL:** To Bill of Rights Committee.

**CLERK SMITH:** "Delegate Proposal Number 117. A proposal for a new section to provide for a Department of Agriculture." Introduced by Bates and others. Mr. President, Delegate Proposal Number 117.

**PRESIDENT GRAYBILL:** Number 117, to Natural Resources and Agriculture.

**CLERK SMITH:** "Delegate Proposal Number 118. A proposal for a Preamble to the new Constitution." Introduced by Ward and others. Mr. President, Delegate Proposal Number 118.

**PRESIDENT GRAYBILL:** Number 118, to Bill of Rights.

**CLERK SMITH:** "Delegate Proposal Number 119. A proposal for a new Constitutional section providing for the earmarking of growth-of grass conservation, hail insurance and wheat research funds." Introduced by Aasheim and others. Mr. President, Delegate Proposal Number 119.

PRESIDENT GRAYBILL: Number 119, to Revenue and Finance.

CLERK SMITH: "Delegate Proposal Number 120. A proposal amending Article XIX, Section 2, of the Constitution of the State of Montana to permit bingo games by nonprofit organizations." Introduced by Kamhoot and others. Mr. President, Delegate Proposal Number 120.

PRESIDENT GRAYBILL: 120, to General Government.

CLERK SMITH: "Delegate Proposal Number 121. A proposal for a new Constitutional section providing for public utility corporations." Introduced by Romney and others. Mr. President, Delegate Proposal Number 121.

PRESIDENT GRAYBILL: 121, to Public Health.

CLERK SMITH: Mr. President. "Delegate Proposal Number 122. A proposal amending Article V, Section 31, of the Constitution of the State of Montana, deleting the words "or increase" from the section providing for salary increase for elected public officers during their term of office." Introduced by Ask and Rollins. Mr. President, Delegate Proposal Number 122.

PRESIDENT GRAYBILL: 122, to Local Government and to Executive, jointly.

CLERK SMITH: "Delegate Proposal Number 123. A proposal for a new Constitutional section providing for legislative interim committee." Introduced by Felt and others. Mr. President, Delegate Proposal Number 123.

PRESIDENT GRAYBILL: Number 123, to Legislative.

CLERK SMITH: "Delegate Proposal Number 124. A proposal for a new Constitutional section prohibiting lie-detector tests as a condition of employment." Mr. President-introduced by Cate. Delegate Proposal Number 124.

PRESIDENT GRAYBILL: Number 124, to Bill of Rights.

CLERK SMITH: "Delegate Proposal Number 125. A proposal amending Article III, Section 14, of the Constitution of the State of Montana, providing that environmental amenities not be taken or damaged without just compensation."

Introduced by Cate. Mr. President, Delegate Proposal Number 125.

PRESIDENT GRAYBILL: 125, to Bill of Rights.

CLERK SMITH: "Delegate Proposal Number 126. A proposal for a new Constitutional Article on local government." Introduced by Speer. Mr. President, Delegate Proposal Number 126.

PRESIDENT GRAYBILL: 126, to Local Government.

CLERK SMITH: "Delegate Proposal Number 127. A proposal for a new Constitutional section providing for water rights." Introduced by Davis and others. Mr. President, Delegate Proposal Number 127.

PRESIDENT GRAYBILL: 127, to Natural Resources.

CLERK SMITH: "Delegate Proposal Number 128. A proposal amending Article XI, Section 11, of the Constitution of the State of Montana, providing that 10 members of the Board of Education be appointed by the Governor and 1 student member be selected as provided by law." Mr. President-introduced by Mae Nan Robinson and others. Delegate Proposal Number 128.

PRESIDENT GRAYBILL: 128, to Education.

CLERK SMITH: "Delegate Proposal Number 129. A proposal amending Article V, Section 1, of the Constitution of the State of Montana, providing for recall of elected officials." Introduced by Harlow. Mr. President, Delegate Proposal Number 129.

PRESIDENT GRAYBILL: Number 129, to General Government.

CLERK SMITH: "Delegate Proposal Number 130. A proposal for a new Constitutional section providing for the establishment of public libraries." Introduced by Mae Nan Robinson and McKeon. Mr. President, Delegate Proposal Number 130.

PRESIDENT GRAYBILL: Number 130, to Education.

CLERK SMITH: "Delegate Proposal Number 131. A proposal for a new Constitutional section providing for polling-place voter

registration." Introduced by Bugbee and others. Mr. President, Delegate Proposal Number 131.

PRESIDENT GRAYBILL: 131, to General Government.

CLERK SMITH: "Delegate Proposal Number 132. A proposal for a new Constitutional section providing for environmental rights." Introduced by Campbell and others. Mr. President, Delegate Proposal Number 132.

PRESIDENT GRAYBILL: Number 132, to the Bill of Rights Committee and the Natural Resources Committee, jointly.

CLERK SMITH: "Delegate Proposal Number 133. A proposal amending Article III, Section 6, of the Montana Constitution of the State of Montana to permit an injured person full remedies against all parties who may be liable for his injury, excepting his fellow employees and his immediate employer, provided such immediate employer provides coverage under the workmen's compensation laws of the State of Montana." Introduced by Campbell and others. Mr. President, Delegate Proposal Number 133.

PRESIDENT GRAYBILL: -133, to Bill of Rights and Judiciary, jointly.

CLERK SMITH: "Delegate Proposal Number 134. A proposal repealing Article XII, Sections 15 and 16, and amending Article XII, Section 17, of the Constitution of the State of Montana." Introduced by Arness and Blaylock.

PRESIDENT GRAYBILL: Number 134, to Local Government.

CLERK SMITH: "Delegate Proposal Number 135. A proposal amending Article XVII, Section 1, and repealing Sections 2 and 3 of that Article of the Constitution of the State of Montana, providing for the exchange of public lands." Introduced by Davis.

PRESIDENT GRAYBILL: Number 135, to Natural Resources.

CLERK SMITH: "Delegate Proposal Number 136. A proposal for a new Constitutional Article providing for a parliament." Introduced by Kelleher and others. Delegate Proposal Number 136, Mr. President.

PRESIDENT GRAYBILL: 136, to Legislative and Executive, jointly.

CLERK SMITH: "Delegate Proposal Number 137. A proposal for a new Constitutional section providing that unemployment and industrial accident benefits be applied consistently, without regard to the type of employment." Introduced by McKeon and Harrington. Mr. President, Delegate Proposal Number 137.

PRESIDENT GRAYBILL: Number 137, to Judiciary.

CLERK SMITH: "Delegate Proposal Number 138. A proposal for a new Constitutional section providing for a mandatory minimum wage law." Introduced by McKeon and Harrington. Delegate Proposal Number 138, Mr. President.

PRESIDENT GRAYBILL: Number 138, to Public Health, Welfare, Labor and Industry.

CLERK SMITH: "Delegate Proposal Number 139. A proposal for a new Constitutional section providing that present state institutions may not be removed from their present locations." Introduced by McKeon. Delegate Proposal Number 139, Mr. President.

PRESIDENT GRAYBILL: Number 139, to General Government.

CLERK SMITH: That is all, sir.

PRESIDENT GRAYBILL: All right. Now, the Chair would like to remind the delegates that the schedule which we provided you last week shows the deadline for filing delegate proposals as 5:00 p.m., today; so if you have any last minute ideas, you may get them in through Mrs. Dowling and get them into the clerk's office by 5:00 p.m., today, so they may be processed; and tomorrow morning we'll handle the rest of the delegate proposals. Order of Business Number 5, Final Consideration.

CLERK SMITH: None, sir.

PRESIDENT GRAYBILL: Order of Business Number 6, Adoption of Proposed Constitution.

CLERK SMITH: None, sir.

PRESIDENT GRAYBILL: Order of Business Number 7, Motions and Resolutions. None?

CLERK SMITH: None.

**PRESIDENT GRAYBILL:** Order of Business Number 8, Unfinished Business.

**CLERK SMITH:** None, sir.

**PRESIDENT GRAYBILL:** Order of Business Number 9, Special Orders.

**CLERK SMITH:** None, sir.

**PRESIDENT GRAYBILL:** Number 10, General Orders.

**CLERK SMITH:** None, sir.

**PRESIDENT GRAYBILL:** Order of Business Number 11, Announcements. The announcements shown on the daily schedule, of course, are there. I would like to point out that the meeting at 7:30 tonight of committee chairmen, at which time you're going to discuss the method of preparing your committee proposals, is also intended for your research analyst, so you committee chairmen should bring your research analyst tonight. And Mr. Schiltz will be in charge of that session—Style and Drafting.

Mr. Aasheim.

**DELEGATE AASHEIM:** Mr. Chairman, Legislative Committee, at 10:30.

**PRESIDENT GRAYBILL:** Legislative Committee, at 10:30.

Mr. Schiltz.

**DELEGATE SCHILTZ:** Mr. President, Style and Drafting, tomorrow morning at 8:30; and the handball committee will meet at 5 o'clock at the committee room at Carroll College. Probably there will be an exhibition, because Chairman Rebal and I have run out of competition. (Laughter)

**PRESIDENT GRAYBILL:** Is there any rejoinder from Butte on that?

All right, Mr. Champoux.

**DELEGATE CHAMPOUX:** Education Committee, right after this meeting. Also, we would like to invite, tomorrow morning at 8:30, in the Education Committee Room—436—anyone who is interested in hearing a special report on alternate methods of financing public education. And, one other thing, if I may at this point—on the schedule for today, it indicates that we're going to have the House chamber all afternoon; that's not true. As soon as we're through with the joint com-

mittee meeting on the county superintendents, we will vacate for the Indian Education, upstairs in 436. Thank you.

**PRESIDENT GRAYBILL:** Very well. Mr. Holland.

**DELEGATE HOLLAND:** Meeting of Judiciary, 10 minutes after adjournment; and also a meeting of the handball committee to put on a "lip-buttoner" session at 5 o'clock.

**PRESIDENT GRAYBILL:** Very well. Mrs. Cross.

**DELEGATE CROSS:** There will be a meeting of the Natural Resources Committee at 10:30. And I think, on behalf of the ladies in the delegation, we'd like to thank the good person who sent us our corsages today.

**PRESIDENT GRAYBILL:** Well, since you have brought the matter up, Mrs. Cross, Frank Small is the gentleman who should be thanked for providing the flowers for the lady delegates and for those of us on the rostrum, and we want to thank him very much (Applause) Frank is reported to be in the gallery.

Mr. Joyce.

**DELEGATE JOYCE:** Executive Committee, at 20 minutes after adjournment this morning.

**PRESIDENT GRAYBILL:** Executive Committee, 20 minutes after adjournment.

Mr. Rygg.

**DELEGATE RYGG:** Revenue and Finance at 10:30.

**PRESIDENT GRAYBILL:** Other committee announcements?

Mr. Kelleher.

**DELEGATE KELLEHER:** Mr. Chairman, there will be a 5-minute meeting of all delegates in the rear of Convention Hall immediately, on the back benches, for those who are interested in pushing the parliamentary form of government. Thank you. (Laughter)

**PRESIDENT GRAYBILL:** Very well. Mrs. Eck, did you want to make an announcement about an intern meeting?

**DELEGATE ECK:** Yes, the interns will meet at 12:15 in Room 431.

**PRESIDENT GRAYBILL:** Interns, at 12:15 in Room 431. Very well. The Chair would like to announce that anyone who has not made their constituent mailing request that wants to-and I'm not urging it-should complete that duty by 5 p.m. today. Thereafter, we will not entertain proposals for constituent mailing. The Chair would also like to announce that Senator Terry Carpenter from the unicameral Legislature of Nebraska will be the guest of the Legislative Committee on Friday, I think we've told you; and at 7:30 p.m. on Friday night, the Legislative Committee will hold a meeting in this chamber, and you're all invited to come and hear Senator Carpenter discuss both unicameralism and any legislative matter that you care to take up with him. Are there other announcements?

Mr. Cate.

**DELEGATE CATE:** Mr. Chairman, I'd like to tell Mr. Kelleher that we've agreed over here that, if he would run Mae Nan Robinson for queen, that he might get some support for his proposal. (Laughter & Applause)

**PRESIDENT GRAYBILL:** Very well. Mr. Eskildsen.

**DELEGATE ESKILDSEN:** Mr. President, I move we adjourn [until] Friday, February the 4th, 9:30 a.m., 1972.

**PRESIDENT GRAYBILL:** The motion of Mr. Eskildsen is that this Convention adjourn until 9:30 a.m. on Friday morning. All in favor, say Aye.

**DELEGATES:** Aye.

**PRESIDENT GRAYBILL:** Opposed, Nay (No response)

**PRESIDENT GRAYBILL:** So ordered.

(Convention adjourned at 10:00 a.m.)

February 4, 1972  
9:35 a.m.

Seventeenth Day

Convention Hall  
Helena, Montana

**VICE-PRESIDENT TOOLE:** Mr. Scanlin the invocation, please.

**DELEGATE SCANLIN:** Using the words of John Greenleaf Whittier, let us pray. "Dear Lord and Father of mankind, forgive our feverish ways; reclothe us in our rightful mind; in purer lives Thy service find; in deeper reverence, praise. Drop Thy still dews of quietness till all our striving cease; take from our souls the strain and stress, and let our ordered lives confess the beauty of Thy peace. Breathe through the heat of our desire, Thy coolness and Thy bond. Let sense be dumb, let flesh retire; speak through the earthquake, wind and fire, oh still, small voice of calm. Amen."

**VICE-PRESIDENT TOOLE:** The clerk will call the roll, those present voting Aye.

**CLERK HANSON:** Delegate Davis, Delegate Delaney, Delegate Driscoll, Delegate Drum, Delegate Felt, Delegate Habedank, Delegate Robert S., Hanson, Delegate Harper, Delegate Kelleher.

**VICE-PRESIDENT TOOLE:** Delegate Heliker, are you present? Delegate Heliker-Kelleher?

**CLERK HANSON:** Mr. Vice-President, Oscar Anderson, Delegate Lorello and Delegate Foster, excused. Delegate Kelleher?

**DELEGATE LORELLO:** That's not for today; it's for tomorrow.

**CLERK HANSON:** Thank you.

**VICE-PRESIDENT TOOLE:** Mr. Swanson, will you push my button, please.

**DELEGATE KELLEHER:** Mr. President-Kelleher. Could I please be reported present?

**VICE-PRESIDENT TOOLE:** Show that Mr. Kelleher is present.  
Mr. Harper.

**DELEGATE HARPER:** Harper now present, and sorry.

Aasheim		Present
Anderson,	J.	Present
Anderson,	O.. ..	Excused

Arbanas .....	Present
Arness.....	Present
Aronow.....	Present
Artz .....	Present
Ask .....	Present
Babcock .....	Present
Barnard .....	Present
Bates .....	Present
Belcher .....	Present
Berg .....	Present
Berthelson .....	Present
Blaylock .....	Present
Blend .....	Present
Bowman .....	Present
Brazier .....	Present
Brown .....	Present
Bugbee .....	Present
Burkhardt .....	Present
c am.....	Present
Campbell .....	Present
Cate .....	Present
Champoux .....	Present
Choate.....	Present
Conover .....	Present
Cross .....	Present
Dahood .....	Present
Davis .....	Present
Delaney .....	Present
Driscoll .....	Present
Drum .....	Present
Eck .....	Present
Erdmann .....	Present
Eskildsen .....	Present
Etchart .....	Present
Felt .....	Present
Foster .....	Excused
Furlong .....	Present
Garlington .....	Present
Graybill .....	Present
Gysler .....	Present
Habedank .....	Present
Hanson, R.S.....	Present
Hanson, R. ....	Present
Harbaugh .....	Present
Harlow .....	Present
Harper .....	Present
Harrington .....	Present
Heliker .....	Present
Holland .....	Present
Jacobsen.....	Present
James .....	Present
Johnson .....	Present

Joyce .....	Present
Kamhoot .....	Present
Kelleher .....	Present
Leuthold .....	Present
Loendorf .....	Present
Lorello .....	Present
Mahoney .....	Present
Mansfield .....	Present
Martin .....	Present
McCarvel .....	Present
McDonough .....	Present
McKeon .....	Present
McNeil .....	Present
Melvin .....	Present
Monroe.. ..	Present
Murray .....	Present
Noble .....	Present
Nutting .....	Present
Payne .....	Present
Pemberton .....	Present
Rebal .....	Present
Reichert .....	Present
Robinson .....	Present
Roeder .....	Present
Rollins. ....	Present
Romney .....	Present
Rygg .....	Present
Scanlin .....	Present
Schiltz .....	Present
Siderius .....	Present
Simon .....	Present
Skari .....	Present
Sparks .....	Present
Speer .....	Present
Studer .....	Present
Sullivan .....	Present
Swanberg .....	Present
Toole .....	Present
Van Buskirk .....	Present
Vermillion .....	Present
Wagner .....	Present
Ward .....	Present
Warden .....	Present
Wilson .....	Present
Woodmansey .....	Present

**CLERK HANSON:** Mr. Vice-President, 98 delegates present, 2 excused.

**VICE-PRESIDENT TOOLE:** Reports of Standing Committees.

**CLERK HANSON:** None, sir.

**VICE-PRESIDENT TOOLE:** Reports of Select Committees.

**CLERK HANSON:** None.

**VICE-PRESIDENT TOOLE:** Communications.

**CLERK HANSON:** "February 3, 1972. To: President Leo Graybill, Jr.; Montana Constitutional Convention. From: Chairman Alex Blewett, Montana Constitutional Convention Commission. Subject: Commission report to Convention under Section 21 of the Enabling Act. On the basis of information now available, I, as Chairman of the commission, should now report to the Convention that there will be no funds appropriated to the commission from the general fund of the State of Montana available to the Constitutional Convention."

"February 3, 1972. To: President Leo Graybill, Jr.; Montana Constitutional Convention. From: Chairman Alex Blewett, Montana Constitutional Convention Commission. Subject: Montana Constitutional Convention Commission inventory report to the Montana Constitutional Convention in compliance with the Enabling Act. In compliance with the Enabling Act, the Montana Constitutional Convention Commission herewith advises the Montana Constitutional Convention that the commission is turning over to you the following: (1) Constitutional Convention Commission Reports-Inventory Report Number 1, attached. (2) The commission herewith tenders to the Convention the following files and materials: (a) typewriters, subject to the appropriate credit for the commission, Inventory Report Number 2, attached; (b) office files-Inventory Report Number 3, attached; (c) office supplies-Inventory Report Number 4, attached. (3) Library-Inventory Report Number 5, attached."

"February 3, 1972. Mr. Dale Harris, Executive Director, Montana Constitutional Convention, State Capitol, Helena, Montana 59601. Dear Dale: This letter is to verify the leave of absence which you requested of me orally this morning. I understand that you are exhausted and would like to get some rest and have talked it over with John Toole, and we hereby extend to you a leave of absence from the Convention duties. The leave of absence is indefinite, but we will review the situation on or about February 15th. I will take this matter before the Administration Committee, and I'm sure that they will approve. You have our best wishes for your speedy return. Sincerely, Leo Graybill, Jr.

VICE-PRESIDENT TOOLE: The Chair would like to make some remarks about Mr. Harris. I think everyone in this room is aware of the job he did in preparing for this Convention. In fact, we wouldn't be in the shape we're in were it not now for the efforts of Dale Harris, who worked night and day to make this-to get this Convention off the ground. Unfortunately, he worked himself into a state of exhaustion. He has taken a few days off. We have every reason to believe that he will be back with us. We think his condition is simply a situation where he needs rest and I'm confidently expecting him-within a week or two to see Dale Harris back on the job in this Convention. Order of Business Number 4, Introduction and Reference of Delegate Proposals.

CLERK HANSON: Mr. Vice-President, "Delegate Proposal Number 140; introduced by Bates. A proposal for a new Legislative Article. Be it proposed by the Constitutional Convention, the State of Montana." Delegate Proposal Number 140, Mr. Vice-President.

VICE-PRESIDENT TOOLE: Proposal Number 140, the Legislative.

CLERK HANSON: "Delegate Proposal Number 141; introduced by Bates. A proposal amending Article V, Section 5, of the Constitution of the State of Montana, providing for legislative salaries. Be it proposed by the Constitutional Convention of the State of Montana." Delegate Proposal Number 141, Mr. Vice-President.

VICE-PRESIDENT TOOLE: Number 141, to Education.

CLERK HANSON: "Delegate Proposal Number 142; introduced by Toole. A proposal amending Article XI, Section 11, of the Constitution, the State of Montana, providing that a board of public education supervise the public schools and a separate board of regents govern the Montana university system; that the two boards meeting jointly be called the State Board of Education and elect the state Superintendent of Public Instruction; and that the funds of the university system be invested by the Board of Regents. Be it proposed by the Constitutional Convention, the State of Montana." Delegate Proposal Number 142, Mr. Vice-President.

VICE-PRESIDENT TOOLE: Number 142, to Education.

CLERK HANSON: "Delegate Proposal Number 143; introduced by Took. A proposal for a new Constitutional section combining Sections 1 and 6 of Article XI of the present Constitution. Be it proposed by the Constitutional Convention, the State of Montana." Delegate Proposal Number 143, Mr. Vice-President.

VICE-PRESIDENT TOOLE: Number 143, to Education.

CLERK HANSON: "Delegate Proposal Number 144; introduced by Loendorf. A proposal for a new Constitutional section providing for a merit system. Be it proposed by the Constitutional Convention, State of Montana." Delegate Proposal Number 144, Mr. Vice-President.

VICE-PRESIDENT TOOLE: 144, to General Government.

CLERK HANSON: "Delegate Proposal Number 145; introduced by Loendorf. A proposal for a new Constitutional section providing that membership in employees' retirement system is a contractual relationship. Be it proposed by the Constitutional Convention, the State of Montana." Delegate Proposal Number 145, Mr. Vice-President.

VICE-PRESIDENT TOOLE: 145, to Judiciary.

CLERK HANSON: "Delegate Proposal Number 146. A proposal amending Article XI, Section 11, of the Constitution of the State of Montana providing for a 12-member Board of Regents to be appointed by the Governor from nominees selected by a nominating committee. Be it proposed by the Constitutional Convention, State of Montana." Delegate Proposal Number 146, Mr. Vice-President.

VICE-PRESIDENT TOOLE: Number 146, to Education.

CLERK HANSON: "Delegate Proposal Number 147; introduced by Cate and others. A proposal for a new Constitutional section providing that delegates to national nominating conventions be chosen at a presidential primary. Be it proposed by the Constitutional Convention, the State of Montana." Delegate Proposal Number 147, Mr. Vice-President.

**VICE-PRESIDENT TOOLE:** Number 147, to General Government.

**CLERK HANSON:** "Delegate Proposal Number 148; introduced by McCarvel and others. A proposal for a new Constitutional section providing for full employment of able-bodied persons. Be it proposed by the Constitutional Convention, the State of Montana." Delegate Proposal Number 148, Mr. Vice-President.

**VICE-PRESIDENT TOOLE:** Number 148, to Public Health.

**CLERK HANSON:** "Delegate Proposal Number 149; introduced by McKeon. A proposal amending Article XX, Section 4, of the Constitution, the State of Montana, providing for a probate court system. Be it proposed by the Constitutional Convention, the State of Montana." Delegate Proposal Number 149.

**VICE-PRESIDENT TOOLE:** Number 149, to the Judiciary.

**CLERK HANSON:** "Delegate Proposal Number 150; introduced by Kelleher. A proposal for a new Constitutional section providing for the office of the people's advocate. Be it proposed by the Constitutional Convention, the State of Montana." Delegate Proposal Number 150, Mr. Vice-President.

**VICE-PRESIDENT TOOLE:** Number 150, to the Legislative.

**CLERK HANSON:** "Delegate Proposal Number 151; introduced by Monroe. A proposal for a new Constitutional section providing for the rights of Indians. Be it proposed by the Constitutional Convention, the State of Montana." Delegate Proposal Number 151.

**VICE-PRESIDENT TOOLE:** Number 151, to the Bill of Rights.

**CLERK HANSON:** "Delegate Proposal Number 152; introduced by McKeon. A proposal to repeal Article XIV of the Constitution, the State of Montana. Be it proposed by the Constitutional Convention, State of Montana." Delegate Proposal Number 152, Mr. Vice-President.

**VICE-PRESIDENT TOOLE:** Number 152, to General Government.

**CLERK HANSON:** "Delegate Proposal

Number 153; introduced by Holland. A proposal for a new Constitutional section in the Bill of Rights to provide for free care at state institutions. Be it proposed by the Constitutional Convention, the State of Montana." Delegate Proposal Number 153, Mr. Vice-President.

**VICE-PRESIDENT TOOLE:** Number 153, to the Bill of Rights.

**CLERK HANSON:** "Delegate Proposal Number 155; introduced by Wilson. A proposal for a new Constitutional section providing for a probate administrator in each county. Be it proposed by the Constitutional Convention, the State of Montana." Delegate Proposal Number 155, Mr. Vice-President.

**VICE-PRESIDENT TOOLE:** Number 155, to the Judiciary.

**CLERK HANSON:** "Delegate Proposal Number 156; introduced by Melvin. A proposal amending Article XVI, Section 5, of the Constitution, State of Montana, providing for election of sheriffs. Be it proposed by the Constitutional Convention, the State of Montana." Delegate Proposal Number 156, Mr. Vice-President.

**VICE-PRESIDENT TOOLE:** Number 156, to Local Government.

**CLERK HANSON:** "Delegate Proposal Number 157; introduced by Johnson. A proposal for a new Constitutional section providing that the state shall not engage in competitive businesses so as to create a monopoly and must cease the liquor business by July 1, 1975. Be it proposed by the Constitutional Convention, State of Montana." Delegate Proposal Number 157, Mr. Vice-President.

**VICE-PRESIDENT TOOLE:** Number 157, to General Government.

**CLERK HANSON:** "Delegate Proposal Number 158; introduced by Romney. A proposal for a new Constitutional section providing for a conference committee report rule. Be it proposed by the Constitutional Convention, the State of Montana." Delegate Proposal Number 158, Mr. Vice-President.

**VICE-PRESIDENT TOOLE:** Number 158, to Legislative.

**CLERK HANSON:** "Delegate Proposal

Number 159; introduced by Kelleher. A proposal for a new Constitutional section providing that the Supreme Court cannot declare certain acts of parliament unconstitutional. Be it proposed by the Constitutional Convention of the State of Montana." Delegate Proposal Number 159, Mr. Vice-President.

VICE-PRESIDENT TOOLE: Number 159, Judiciary.

CLERK HANSON: "Delegate Proposal Number 160; introduced by Monroe. A proposal for a new Constitutional section providing for the rights of employees. Be it proposed by the Constitutional Convention, the State of Montana." Delegate Proposal Number 160, Mr. Vice-President.

VICE-PRESIDENT TOOLE: Number 160, to the Bill of Rights.

CLERK HANSON: "Delegate Proposal Number 161; introduced by Felt. A proposal for a new Constitutional Article on taxation and finance. Be it proposed by the Constitutional Convention, the State of Montana." Delegate Proposal Number 161.

VICE-PRESIDENT TOOLE: Number 161, to Revenue and Finance.

CLERK SMITH: "Delegate Proposal Number 162. A proposal for a new Constitutional Article on the environment." Introduced by Cross and others. Delegate Proposal Number 162.

VICE-PRESIDENT TOOLE: 162, to Natural Resources.

CLERK SMITH: "Delegate Proposal Number 163. A proposal for a new Constitutional section providing for the rights of persons committed to state facilities." Introduced by Sullivan and others. Delegate Proposal Number 163.

VICE-PRESIDENT TOOLE: Number 163, to the Judiciary.

CLERK SMITH: "Delegate Proposal Number 164. A proposal amending Article XI, Section 8, of the Constitution of the State of Montana to provide that the section may not apply to federal funds for nonpublic education." Introduced by Harbaugh. Delegate Proposal Number 164.

VICE-PRESIDENT TOOLE: Number 164, to Education.

CLERK SMITH: "Delegate Proposal Number 165. A proposal amending Article III, Sections 4 and 27, and repealing Article XI, Section 8, of the Constitution of the State of Montana, providing for equal protection of the law and prohibiting support of religious activities by tax levy or property grant." Introduced by Loendorf. Delegate Proposal Number 165.

VICE-PRESIDENT TOOLE: Number 165, to Bill of Rights.

CLERK SMITH: "Delegate Proposal Number 166. A proposal for a new Constitutional section providing for local legislative powers for certain counties." Introduced by Payne. Delegate Proposal Number 166.

VICE-PRESIDENT TOOLE: Number 166, to Local Government.

CLERK SMITH: "Delegate Proposal Number 167. A proposal for a new Constitutional section providing for religious freedom and repealing Article III, Section 4, of the Constitution of the State of Montana." Introduced by Monroe and others. Delegate Proposal Number 167.

VICE-PRESIDENT TOOLE: 167, to Bill of Rights.

CLERK SMITH: "Delegate Proposal Number 168. A proposal for a new Constitutional section providing for the rights of convicted felons." Introduced by Kelleher. Delegate Proposal Number 168.

VICE-PRESIDENT TOOLE: Number 168, to Judiciary.

CLERK SMITH: "Delegate Proposal Number 169. A proposal for a new Constitutional section guaranteeing access to the courts for the redress of a wrong." Introduced by Kelleher. Delegate Proposal Number 169.

VICE-PRESIDENT TOOLE: Number 169, to Judiciary.

CLERK SMITH: "Delegate Proposal Number 170. A proposal for a new Constitutional Article providing for an executive department." Introduced by Babcock and Wilson. Delegate Proposal Number 170.

VICE-PRESIDENT TOOLE: Number 170, to Executive.

**CLERK SMITH:** "Delegate Proposal Number 171. A proposal for a new Constitutional section providing for a board of regents and repealing Article XI, Section 11." Introduced by Burkhardt. Delegate Proposal Number 171.

**VICE-PRESIDENT TOOLE:** Number 171, to Education.

**CLERK SMITH:** "Delegate Proposal Number 172. A proposal for a new Constitutional section providing for the office of ombudsman." Introduced by Champoux and others. Delegate Proposal Number 172.

**VICE-PRESIDENT TOOLE:** Number 172, to General Government.

**CLERK SMITH:** "Delegate Proposal Number 173. A proposal amending Article XII, Section 2, of the Constitution of the State of Montana, providing that totally disabled veterans may be exempt from taxation." Introduced by Loendorf and others. Delegate Proposal Number 173.

**VICE-PRESIDENT TOOLE:** Number 173, to Revenue and Finance.

**CLERK SMITH:** "Delegate Proposal Number 174. A proposal amending Article III, Section 27, of the Constitution of the State of Montana relating to the rights of the people of Montana." Introduced by Habedank. Delegate Proposal Number 174.

**VICE-PRESIDENT TOOLE:** 174, to Judiciary.

**CLERK SMITH:** "Delegate Proposal Number 175. A proposal for a new Constitutional section concerning public school lands and repealing Article XVII, Sections 1, 2 and 3, and Article XI, Section 4, of the Constitution of the State of Montana." Delegate Proposal Number 175.

**VICE-PRESIDENT TOOLE:** Number 175, to Education.

**CLERK SMITH:** "Delegate Proposal Number 176. A proposal for a new Constitutional section providing that eligible citizens must vote or be guilty of a crime." Introduced by Kelleher. (Laughter) Delegate Proposal Number 176.

**VICE-PRESIDENT TOOLE:** Number 176, to Judiciary.

**CLERK SMITH:** "Delegate Proposal Number 177. A proposal for a new Constitutional section providing for a labor-management conciliation court." Introduced by McCarvel and others. Delegate Proposal Number 177.

**VICE-PRESIDENT TOOLE:** Number 177, to Public Health.

**CLERK SMITH:** "Delegate Proposal Number 178. A proposal for a new Constitutional section concerning the elective process." Introduced by McKeon. Delegate Proposal Number 178.

**VICE-PRESIDENT TOOLE:** Number 178, to General Government.

**CLERK SMITH:** That is all, sir.

**VICE-PRESIDENT TOOLE:** Order of Business Number 5, Final Consideration of Proposals. We go back to Order of Business Number 3—we're on Order of Business Number 3. Delegate Graybill.

**DELEGATE GRAYBILL:** Mr. President, there may be some misunderstanding about Delegate Proposal 141. You had previously told me that that was to be assigned to Legislative. I think you may have read it Education. In any event, the journal should show it's to Legislative. So, if there is an error in the journal—or in the record, would we please correct that.

**VICE-PRESIDENT TOOLE:** Yes

**DELEGATE GRAYBILL:** The typed list you have has an error in it—

**VICE-PRESIDENT TOOLE:** I see.

**DELEGATE GRAYBILL:** -Mr. President. That's fine.

**VICE-PRESIDENT TOOLE:** Order of Business Number 5. Final Consideration of Proposals.

**CLERK SMITH:** None, sir

**VICE-PRESIDENT TOOLE:** Order of Business Number 6, Adoption of Proposed Constitution and Ballot.

**CLERK SMITH:** None.

**VICE-PRESIDENT TOOLE:** Order of Business Number 7, Motions and Resolutions. At

this point, the Chair will recognize Delegate Heliker.

**DELEGATE HELIKER:** Mr. President, I had a request to make a motion with regard to Proposal Number 91. I haven't had a chance to talk to Leo about that. Leo, I believe that was already assigned to the Education Committee. I would like to raise a question concerning the assignment of Proposal Number 93, which was introduced by Delegate Siderius and relates to—and was referred to the Public Health Committee and the Bill of Rights Committee jointly. We heard Mr. Siderius yesterday; it develops that the intent of his proposal relates to agriculture and such matters as the national farmers' organization, and therefore I move that it be reassigned to the Natural Resources and Agriculture Committee, jointly with the Bill of Rights Committee.

**VICE-PRESIDENT TOOLE:** The sense of your motion is that Proposal Number 93 be moved to Resources and Agriculture?

**DELEGATE HELIKER:** Jointly with Bill of Rights, yes.

**VICE-PRESIDENT TOOLE:** What's that? And Bill of Rights. Do the delegates all understand the motion? (No response) Is there any discussion? (No response) If not, all delegates in favor of the motion proposed by Delegate Heliker, signify by saying Aye.

**DELEGATES:** Aye.

**VICE-PRESIDENT TOOLE:** Opposed, NO.  
(No response)

**VICE-PRESIDENT TOOLE:** Motion carried.

**DELEGATE HELIKER:** Mr. President, I'd also like to raise a question with respect to Delegate Proposal 144, just read, relating to a merit system, which you assigned to General Government. We had previously had assigned to Public Health, Proposal Number 71, which proposes a merit system, and we have held hearings yesterday and have several witnesses scheduled today. In the interest of avoiding duplication, I would suggest that Number 144 also be assigned to our committee; and I so move.

**VICE-PRESIDENT TOOLE:** Is there any discussion on the motion of Mr. Heliker to

transfer that proposal? (No response) If not, all in favor—all delegates in favor of Mr. Heliker's motion, signify by saying Aye.

**DELEGATES:** Aye.

**VICE-PRESIDENT TOOLE:** Opposed, NO.  
(No response)

**VICE-PRESIDENT TOOLE:** Motion carried.  
Mr. Studer.

**DELEGATE STUDER:** Mr. President, there's two delegates who have requested to our committee to have their names removed from my bill, Number 78. I wish to make the following motion: "I move that Delegates Mansfield and Wagner be authorized to withdraw their names from Delegate Proposal Number 78 and that the proceedings of this Convention reflect these changes." Mr. President, I'd like to talk on this for about 4 minutes.

**VICE-PRESIDENT TOOLE:** You may do so, Mr. Studer.

**DELEGATE STUDER:** Mr. President, to the two delegates who put their names on my Proposal Number 78 and now want them removed, I wish to say that I had no thought of causing you any embarrassment. I sincerely apologize to you for having done so. Believe me, I'm sorry. To the Convention, I wish to say that I did not twist any arms to get these signatures. I think the time has come to think of the many high-minded, idealistic thoughts that were put out by most of the candidates who ran for and are now a part of this Convention. Our mining people, railroad corporations, logging interests, and so forth, were strong enough to protect their interests in the 1889 Convention. Our reason for this Constitutional Convention was to rewrite it and give the Legislature more power to govern. Now we are in the position of saddling our future generations with an organization so strong and so ruthless as to put the 1889 powers to shame. In 1926 and 27, closer to the time of that Constitution than to this one, I was lucky enough to be working in Butte. I worked as a mucker at the Mountain View for less than \$5 a day. My wife and I lived on this as well as we could. No one was around to tell us that cornmeal mush and milk for supper might destroy our mental health and cause a mental depression that we might never overcome. At that time I was a gradu-

ate from the University of Minnesota with a mining engineer's degree. This story is to illustrate how tough it was, in those days, to work under the so-called oppressive labor laws of the time. I enjoyed my work and my pay. We are working now under a much more restrictive labor law, administered by a very ruthless power, as is demonstrated in the case of the withdrawal of these two signatures that I have mentioned. These people were submitted to pressure to remove their names. If any delegates here are sincerely against my Proposal 78 for good reasons of their own, then you probably could vote against it even though it will be an alternate proposal and all I want is to get it to the people to decide. However, if any of you are afraid that, by voting for this Number 78, that you will be bringing down the wrath of this all-powerful group on yourselves, then this is one of the best reasons I know of to make a stand to curb this ruthless power by giving it to the people to vote upon. Nebraska had one hard time trying to get a similar law to the voters. When it was finally done, it passed better than two to one. If we want to saddle our future generations with a power over them that all hell or heaven won't remove, just acquiesce to the pressures of this organization. It takes an eagle to battle a storm, but a sparrow can go with the wind. I'm looking for a few eagles. Thank you, Mr. President. (Applause)

**DELEGATE MANSFIELD:** Mr. President.

**VICE-PRESIDENT TOOLE:** Mr. Studer, I believe you made a motion that two names be withdrawn from your proposal?

**DELEGATE STUDER:** That's right.

**VICE-PRESIDENT TOOLE:** Is there any further discussion on Mr. Studer's motion?

**DELEGATE MANSFIELD:** Mr. President, I am Delegate Mansfield, who signed Proposal Number 78, and I asked to have my name removed. Since it is the woman's prerogative to change her mind, I wish to have my name remain on Number 78 Delegate Proposal. Thank you. (Laughter & Applause)

**VICE-PRESIDENT TOOLE:** Mrs. Mansfield, is that in the form of a motion that you want your name to remain on the proposal?

**DELEGATE MANSFIELD:** Would it be amendment, sir, or-

**VICE-PRESIDENT TOOLE:** Is there any further discussion on Mr. Studer's motion?

**DELEGATE MANSFIELD:** It's what, sir?

**VICE-PRESIDENT TOOLE:** You've already spoken once, Mrs. Mansfield. Mr. Wagner.

**DELEGATE WAGNER:** Mr. President, I'd like my name removed. Thank you.

**VICE-PRESIDENT TOOLE:** Any further discussion?  
(No response)

**VICE-PRESIDENT TOOLE:** Mrs. Mansfield-

**DELEGATE MANSFIELD:** Yes?

**VICE-PRESIDENT TOOLE:** —you will have to make a motion to amend-to leave your name on.

Mr. Murray.

**DELEGATE MURRAY:** As a substitute motion for Mr. Studer's, I move that Delegate Wagner's name be removed from the delegate proposal under consideration.

**VICE-PRESIDENT TOOLE:** Is there any discussion on Mr. Murray's motion? (No response) All right, the Chair-then we will take a voice vote on Mr. Murray's motion. All in favor of the motion of Mr. Murray, signify by saying Aye.

**DELEGATES:** Aye.

**VICE-PRESIDENT TOOLE:** Opposed, NO.  
(No response)

**VICE-PRESIDENT TOOLE:** Motion's carried. Order of Business Number 8, Unfinished Business. The Chair at this time will call on Delegate Graybill.

**DELEGATE GRAYBILL:** Mr. President, members of the Convention. The rules require that the President present a budget to the Convention, which we did on the 21st of January, and the rules also require that this budget be reviewed with the Convention every two weeks. We've had placed before you on your desks a sheet called "Constitutional Convention Budget", dated February 4, 1972. I wish you'd all take that and refer to it with

me. All right, the first column, of course, describes the categories of the budget and the first two numerical columns describe the budget, as amended. Notice it says, "budget as amended". Now, the original budget was 504,000 and some-odd dollars and the budget has been amended downward to \$499,281, and the budget subcommittee of the Administration Committee has agreed with me that the changes I am about to describe to you should be made to accomplish that amendment. First of all, because of the fact that we had originally anticipated some money from the commission, we allowed our budget categories to creep up so that we actually overbudgeted from the money the Legislature appropriated us. We did this in anticipation that there would be some moneys from the commission. At that time we thought there would be plenty and that we'd actually have an excess. As it now turns out, as you're aware from Mr. Blewett's communication this morning, there is no money from the commission; and so the budget had to be adjusted downward. In doing this, we cut money out of three major categories. Under contracted services, right in the middle of the page, we cut printing to 37,861. Printing had been 40,861, so in other words, we cut 3,000 out of printing. We did this because, although the printing expenses for the first 3 weeks are heavy, they include a deposit of \$5,000, so that actually we think that we are within the budget on printing and we feel that that is a—we're going to be able to do that. Secondly, we had budgeted \$10,000 originally for court reporter. We'd raised that to \$12,000 when we thought we had the extra money. We cut the court reporter back to \$10,000, so there's \$2,000 out of that budget. Whether or not we'll be able to accomplish that remains to be seen and depends largely on the debates. Third, under special expense, the second category is "consultants"; and originally we had budgeted consultants at \$5,000; but, again, we had raised that to 7,000; and in the budget we presented to you on the 21st, it was \$7,500. We took 2,000 out of that, and put it back to 5,500. We did that because, although we have spent some money on some of these speakers and although there are some requests for consultants, it does not now appear that we're in any trouble in that category. Now, that amounts to—3, 4, 5, 6, \$7,000 that we took out of the budget as presented before. On the other hand, up under the third category, "employee benefits, PERS and FICA" et cetera, it became apparent, after we all got here and signed up, that many more of you, and especially many more of

the staff than we had anticipated, would sign up for public employees' retirement, and you over-subscribed that little category to the point that it was seriously behind in the budget, so we have added \$1,233 to that budget raising it so that we are now about on schedule with our employee benefits. Now, when you subtract the 1,233 from the 7,000, you'll get a figure of \$5,767, and that's the amount we have reduced the total budget. That's the amount of the amendment, and it reaches the 499,281, which is the legislatively appropriated sum. Obviously, we adjusted it up there in employee benefits. We could have put a few more—a few dollars less there. So, that's an explanation of the budget, as amended. The next column shows expenses to date. The expenses for salaries, for wages, and now since we've added the money to the budget for employee benefits, are all right on the button mathematically, and there's no overage or underage for a 9-week session. In stationery and supplies, as is obvious there, we have spent most of—we've certainly spent more than half of the money, but on the other hand, these are largely nonrecurring items. For example, stationery—the \$1,100 there—we all have plenty of stationery, and in fact, we're not going to have to buy any more stationery. We've so far had no flat printing, which is extra printing; and our miscellaneous expenses there are as high as they are largely because, as it turned out, some of—they—we assumed the office supplies the commission had and a few things like that; but I think these office supplies will carry us largely through the Convention; and so I don't think that category is in any trouble. In communications, the figure on postage is an even number, not because we have expended an even number of stamps, but because we buy postage-meter money from the post office, and we bought a thousand dollars' worth, and so we've accrued it. I should explain that this whole column is on an accrual basis, and actually it says expenses to date—we have actually accrued through this week—these are the expenses we anticipate through this week, including your salaries and all the expenses. On telephone, I should make an explanation, since this may jump around. The telephone bill is, to put it mildly, fouled up; and that's because there's so much in-and-out and change and there was the change in the December session and then there were changes in the system—that was taken out, then it was put back in. Then the system to the rostrum was put in. And the telephone company asked us if we would be good enough to wait until Monday, when they got a

brand-new bill from Denver, before we tried to adjust this; and the 625 is a December bill, which is unpaid. However, we put it in there to accrue it. We don't actually know what the telephone will be, but we'll know by the next budget period. Delegates' travel there's no problem on. Contracted services—I've already explained that although we have spent 14,000 in printing of our 37,000, that, in fact, 5,000 of that is a deposit and a good deal of that is prepaid paper. So, we're not in bad shape unless the committee reports are a lot longer than we think they're going to be. The Xerox and the equipment rental all seem to be in fairly good shape. The court reporter item does include an item of \$680 for the court reporter at the 3-day December session, which was negotiated and settled during the week with the lady that took the testimony at that time. Under special expense, the per diem is automatic and is on schedule. The consultants, as I said, are certainly not overdrawn yet. This represents some expense money for a new staff member, Gardner Cromwell, who is going to be helping Style and Drafting. The university—that is, at Missoula—the university at Missoula is lending us Mr. Cromwell from now on, but we must pay his per diem only, not his salary. The other money in that category was accrued for the purpose of paying a round-trip air ticket for the speaker that was supposed to have spoken tonight and the one we had the other night; and these are perhaps slightly inexact, but I think they're plenty big. Convention expense is a new category—commission expense is a new category. As you're all aware from the papers, the commission was rudely awakened and found it didn't have any extra money. And there are some bills unpaid for books and there are some bills which we actually have paid for books; and this amount is an amount that was discussed between Mr. Blewett and his committee and Mr. Toole and myself yesterday; and these books are books that you people all got, rather than library books; and we think maybe they were their expense but we, in fact, have paid them. And I guess all we really have is an \$852 credit on our budget for that amount, but it simply had to be handled that way. On public information, we have not adjusted the first item, MSU film. However, the Public Information Committee has met many times this week, and it does appear that, depending on what we do tomorrow, it's unlikely that that film will proceed as planned. However, some of that money may be spent for other forms of film presentation. The problem is that, if we have an early submission to the voters,

it's impossible to produce the film that was originally anticipated. So that budget item will probably be changed before the next biweekly report. As far as the other public information expenses are concerned, they only represent a few minor office supplies and things that became necessary. You will note that we have, so far, maintained the integrity of our \$40,000 contingent fund, and we made those other adjustments in other places than the contingent fund. I'm not willing to gamble yet on what you people are going to do when it comes to debate; and after we've heard you for a few days, we might be able to know better whether we have properly planned there. So that shows you that we've now spent a 160,000—or we will have accrued by tomorrow night, a 160,000; and the next column shows what's left, then, of the accounts; and the last column shows the balance, 338,000. At this time, I would like to merely submit this budget unless someone cares to debate it; and if we don't debate it, let's submit it and put it on the journal. And, of course, we'll make another report two weeks from now.

**VICE-PRESIDENT TOOLE:** Is there any discussion on the budget?

Mr. Simon.

**DELEGATE SIMON:** Mr. Vice-President, may I address my remarks to our President, just a second?

**VICE-PRESIDENT TOOLE:** Will you yield, Mr. Graybill?

**DELEGATE GRAYBILL:** Yield.

**DELEGATE SIMON:** I believe, Mr. President, that you would want to bring out the fact that we talked about the other day, because we have some mathematicians with us, that the amounts of the 3 weeks against the 9 weeks, or your 36,180—you're 26—. If you'd take twice that, you'd get 72,000, and I'm sure you'd want—you've missed explaining that, because it has a significant—

**DELEGATE GRAYBILL:** I remember your question. Are you talking about up in the salary, wage—

**DELEGATE SIMON:** Yes, if you take two times 76 [36] you get 72. I might explain what—myself what I'm trying to get at. This includes the 3 days—

**DELEGATE GRAYBILL:** Right.

**DELEGATE SIMON:** -that we were here on November 29th and—

**DELEGATE GRAYBILL:** Right.

**DELEGATE SIMON:** -December 1 and 2—

**DELEGATE GRAYBILL:** Right.

**DELEGATE SIMON:** -so that we are on target, and it would make an exact on-target percentage if these days were taken out; and these will not be recurring, and I thought you'd want to—

**DELEGATE GRAYBILL:** Right. If you divide a 179,000 which is the total of the first three categories, by three—which is a third of 9 weeks—you won't come up with a 111. We're not that wrong. What happened is, there's 3 more days of December that are already accrued, too; and they're in there. And if you play around with that, you come out pretty close. Thank you, Mr. Studer, you're correct.

**VICE-PRESIDENT TOOLE:** Are there any further questions or discussions about the budget?

Mr. Romney.

**DELEGATE ROMNEY:** Mr. Chairman, may I direct a question to the President?

**VICE-PRESIDENT TOOLE:** Mr. Graybill, will you yield?

**DELEGATE GRAYBILL:** I'll yield to Mr. Romney.

**DELEGATE ROMNEY:** As a collateral matter, I think it would be a good idea to have the report of the commission, at least the financial data therein, spread upon paper and given to each delegate. Is that possible? Or is that contemplated?

**DELEGATE GRAYBILL:** Mr. President.

**VICE-PRESIDENT TOOLE:** Yes.

**DELEGATE GRAYBILL:** First of all, may I explain that there are two "S's" from Billings and you're Mr. Simon and I'm not—I'm just a little muddleheaded. Excuse me. I may or may not agree with Mr. Studer. (Laughter) Mr. Romney, Mr. Toole and I have worked at least two days this

week trying to work this thing out with the commission. One of the difficulties is that—and I think perhaps we should add this—the fact that the commission ended up with a deficit position bothered Dale Harris greatly, and it was not easy to discuss the matter with him; and it is not perfectly clear exactly where the commission books stand, but the point is, as far as Mr. Toole and I are concerned, we are trying not to take responsibility nor make any determinations concerning the commission's budget. Now, I did get Mr. Blewett to put in the memorandum that you heard read this morning, which establishes the fact that we're not going to get any money. Now, I've read his press release and know that they are about \$14,000 in the red; but their lifetime is not over, since the commission lives as long as the Convention; and I don't think they're prepared to make a detailed financial presentation—at least they haven't given us one, and I think it would be presumptuous of us to try and say what their deficit is or what it amounts to. Now, perhaps the commission will do that eventually, but Mr. Toole and I have scrupulously tried to distinguish ourselves as a Convention from themselves as a commission, because we do not want the public to confuse their budget position with ours; and that's the purpose of both Mr. Blewett's and our press releases. So that's why we haven't attempted to run into the journal here a clear-cut explanation of their financial affairs. Now, I don't know if that's satisfactory to you, but we are definitely trying to distinguish the two rather than mix the two.

**DELEGATE ROMNEY:** That's satisfactory to me at the present; but I think at the appropriate time, the fiscal data should be available to delegates for their records.

**VICE-PRESIDENT TOOLE:** Is there any further discussion on this matter?  
Mr. Mahoney.

**DELEGATE MAHONEY:** I would very much object to this Convention's saying one thing about the Constitutional Revision Commission. How they expended their money is their business. We were not appointed under any consideration to be an investigatory body of a former commission. I would like to see this dropped now—as far as the commission part of this one, as far as this Convention is concerned, Mr. President.

**VICE-PRESIDENT TOOLE:** Is there any further discussion or questions on the budget?  
Mr. Eskildsen.

**DELEGATE ESKILDSEN:** Mr. Vice-President, I'd just move for the adoption of the budget.

**VICE-PRESIDENT TOOLE:** You've heard the motion that the budget be adopted and entered in the journal. Is there any discussion on that motion? (No response) If not, all in favor of Mr. Eskildsen's motion, signify by saying Aye.

**DELEGATES:** Aye.

**VICE-PRESIDENT TOOLE:** Opposed, NO.  
(No response)

**VICE-PRESIDENT TOOLE:** The motion's carried, and the budget will be entered in the journal.

Mr. Scanlin.

**DELEGATE SCANLIN:** Mr. President, I don't like to be critical of facts, but there are four "B's" in many Montana cities; there are four "S's" from District 8, not two. (Laughter)

**VICE-PRESIDENT TOOLE:** The Chair takes note of that, Mr. Scanlin.  
Mr. Graybill.

**DELEGATE GRAYBILL:** Mr. President, that only shows the depth of my confusion. (Laughter)

**VICE-PRESIDENT TOOLE:** Mr. Harper%.

**DELEGATE HARPER:** Maybe I just don't hear plainly, but is it the letter "S" he's using?

**VICE-PRESIDENT TOOLE:** I'm not precisely sure, Mr. Harper. (Laughter)

**DELEGATE HARPER:** Well, I won't push that. (Laughter) If you'll remember what he said-from Billings-I would agree with him, either way. (Laughter)

**VICE-PRESIDENT TOOLE:** Order-. what's that? Yeah. Order of Business Number 9, Special Order of the Day.

**CLERK HANSON:** None.

**VICE-PRESIDENT TOOLE:** Order of Business Number 10, General Orders of the Day.

**CLERK HANSON:** None.

**VICE-PRESIDENT TOOLE:** John, I have an announcement there.

**CLERK HANSON:** Under 9?

**VICE-PRESIDENT TOOLE:** No, it's not under General Orders, but I'm going to make it anyway. Fellow delegates, we have with us today Miss Elaine Koyama from Hardin, Montana, who is the Governor of Girls' State; and we're very pleased to have her with us, and I know she's in the room-I'm not sure where she is, but I wish she would stand and let us see her so that we can recognize her and give her this welcome.

(Applause)

(Miss Koyama stood to receive the applause of the delegates)

**VICE-PRESIDENT TOOLE:** Mr. Mahoney.

**DELEGATE MAHONEY:** I feel this is quite an honor, and it comes very close to home. I might state that the delegate from Lewis and Clark, District Number 12, Mr. Harper, has the honor of being the proud father of the queen of Montana. Now, I happen to be-that my daughter and Elaine Koyama's brother are married, and so I have the honor of being-escorting her around this Capitol Building today, and I want you understood and I feel very proud of this. Here's a family that was interned during World War II, both American citizens. They have eight children, and all eight of them have gone to Boys' State or Girls' State. Thank you. (Applause)

**VICE-PRESIDENT TOOLE:** Thank you, Mr. Mahoney. Order of Business 11, Committee Announcements and Notices. The Chair wishes, at this time, to announce to you that Senator Terry Carpenter of Nebraska, who was to talk to us on the Legislature, has cancelled his trip here because of illness.

The Chair will recognize Mrs. Eck.

**DELEGATE ECK:** There will be a meeting of the Administrative Committee on adjournment--

**VICE-PRESIDENT TOOLE:** In--

**DELEGATE ECK:** -in 431.

**VICE-PRESIDENT TOOLE:** -431. I think we have some confusion there. The committee chairmen are meeting in 431. I think, Mrs. Eck,

we're meeting in the Rules Committee meeting room, right here. Committee chairmen are meeting in 431 at 11 o'clock-committee chairmen at 11 o'clock in 431.

Mr. Holland.

**DELEGATE HOLLAND:** (Inaudible)  
Judiciary, 10 minutes after adjournment.

**VICE-PRESIDENT TOOLE:** Mrs. Warden.

**DELEGATE WARDEN:** Public Information meeting, 10 minutes after adjournment-in 433 unless we're in conflict with some other group, and then we can meet in the Public Information office.

**VICE-PRESIDENT TOOLE:** Mr. Martin.

**DELEGATE MARTIN:** I'm wondering, since we have a distinguished Governor of Girls' State, if perhaps we shouldn't give her the opportunity to say a few words to us.

**VICE-PRESIDENT TOOLE:** I'd be very delighted to have her do so. If you'll just let me finish these committee announcements, I will call on her to do so.

Mr. Joyce.

**DELEGATE JOYCE:** A correction, for the members of the Executive Committee. We will not meet at 2:00 this afternoon, but rather, we will meet at 2:30 in the committee room.

**VICE-PRESIDENT TOOLE:** Mr. Heliker.

**DELEGATE HELIKER:** To fill in the unexplained blank opposite Public Health in the schedule, previously announced hearings today begin at 1:00 p.m. and cover all labor matters, including the merit system-to be held in 428-A. There will be a meeting of the committee immediately after adjournment if there's any time between that time and 11 o'clock, when I have to be at the chairmen's meeting.

**VICE-PRESIDENT TOOLE:** Mr. Champoux.

**DELEGATE CHAMPOUX:** Correction on the Convention schedule. Instead of our meeting at 1:30 this afternoon in 436, we're going to meet in Convention Hall. Thank you, sir.

**VICE-PRESIDENT TOOLE:** Mr. Murray.

**DELEGATE MURRAY:** Mr. Vice-President. Meeting of Rules, at 8:30 in the morning; and I'd like to announce to the delegates that the memorandum which I prepared to the President and the Convention officers regarding the June 6th primary date and the recess matter will be distributed to the desks today.

**VICE-PRESIDENT TOOLE:** Mrs. Blend.

**DELEGATE BLEND:** Local Government members, please note there will be a meeting 15 minutes after adjournment this morning.

**VICE-PRESIDENT TOOLE:** Are there further committee announcements?  
Mr. Etchart.

**DELEGATE ETCHART:** General Government will meet at 1:30 this afternoon.

**VICE-PRESIDENT TOOLE:** Mr. Blaylock.

**DELEGATE BLAYLOCK:** Mr. Chairman, the Bill of Rights Committee will meet in the Bill of Rights committee room—331—at 1:30 to hear more testimony on Proposal Number 45.

**VICE-PRESIDENT TOOLE:** Now, Miss Koyama.

**UNIDENTIFIED DELEGATE:** Kelleher.

**VICE-PRESIDENT TOOLE:** I beg pardon, we have one more.  
Mr. Kelleher.

**DELEGATE KELLEHER:** Mr. President, I would like to point out that one of the reasons why this Convention is so well run is that-not only that it is unicameral, but that it is organized like a parliament. Thank you, Mr. President. (Laughter)

**VICE-PRESIDENT TOOLE:** Miss Koyama, we would be very delighted to have you address a few words to the Convention, if you would care to do so. (Applause)

**MISS KOYAMA:** The last time I was up here was at Girls' State and I was looking at a mass of about a hundred and fifty girls; and this is quite a change, because now I'm looking at the people

who are going to form our state over again; and I must say it is an honor to be here with Mr. Mahoney because, even though he isn't my father-in-law, I feel as though he is like a father to me. And today, I was thinking, because I'm skipping out of a day of school (Laughter)-and it's sort of fun—but I think I'm learning more here today than I could in a whole month of school, because this is the real thing; and it's sort of exciting to be here. I must say, I've been treated royally; and I don't know how royally I feel. Girls' State was about 6 months ago, or more, but it's still hanging right in there and it's exciting and thrilling to be called a Governor here and to be treated as I am from all of you, and I'd like to thank you very much for all that you've given to me today in just the few hours that I've been here, and I hope to be able to go into some of your committees and look around and see what's going on. And thank you very much.

(Applause)

**VICE-PRESIDENT TOOLE:** Thank you, Miss Koyama. We're delighted to have you here. I believe that concludes committee announcements. I'll call on Mr. Eskildsen.

Mr. Blaylock.

**DELEGATE BLAYLOCK:** I believe Mr. James had a—

**VICE-PRESIDENT TOOLE:** I have Mr. James in mind. I'm going to call on Mr. Eskildsen first.

**DELEGATE ESKILDSEN:** Mr. Vice-President, I move that we stand adjourned until February the 5th, 9:30 a.m., 1972.

**VICE-PRESIDENT TOOLE:** You've heard the motion that we adjourn until tomorrow at 9:30. Before we vote on that motion, I would like to call on Delegate James, who has some remarks to make with respect to I'm not sure what.

Delegate James.

**DELEGATE JAMES:** Mr. Vice-President, this may—

**VICE-PRESIDENT TOOLE:** Just a minute, Mr. James. I'm advised that we must pass the motion for adjournment before you commence your speech. So, all in favor of the adjournment motion as stated by Mr. Eskildsen, signify by saying Aye.

**DELEGATES:** Aye.

(Convention adjourned at 10:30 a.m.)

February 5, 1972  
9:40 a.m.

Eighteenth Day

Convention Hall  
Helena, Montana

**PRESIDENT GRAYBILL:** Convention will come to order. Delegate Roeder will lead us in an invocation this morning. Shall we rise.

**DELEGATE ROEDER:** Let us invoke Providential assistance so that our country and state may be blessed with honorable industry, sound learning and pure manners. Let us ask that we be saved from violence, discord and confusion and from pride and arrogance. Let us beseech that those who exercise the authority of government may be imbued with the spirit of wisdom that there may be justice and peace. In the time of prosperity, let our hearts be filled with thankfulness, and in a day of trouble, let not our trust fail. May this body be guided and blessed to the end that it ordains for our governments only such things as are conducive to the welfare of the people. Amen.

**PRESIDENT GRAYBILL:** We'll take the roll call today by voting Aye on the voting machines, please. Mrs. Bugbee is excused temporarily. She'll be back. Right. Just don't call her absent.

**CLERK HANSON:** Delegate Aasheim, Delegate Cate, Delegate James, Delegate Romney, Delegate Swanberg. Mr. President, Delegate Oscar Anderson, Delegate Dahood, Delegate Foster, Delegate Lore110 excused.

**PRESIDENT GRAYBILL:** Very well. Would you read once more the others that are not here? And see if we can find them.

**CLERK HANSON:** Delegate Swanberg, Delegate Romney.

**PRESIDENT GRAYBILL:** There comes Mr. Romney.

**CLERK HANSON:** Delegate Swanberg.

**PRESIDENT GRAYBILL:** Very well. Will you take the machine vote?

**CLERK HANSON:** Mr. President, 92 Senators-or delegates present, 4 excused and 3 absent.

**PRESIDENT GRAYBILL:** Very well. The journal should show Mr. Romney present. He came in and was not recorded.

**CLERK HANSON:** Mr. Romney present.

**PRESIDENT GRAYBILL:** Mrs. Bugbee is just temporarily absent from the chamber and should not be shown as absent. So, that makes 6. And Mr. Swanberg we haven't found yet. Very well. The journal should show 95 present, 1 absent and 4 excused.

(Official recorded roll call)

Aasheim .....	Present
Anderson, J. ....	Present
Anderson, O. ....	Excused
Arbanas .....	Present
Arness .....	Present
Aronow .....	Present
Artz .....	Present
Ask .....	Present
Babcock.. ....	Present
Barnard .....	Present
Bates.. ....	Present
Belcher .....	Present
Berg .....	Present
Berthelson .....	Present
Blaylock .....	Present
Blend .....	Present
Bowman .....	Present
Brazier .....	Present
Brown .....	Present
Bugbee .....	Present
Burkhardt .....	Present
Cain .....	Present
Campbell .....	Present
Cate .....	Present
Champoux .....	Present
Choate .....	Present
Conover .....	Present
Cross.. ....	Present
Dahood .....	Excused
Davis .....	Present
Delaney .....	Present
Driscoll .....	Present
Drum .....	Present
Eck .....	Present
Erdmann .....	Present
Eskildsen .....	Present
Etchart .....	Present
Felt .....	Present
Foster .....	Excused
Furlong .....	Present
Garlington .....	Present
Graybill .....	Present
Gysler .....	Present
Hancock .....	Present
Hanson, R. S. ....	Present

Hanson, R. ....	Present
Harbaugh .....	Present
Harlow .....	Present
Harper .....	Present
Harrington .....	Present
Heliker .....	Present
Holland,, .....	Present
Jacobsen. ....	Present
James .....	Present
Johnson .....	Present
Joyce .....	Present
Kamhoot .....	Present
Kelleher .....	Present
Leuthold .....	Present
Loendorf .....	Present
Lorello .....	Excused
Mahoney .....	Present
Mansfield .....	Present
Martin .....	Present
McCarvel .....	Present
McDonough .....	Present
McKeon .....	Present
McNeil .....	Present
Melvin .....	Present
Monroe .....	Present
Murray.. ....	Present
Noble .....	Present
Nutting, .....	Present
Payne .....	Present
Pemberton .....	Present
Rebal .....	Present
Reichert .....	Present
Robinson .....	Present
Roeder .....	Present
Rollins .....	Present
Romney .....	Present
Rygg .....	Present
Scanlin .....	Present
Schiltz .....	Present
Siderius .....	Present
Simon .....	Present
Skari .....	Present
Sparks .....	Present
Speer .....	Present
Studer .....	Present
Sullivan .....	Present
Swanberg. ....	Absent
Toole .....	Present
Van Buskirk .....	Present
Vermillion .....	Present
Wagner .....	Present
Ward .....	Present
Warden .....	Present
Wilson .....	Present

Woodmansey . . . . . Present

**PRESIDENT GRAYBILL:** Order of Business Number 1, Reports of Standing Committees.

**CLERK HANSON:** None.

**PRESIDENT GRAYBILL:** Order of Business Number 2, Reports of Select Committees.

**CLERK HANSON:** None.

**PRESIDENT GRAYBILL:** Order of Business Number 3, Communications.

**CLERK HANSON:** None.

**PRESIDENT GRAYBILL:** Order of Business Number 4, Introduction and Reference of Delegate Proposals.

**CLERK HANSON:** None.

**PRESIDENT GRAYBILL:** Order of Business Number 5, Final Consideration of Proposals.

**CLERK HANSON:** None.

**PRESIDENT GRAYBILL:** Order of Business Number 6, Adoption of Proposed Constitution.

**CLERK HANSON:** None.

**PRESIDENT GRAYBILL:** Order of Business Number 7, Motions and Resolutions.  
The Chair will recognize Mr. Etchart.

**DELEGATE ETCHART:** Mr. President, I move that Delegate Proposal Number 152 be moved from the Committee on General Government to the Executive Committee. This proposal properly belongs in the executive article and was in our committee by mistake.

**PRESIDENT GRAYBILL:** Very well. The motion is to move Delegate Proposal 152 from General Government to Executive. Is there any discussion?

(No response)

**PRESIDENT GRAYBILL:** All in favor of the motion, say Aye.

**DELEGATES:** Aye.

**PRESIDENT GRAYBILL:** Opposed, No.  
(No response)

**PRESIDENT GRAYBILL:** So ordered.

**CLERK HANSON:** (Reading) "Montana Constitutional Convention Resolution Number 10. A Resolution to provide the type and date of the election for ratification or rejection by the electors. Section 1. The revision of, alteration of, or the amendments to the Constitution adopted by the Convention shall be submitted to the electors of this state for ratification or rejection at a special election to be held on June 6th, 1972, in conjunction with the primary election to be held on that day. Introduced by the Committee on Rules. Signed: Marshall Murray, Chairman."

**DELEGATE MURRAY:** Mr. President.

**PRESIDENT GRAYBILL:** Mr. Murray.

**DELEGATE MURRAY:** I move the adoption of Resolution Number 10.  
Mr. President.

**PRESIDENT GRAYBILL:** Mr. Murray.

**DELEGATE MURRAY:** If I may be privileged to speak for a moment in support of the resolution, I think that all of the delegates have, as of this morning, on their desks a memorandum which I submitted to you, as the president of this Convention, and various members because of their role in the Convention. My memorandum concerned the type and date of election for adoption of the proposed Constitution by the voters. It was my opinion that a special election must be held either on June 6th, 1972, with the primary, and that is the recommendation contained in the resolution, or on November 7th, 1972, with the general, and it was my considered opinion that of these two dates, June 6th is the best. This matter has been considered by the Rules Committee, and the Rules Committee supported the resolution. The matter was informally submitted to the 14 committee chairmen the other night, as most of you read in the paper. Twelve of the committee chairmen voted in favor of the June 6th date, and two votes were cast against it. I think it only fair to state that the next resolution that we will be considering has to do with the recess and proposes that we not recess for any period of time longer than 2 days until this Convention shall have completed its work under Order of Business Number 6, which is the vote for final adoption. The matters really should be considered together as far as my discussion is concerned because if this Convention should choose the June 6 primary date, then I do not think

that we should chance the possibility of a recess. I believe that a special election is required, as I state in my memorandum, because of the particular language within Article XIX, section 8, of the Constitution and particularly because of the language contained in the Enabling Act, which governs us, which makes two references to special elections, as stated in section 17, subsection 9, and section 19. I think that those references are self-explanatory and because of the fortunate or unfortunate use of the language "special elections" really is compelling upon us to follow the use of that language and to consider this matter at a special election. Perhaps another compelling reason for calling a special election is the statistic that nearly 25 percent of all electors voting in an election in which there is a special issue fail to vote on the question of the special issue. Now, this matter is contained and is graphed under our first little appendix-matter in the appendix. In Montana the statistic is 24 percent. Mr. Harris gave me the statistic of 25 percent. And those matters relate to elections where there is a special issue within and a part of the election held on any given date and not considered as a special election. And, of course, if 25 percent of the Montanans voting in the election would not cast their ballots, it appears to me that this matter could be defeated by the failure to vote rather than by a negative vote and I submit that we should avoid that. The matter of holding a special election, I can see that there were three conceivable dates--either in June, as I recommend, or in November, as some of you have recommended to me, or on some date in between. Now, I think we must recognize that in this particular year we are facing two major elections--the primary in June and the general in November. Our elected officials at the county level, as well as our elected officials in the office of the Secretary of State, have already considered that they will be facing those two elections and are pretty much geared for those matters. If you hold a special election, it would mean a third major election within this calendar year, and it seems to be the consensus of the people who have made the investigation for me that this would be a considerable burden. I think even more compelling is the problem of money. It is my opinion that we would be somewhat derelict if we asked the people of Montana to raise additional funds of a substantial nature, whatever they might be--and there is some question as to that, and I'm frank to admit it--to hold a special election for this purpose when perhaps a much lesser sum, as I spell out in my memoran-

dum, could be used for that purpose just as well. As I indicate in my memorandum and as is contained in the letter from the office of the Secretary of State which is attached to my memorandum as an exhibit, in answer to our particular question it would appear if the election were held on another date than the primary or general election (Reading) "this office has estimated that a special statewide election would cost somewhat in excess of \$500,000" (End reading). And, of course, there's a breakdown there. Mr. Harris and I informally computed this matter some time ago. It was our opinion, based on—not on the checking with the various county officials or checking with the Secretary of State, but based on an analysis of past elections, the cost of those elections, as such statistics were available to us, that the cost might range somewhere between \$240,000 and \$350,000. But I—regardless of the exact cost, I do submit that it seems unjustifiable to me that we can ask Montanans to come up with a substantial amount of money, whether it be a quarter of a million dollars or a half a million dollars, to hold a special election at some date other than with the primary or with the general when the cost of conducting such an election, in conjunction with either the primary or the general; would be close to the sum of \$25,000. And as you can see, that is a figure much less than a quarter of a million dollars or half a million dollars, depending upon whose advice or whose statistics you might use. It is my opinion that June 6 is the best, proper and most prudent date. I think we have to recognize that, under our rules and under the conduct of this Convention, we are different from any other state convention which has so far been held. At least we are to my knowledge, and I can find no material which tells me that we are in accordance with any other state. We are closer, perhaps, to Hawaii than anybody else because we use citizens suggestions, which involves the people in our process here. We have a Public Information Committee which is deeply involved in this matter. Some states have not taken advantage of that type of committee. We have held hearings in accordance with our rules which provide, when you consider the addition of the Romney Rule, for the best and widest possible notice to the citizens of Montana to allow them to participate with us in this Convention, and, frankly, it is my opinion that because of the steps that we have taken toward citizen involvement that we can hold our election on June 6th—a lesser date than some states have chosen, a lesser time for the election than some states have chosen—

and still be successful. There are some problems with delay, as my memorandum suggests. It appears that the delegates sometimes lose interest and momentum if the delay is too long. The tempo of the public information campaign cannot be sustained and declines. The opposition, if any, organizes best within a longer period of time, and in 1972 the national, state and local elections will be held in November and the interest surrounding these elections might conflict rather substantially with the interest of Montanans about their Constitution. And, frankly, I think the last sentence of that paragraph, as contained in my memorandum, is the most significant one in this respect—certainly the media will be more interested in the paid advertising of political candidates, rather than the public service of educating Montanans about their newly proposed Constitution. It is my opinion that we will not have the funds to conduct a public information campaign without the assistance of the media. As you know, or many of you know, I have the experience of conducting a statewide campaign. I know the problems that a statewide candidate has with respect to the purchase of prime time for advertising purposes. I know how far in advance this time has to be purchased and how dear it really is in terms of dollars and availability, and I submit that the profit motive of our media—and this is as it should be—and I do not question it—will be such that the media will be more interested in the paid advertising, as I submit to you here, rather than in public service of educating Montanans about their newly proposed Constitution. Now, as to the mechanics of this matter, I have personally conducted, as has my intern, Jim Ramleau, and others, an investigation with the office of the Secretary of State, the Attorney General, and the purchasing department of the Department of Administration of the State of Montana. We have posed, I think, all of the questions that could be posed to them, and I submit to you that there is—1 have assurance from each of those departments and each of those officers that this election can be held on June 6th, 1972, that we are able to hold it on that date, and I have some guarantees that there will be no difficulty with the mechanical details in this respect. The investigation of the office of the Secretary of State, as is indicated in her letter, went to the level of the clerk and recorders of some of the various counties. She did not call them all, but as her memorandum indicates, she did contact Yellowstone, Cascade, Big Horn, Lewis and Clark and Broadwater, feeling that they probably were

representative of most of the counties. I submit that the election can be held on June 6th, 1972, that we have ample time within which to do this, that if we do not take a recess and if we have a 9-week Convention, that we will have 2½ months within which to take this matter before we take this matter to the people to vote after adjournment. I think that we risk the possibility of having some difficulty if we take a recess. We have two requirements, as I see them, mechanically. We have to mail the information bulletin which we will be putting out or which we are suggesting be put out in tabloid form to the people 30 days prior to the election date, and the Enabling Act specifies that within this material must be a report from the Convention to the people, the proposed Constitution, and certain information relating to all of the changes that are contained within this document. There is a day [delay] of 40 days for the close of registration. We will be able to make that because that 40 days is required for the close of registration of the primary anyway. We will be using the same documents in both cases. We would have our printer send the information which would be mailed by the clerk and recorders of each respective county to the voters--well, the printer would send it to the clerk and recorder and the clerk and recorder will mail it to the voters, and 10 days between the 40 days of close of registration and the 30-day requirement are ample to get the job done in the manner that we propose that it be done. We will be printing--we propose that we print one document, as they did in Illinois and Arkansas. This would require only folding by the clerk and recorder, the use of the addressograph, and mailing. It would not require the printing of any special envelopes nor any other type of printing that I can conceive. The question has been raised with respect to whether or not the June 6 date would be proper--a proper date with respect to the college vote. As I analyze the problem, I think that those colleges which still may be open on June 6 would pose no problem. Those colleges which might be closed, I do not think would pose a problem because absentee balloting would be allowed, and the matter could be handled, I think, nicely and perhaps even better in that fashion. Therefore, I submit to you that for the best possible success, within justifiably economic considerations, it is my opinion that June 6th is the best, proper and most prudent date for the calling of a special election on the issue of adoption, and I urge that you support me in this respect. Thank YOU.

**PRESIDENT GRAYBILL:** Very well. The debate is now open, then, on the proposition of Resolution Number 10, which is to have the Convention determine that the matter would be submitted to the voters on June 6th, 1972.

Mr. Scanlin.

**DELEGATE SCANLIN:** Mr. President, I rise in opposition to this resolution. When I read the papers the other morning before breakfast, I lost my appetite. Somebody hit the panic button, as far as I'm concerned. In studying the day-by-day progress of this Convention on the items listed in sheet number seven of the kit given to us by the Department of Public Instruction, the four pages of itemized controversial questions, I find more problems have been aggravated than resolved. It would seem to be imperative for delegates to have ample time to mediate, cogitate, discuss, amplify, reflect and consult on every major issue to weigh constitutional implications. I appreciate the fact that the chairman of the Rules Committee gave me a prior report that has now been submitted to you, but I am unable to avoid the confusion of facts. I can't justify personal opinion until it has withstood the test of some public exposure and public reaction. To this end, I plead for time. Let us make no hasty commitment to dollar devotion. Let us find some other way to force decision rather than financial pressure. An additional expense of 50 cents each on the part of Montanans between now and the year 2000 may be not too much to ask to avoid the immediate exercise in futility. All that I'm trying to say is, slow it down--cool it. Thank YOU.

**PRESIDENT GRAYBILL:** Mr. Toole.

**DELEGATE TOOLE:** Mr. President, I want to discuss the matter of the cost of a possible special election. We have been thinking in terms of \$250,000 to \$300,000, and Mr. Murray has made his investigation with the Secretary of State and come up with \$500,000. This was incomprehensible to me, and very hurriedly last night and this morning, I tried to make some investigation as to just what this cost might be. Now, Mr. Murray and I may be comparing apples and oranges. We may not be talking about the same costs. But I checked with 13 county clerk and recorders. These 13 counties have a population of 375,000 people. The total cost of that in those 13 counties is \$120,000. This brings it closer down to what we were originally talking about--\$250,000 to \$300,000. I must admit that I have done this hastily. I think, however, the

figures I got are correct, and we still have to remember that we're going to have extra costs even if we have the election at the time of a primary or a general election. I hate to see a decision made based on an estimate of a \$500,000 cost when it is beginning to be apparent to me from my hurried investigation that the cost is considerably less than that. Thank you, Mr. President.

**PRESIDENT GRAYBILL:** Very well. Mr. Martin.

**DELEGATE MARTIN:** Mr. President, I rise in support of the motion for the reason that I initially was very much opposed when it was suggested that perhaps we have the primary election, but there are some other factors that are concerned, and when this was discussed in our Executive Committee, we happened to have with us Dan Foley of the Lee Newspapers, and the question was asked-I said, we have an expert here; let's get an opinion from him from a public relations standpoint-and he pointed out that if we were to, say, have the election in November, there would be a lapse of perhaps 3 or 4 months in which the inertia would be out-it wouldn't be news; there would be no news coverage of the thing-and to try to pick it up in October or even a month after that had gone, that we would be in difficulty because we would lose the public value and the value from the media coverage. Now, regardless of what we think, the greatest force that we have for public education is the media, and I think that we should be guided by that factor. Having run some political campaigns and some public relations campaign in the past, I know this factor of what happens when the bottom drops out of it and then to try to build it up again. I would say that-even my belief that, at first, it was much too soon, I think that probably we'd be better if we would go ahead on the June 6th date.

**PRESIDENT GRAYBILL:** Very well. Is there other discussion?  
Mr. Kelleher.

**DELEGATE KELLEHER:** Mr. President, I move-I don't know if there's a motion on the floor yet-but I move that the proposed Constitution with any amendments-alternatives be offered to the voters of this state in a special election on the sixth day of June, 1972. My reasons are that right now, we're the darling of Montana. You can pick up any paper in this state, either a daily or a weekly, and you are going to find Con Con articles

from the front page to the last page. We are getting very privileged attention in the TV and in the radio. Everybody in the state is talking about the Con Con. We have momentum. We have a full head of steam, and if we get done in time-and I'm sure we will-we can be ready for this special election on June 6th. What's it going to be like between June 6th and the general election this fall? Well, first of all, there's going to be a very, very quiet Republican National Convention. It's going to be even more quiet than the last Republican National Convention, but even as quiet as it was, it got a tremendous amount of publicity. All of you will remember the famous balloons in Miami. Besides the Republican Convention, however, there is that quadrennial circus called the Democratic National Convention, which is [was] a real whinging the last time and promises to be just as interesting this year, with a whole host of United States senators seeking the Democratic nomination for the presidency of the United States. As we move on into the fall, comes the World Series. After the World Series, of course, comes college and then professional football. If this is not enough to push us out of the-not only off the front page of the newspaper, we won't even be on the obituary page come September. (Laughter) And then, right after Labor Day comes election time-campaign season. The Democrats are going to be calling President Nixon all kinds of things, and we're going to be talking about the war in Vietnam. We know we're not going to have all of our troops out. We're going to have air support and so on in there. That's going to be a lively issue. The economy is going to be a big issue, and any number of things are going to be an issue in this very heated presidential campaign. Turning to our state at a local level, our junior United States Senator is up for reelection, and he has always had hot elections in the past-interesting elections and close elections. There are two United States congressmen that are going to be campaigning for reelection, presumably. The governorship is also up for grabs this year, since Mr. Anderson has decided not to run for reelection. For these reasons, Mr. President and my fellow delegates, I strongly urge that, because come next November, people-we will have long since lapsed into history-that we put our Constitution-offer it to the people of this state on the sixth day of June, 1972. Thank you.

**PRESIDENT GRAYBILL:** Mr. Kelleher, it is my understanding that you made a motion, and

I don't know whether you meant to or not, but if you did, I want you to restate it. (Laughter)

**DELEGATE KELLEHER:** Yes, and yes, and the restatement is: "I move that this Convention offer to the people of-to the electorate of Montana our proposed Constitution with any alternative provisions to the voters in a special election on June 6th, 1972."

**PRESIDENT GRAYBILL:** All right. Well now, if that's what it was, it's substantially the same as the resolution, and the resolution has been moved and will be moved by the Rules Committee chairman, so I'll rule your motion out of order but your discussion pertinent.

Mrs. Bowman.

**DELEGATE BOWMAN:** I wonder if I could ask Mr. Murray a question.

**PRESIDENT GRAYBILL:** Mr. Murray, would you yield to a question?

**DELEGATE MURRAY:** Mr. President, I've been waiting for that. (Laughter) You bet. After my inquiry of her some time ago, I expected that she, at some stage, would be asking me a question, and I do submit.

**DELEGATE BOWMAN:** Unfortunately, I'm in no position to question you in the same manner as you questioned me. I would like to know if adopting the proposal that we have a special election on June 6th automatically means that we will not have a recess, or is that to be discussed separately?

**DELEGATE MURRAY:** The matter is to be discussed separately by the next resolution.

**DELEGATE BOWMAN:** Thank you.

**DELEGATE MURRAY:** It is my recommendation, though—

**DELEGATE BOWMAN:** Yes, I realize that, but—

**DELEGATE MURRAY:** (Inaudible) this discussion—that we not have a recess if we use the June date.

**DELEGATE BOWMAN:** But that will be discussed later.

**DELEGATE MURRAY:** Yes.

**DELEGATE BOWMAN:** Thank you.

**PRESIDENT GRAYBILL:** Very well. Mr. Rebal.

**DELEGATE REBAL:** I have something in the form of a question, Mr. President. And I would like to know how the approximately 50 delegates who were planning to run for elective office make out if we do it in that manner.

**PRESIDENT GRAYBILL:** Can you think of anybody to ask that question of, Mr. Rebal? (Laughter)

Mr. Roeder.

**DELEGATE ROEDER:** I wonder if Mr. Murray would clarify something for me?

**PRESIDENT GRAYBILL:** Mr. Murray, will you yield to a question?

**DELEGATE MURRAY:** Yes, Mr. President.

**DELEGATE ROEDER:** I'm not clear, Marshall, on the impact of this Section 9-17 of the Enabling Act. If a majority of the electors voting at the special election shall vote now, does this—how are we going to—can we segregate the vote on acceptance or rejection of the Constitution from the vote in the primary for candidates. You see, I'm afraid that your figures that you have here will obtain also in a primary election, or can we segregate them and thereby spike the impact of this nasty clause.

**DELEGATE MURRAY:** Thank you, Mr. Roeder.

Mr. President, this is perhaps the most difficult question that we have attempted to resolve, and I think that we have it resolved. I envision the submission of this question to the voters in the primary election at a separate election. By this I mean that we will not have this issue on voting machines, whether they be vote-o-matic or the tall, upright kind that we do not have in our county. It would be by paper ballot everywhere. We would have people signing separate pollbooks, and there would be a separate tally book, and we would ask the clerk and recorders to please ask the voters as they go through the line if they desire to vote on the Constitutional issue. If they do not, then they do not take a ballot or sign that book and therefore would not be counted amongst those voters. Does that explain? Does that give you an explanation on that point?

PRESIDENT GRAYBILL: Mr. Studer, are you—Oh, Mrs. Speer.

DELEGATE SPEER: I would like to speak in opposition to—

PRESIDENT GRAYBILL: Hold your mike a little closer.

DELEGATE SPEER: I would like to speak in opposition to the special election or the June election. I have three reasons. First, because I do not think there would be sufficient time for really deliberative action in the Convention, and I don't think the 2 months is time enough for the delegates to go home and fully explain these issues to the people. But the major reason that I wish to speak to—these others have been touched—is that I do not feel that it is giving a fair opportunity to the young people. This Convention has been talking a great deal about writing a Constitution for the next and future generations and yet, if we hold the election on June 6, they are involved in examinations—finals. High school people coming 18 are involved in their graduation. I do not think that they are going to even remember to write for the absentee ballots. Last night I talked with two or three University of Montana students. They were strongly opposed to the June election for our new Constitution. I think it is perhaps time to decide, as Mr. Whitmer suggested, that we purchase our own desks in order to continue the Convention.

PRESIDENT GRAYBILL: Very well.  
Mr. Hanson, Robert.

DELEGATE ROBERT HANSON: Mr. President. I also rise in opposition to this because I think that we are—just like we get this memorandum. I haven't had a chance to look at it, and I'm sure that Marshall did a very good job on it, but I'd like to read it and have a chance to study it a little bit. And if we're going to submit a document to the people, I think it should be able to stand the light of day and a good examination by everybody, because if we're going to try to run something through in 2 months or something like that, and I don't think anybody in this body at this time knows what we're coming out here with, and I therefore oppose this.

PRESIDENT GRAYBILL: Mr. Simon.

DELEGATE SIMON: May I ask Mr. Murray if he'd yield to a question, please?

PRESIDENT GRAYBILL: Mr. Murray, will you yield to a question?

DELEGATE MURRAY: Yes, Mr. President.

PRESIDENT GRAYBILL: Very well.

DELEGATE SIMON: Mr. Murray, the only thing I wanted to ask—would it make any difference in our vote this morning if we—don't know as though I understand whether we're going to vote on recess first—would that make a difference? It seems like we're going to vote on recess after we determine the date, and I wonder if we shouldn't vote on recess first. If we have a recess, would that make a difference?

DELEGATE MURRAY: Well, it is my opinion that the matter of the holding of the election is the paramount issue, and therefore I have asked that this resolution be considered before the other one. I have given the delegates the courtesy of advising them that we're about to take up the other resolution so that they can consider this in the vote in this issue.

DELEGATE SIMON: Mr. Murray, would the recess make a difference in the date? Should we vote on the recess first?

DELEGATE MURRAY: Well, I think that it does. I don't think that we have to vote on it first in order to give consideration to this vote. The answer is no. I think that the matter of a recess is significant. We are under way. We have great momentum. I have great hope in our success, and, frankly, I feel that to take a recess would jeopardize the possibility of getting to the people on June 6th, 1972. I don't like to jeopardize that. We have 2½ months, the way I figure it, to explain this issue to the people, and more than that because we will still be here in Convention for another nearly 2 months.

PRESIDENT GRAYBILL: Mr. Hanson, Rod.

DELEGATE ROD HANSON: Mr. President, would Mr. Murray yield to a question, please?

PRESIDENT GRAYBILL: Mr. Murray, will you yield to some questions from Mr. Hanson?

DELEGATE MURRAY: Yes, Mr. President.

DELEGATE ROD HANSON: Mr. Murray,

I think one question. If we bog down here later—say that we adopt this resolution now, and then as we proceed with our deliberations, we bog down in the so-called “great debate” and find that we cannot then meet the deadlines that we have to meet in order to get this before the people on June 6th—or June 7th, then it would be possible, wouldn’t it, to reconsider our action and set the election at another date? Or would we, by taking this action now, start the machinery rolling that would be impossible for us to stop if we find out we can’t meet it later?

**DELEGATE MURRAY:** The answer to your question is that we could reconsider this at any time. I think one of the paramount reasons to consider it at this moment is because many of you have asked to have the issue settled and have come to me and expressed that. Therefore, I conducted my research. The other reason is that in order to get the brochure-the voter information pamphlet properly bid and printed, we have to call for the bids some time during the early part of March. If we do not resolve this question now, we cannot take that action and commence this machinery in operation so that we can arrive at June 6th in proper fashion.

**PRESIDENT GRAYBILL:** Mrs.-let’s see -Mr. Nutting, I think, was next.

**DELEGATE NUTTING:** Mr. President, would Mr. Murray yield to a question?

**PRESIDENT GRAYBILL:** Mr. Murray, will you yield to a question?

**DELEGATE MURRAY:** Yes, Mr. President, I will yield.

**DELEGATE NUTTING:** If I understood you right, you said that there would be separate polling books and there would be actually separate ballots?

**DELEGATE MURRAY:** Yes, there will be a separate ballot, the way I envision it.

**DELEGATE NUTTING:** Would the gentleman yield to another question?

**DELEGATE MURRAY:** Yes, Mr. President, I will yield.

**PRESIDENT GRAYBILL:** Very well.

**DELEGATE NUTTING:** If-would this

also entail separate judges for the two elections?

**DELEGATE MURRAY:** I am advised by the office of the Secretary of State that it would not.

**DELEGATE NUTTING:** Thank you.

**PRESIDENT GRAYBILL:** Mrs. Warden.

**DELEGATE WARDEN:** Thank you. I was beginning to wonder if I was being ignored. (Laughter)

**PRESIDENT GRAYBILL:** Heaven forbid.

**DELEGATE WARDEN:** I’d just like to say that for many years-25 to 30 years-I have been involved in civic work. Now, I do live in a larger city, but I am also well aware of the situation in the country because I have done a great deal of work statewide. I would like to say that the average person is not available for meetings-in fact, they stop around the 15th of May. The average person goes on vacation, goes fishing; he goes out of town whenever it’s possible in the summer time. I think we would be remiss if we did not use the peak of popularity, which we will have within 2 or 3 months after this Convention adjourns. I would strongly advise that we consider the great need to use this information and the time when we come back from the Convention to tell the people, to answer questions, to explain what we’ve done and how we arrived at these things. It will be fresh in our mind, we will be enthusiastic about it, we will know what we’re talking about; but believe me, when so many things can intervene, we will be a little less coherent next fall, a little less interested, because we’ve had since September-well, whenever you filed-I think that was about August 4—till March when we’ve been deeply involved in this Convention. We’ve been thinking about it. We’ve been campaigning. We’ve been doing all sorts of things, and I think the need to do it is now. I think if we want to do it, we can do it now. I think procrastination will not help the problem. It will not get to more people, because if we’re enthusiastic we can do that in 2 months. Thank you.

**PRESIDENT GRAYBILL:** Mr. Studer.

**DELEGATE STUDER:** Mr. President, I think the delegates seem to be pretty well divided on this question. I was wondering if there is any reason why we couldn’t entertain a motion to lay it on the table till Tuesday. So, I therefore move that

we lay it on the table till Tuesday at the proper time.

**PRESIDENT GRAYBILL:** Very well. Mr. Studer has made a motion to lay this matter on the table till Tuesday. Mr. Murray, is that debatable?

**DELEGATE MURRAY:** Not debatable.

**PRESIDENT GRAYBILL:** All right. The motion to lay on the table till Tuesday is not debatable.

Mr. Swanberg.

**DELEGATE SWANBERG:** Mr. Chairman, I'd simply like to have the record show that I am present.

**PRESIDENT GRAYBILL:** The record may show that Mr. Swanberg is present, and he may vote.

Mrs. Bugbee.

**DELEGATE BUGBEE:** (Inaudible) have the record show that I am present, too. Thank you.

**PRESIDENT GRAYBILL:** Right. You were shown present, Mrs. Bugbee.

All right, we'll vote on whether or not to lay Resolution Number 10 on the table until Tuesday. All those in favor of postponing until Tuesday consideration of Resolution Number 10 which is designed to set as June 6th, 1972, the date at which this matter would be put before the public, please signify by saying Aye.

**DELEGATES:** Aye.

**PRESIDENT GRAYBILL:** Those that oppose that, say No.

**DELEGATES:** No.

**PRESIDENT GRAYBILL:** The Noes have it, and we'll continue to debate the matter.

Mrs. Pemberton.

**DELEGATE PEMBERTON:** Thank you, Mr. President. I would like to speak toward holding the election on June 6th. I would like to speak for several reasons. I think the time within this Convention in working toward framing the document has already been determined by the allocation of funds. I think that we have been particularly fortunate in having the news media of the State of Montana, and also nationally, zeroed in on our Convention, either pro- or "con-Con." I could care less, just so the interest is kept at this momen-

tum. We couldn't be so lucky for months and months without this effort on the part of the media, and everyone likes to be a star, and I think that we should keep this on the front page of Montana until we're through; and this is our big chance, and people are really reading about it, hearing about it and watching it. Now, while this is going on, I think that Montana is ready, and when they will be ready will be at the earliest time after this Convention recesses. Thank you.

**PRESIDENT GRAYBILL:** Mr. Campbell.

**DELEGATE CAMPBELL:** Mr. President, I rise in favor of the June 6th date for the election, not only for the financial reasons that Mr. Murray has stated, but upon consideration, I feel it's the better date. Originally I thought it was too soon, but now I'm convinced that it is the best date. I think as far as the argument about the young people and the students not having enough interest during final week, if my Delegate Proposal Number 13 is on the ballot, which will give full participation within the system to all qualified voters, they will be so excited about the idea that they will probably forget their final examinations that day. (Laughter) And I don't believe that it will need more than 2½ months to consider this. Ninety-nine point nine percent of Montanans presently do not realize that 18-year-olds already have the right to vote for every single office of this nation, and it's been on the books for about 1 year, and most Montanans don't even know that. If there isn't anything more said, they won't realize it, but the momentum is here, the interest is here, the issues are here, and I feel that by June 6th the State of Montana will accept the challenge and adopt this new Constitution. Thank you.

**PRESIDENT GRAYBILL:** Mr. Woodmansey.

**DELEGATE WOODMANSEY:** I'd just like to make one comment. We're here to create a document that supposedly will stand the test of time, Yet I find that many of you fear that if we wait more than 2½ months, if we should wait 6 or 7 months, our document will not stand the test of time. I think the document that we write should be able to stand the test of time, and people should have a time to look at it.

**PRESIDENT GRAYBILL:** Mr. Wilson.

**DELEGATE WILSON:** Mr. President, I do not rise so much in opposition to Mr. Murray's

motion as to the thinking that perhaps we are a little premature. We, as delegates, don't know what deliberations we're going to take, what the course of our deliberations are going to take in this Convention, and it might be so divided that we, of necessity, would think that we do have to have more time before this is presented to the voters for their consideration. I submit that after we are through, the document will be mailed to the voters and each one, if he is interested, will sit down and study the proposed document. They do need time to do this. But getting back to the fact that perhaps we are a little bit premature, I don't see anything that could hinder us from-if we are in harmony and we come out with a document that we're not too much divided on, we could still put it on the June 6th ballot, and I submit that we are just a little bit premature in making this decision.

**PRESIDENT GRAYBILL:** Mr. Habedank, you are up.

**DELEGATE HABEDANK:** I would like to rise in support of the motion. I think most of us, in running for this office, told the people of the State of Montana that we felt that this Constitution could be rewritten in a period of 60 days. I concur with what has been said by Mr. Scanlin as to research, but I feel that if we are going to continue our research, we could keep on for the next 20 years, as this document has been studied for the last 20 by people who have been urging its revision, and we would still be doing more research. We have 100 people here who represent every area of the State of Montana, 100 people who will hear the arguments pro and con. A decision will have to be made sometime, and I feel that we can make it and we can go forward and that the composite decision of this group will be right now and for such a period of time as it would be right if we were to deliberate for a longer time. I feel that if we can do this in 60 days, the people of the State of Montana can also study this thing and come to an intelligent decision in a period of 2½ months. If they have 6 months, it'd be put aside until the last 2 months or the last month, and therefore we might just as well, all of us, address ourselves to the subject at hand and come to a conclusion which is best for Montana. I do not subscribe to the theory that it is necessary to do this in order to prevent the opposition from being able to oppose what we do. What I do here and what I feel you do here, you want to stand the scrutiny of opposition as well as those who are in favor of it. We are all trying to do

what is best for Montana. And I also do not subscribe to the theory that the newspapers will slight us as we go on throughout the year. I have been a little unhappy with some of the headlines that we have read in the newspapers, but the reporters do not write those headlines. I think we've had tremendous coverage from the newspapers. I think we've had tremendous coverage from the radio, and I feel that with this type of coverage, our people will be ready to make a decision on what we have done by June 6th.

**PRESIDENT GRAYBILL:** Mr. Conover.

**DELEGATE CONOVER:** Mr. President, I move the previous question.

**PRESIDENT GRAYBILL:** All right. Now, Mr. Murray, it's my understanding that that means that two-thirds would have to support Mr. Conover's motion to cut off debate at this time, and I understand it's not debatable. Am I right?

**DELEGATE MURRAY:** Yes, Mr. President, but I have, under our rules, the opportunity to close. However, I suppose that should be after the vote.

**PRESIDENT GRAYBILL:** You'll close after we decide whether we're closed. All those in favor of moving the previous question and voting on this matter now, please say Aye.

**DELEGATES:** Aye.

**PRESIDENT GRAYBILL:** All opposed, say No.

**DELEGATES:** No.

**PRESIDENT GRAYBILL:** The Chair is in doubt. We'll use the voting machines. All those in favor of closing, vote Aye and those opposed, vote No. Have all the delegates voted?

(No response)

**PRESIDENT GRAYBILL:** Does any delegate wish to change his vote?

(No response)

**PRESIDENT GRAYBILL:** Do any more delegates wish to change their votes?

(No response)

**PRESIDENT GRAYBILL:** Very well. We'll close the ballot-59 having voted Aye, 36 having

voted No, we will not cut off debate, that not being two-thirds. Was that 59 to 38? What was that?

**CLERK HANSON: 36.**

**PRESIDENT GRAYBILL:** That was 59 to 36. Very well, debate is still open on the motion. Mr. Davis.

**DELEGATE DAVIS:** Mr. President, I have not spoken and have listened to the very able arguments on both sides of this question this morning. I had originally thought the November date was the best date. I have been persuaded this morning by my fellow delegates that June is the best date, and I rise to support that date. For the reason—I think that the momentum is here. I subscribe to Mr. Habedank's language 100 percent. When we go home this summer, there may be a few people in this delegation that will devote their summer to discussing the constitutional issues. However, I believe most of the people you discuss them with during the summer months are going to feel more harassed than anything else. The farmers and ranchers in my area are not going to be talking Constitutional Convention this summer. They're going to be working. And the people that are on vacation and holidays, they're going to think about this when it comes time to vote on it, and they won't make any more intelligent decision if they wait till fall, if they do in June—if they want to make an intelligent decision on it—any more than we would make any more intelligent decision on whether to elect the superintendent or to have her appointed if we talk about it for 6 months or for 60 days. These are issues that minds can be made up on. We like to procrastinate and take 6 months to do what we can do in 60 days. I'm all for writing this Constitution, submitting it to the people and getting their approval or disapproval of it without any long selling period. Let them decide on the merits as soon as it's out. Thank you.

**PRESIDENT GRAYBILL:** Mr. Champoux.

**DELEGATE CHAMPOUX:** Mr. President, I rise in support of the resolution. Originally I was in opposition to it, as you people know in the committee chairmen meetings. But, I've become convinced that this is the right time for this vote, and if the amount of verbiage this morning is an example of what the debate's going to be like, we won't even make the June 6th election. (Laughter)

**PRESIDENT GRAYBILL:** Mr. Harbaugh.

**DELEGATE HARBAUGH:** I would like to rise in support of the resolution also. I think that all of us work under deadlines. Seems to me the thing we're afraid of here is a deadline. Every week I work under a deadline; I think almost everyone does. And it seems to me that one thing that has not been mentioned here is the activity of the delegates themselves. We've been concerned about what the people are going to be doing, but what are we going to be doing during a long recess of, say, 6 months? I know that as I look at my own work, that when I return home, I am going to become involved—very involved—in my own personal work and profession and that I would probably not have the time over a 6-month period to devote to discussing the Constitution anyway, so I would definitely favor the June 6th date.

**PRESIDENT GRAYBILL:** Mr. Jacobsen.

**DELEGATE JACOBSEN:** Mr. President, I would like to move the question again.

**PRESIDENT GRAYBILL:** Mr. Murray, can we have another one now? Is that—

**DELEGATE MURRAY:** I'm sure we can.

**PRESIDENT GRAYBILL:** All right. I take it that you want to do more than like to do that—you want to do it. Very well. We're going to move the previous question again, and that, again, requires two-thirds.

Mr. Felt.

**DELEGATE FELT:** I ask that a roll call vote be taken and the Ayes and the Noes be spread on the record, and when the opportunity arises, I want to explain my vote.

**PRESIDENT GRAYBILL:** In other words you want—Mr. Felt has asked that a roll call vote be—

**DELEGATE FELT:** -four seconds.

**PRESIDENT GRAYBILL:** Seems to me that I need some seconds. Well, we've got a lot of seconds. Very well. Thank you. We will take a roll call vote on cutting off debate on the issue of whether or not June 6th should be the day that we put this to the public. We will use the voting machines. All those in favor of voting on this, in other words, cutting off debate, please vote Aye. All those opposed to cutting off debate, please vote No. The vote will be a recorded roll call vote.

**DELEGATE FELT:** Mr. President.

**PRESIDENT GRAYBILL:** Mr. Felt.

**DELEGATE FELT:** (Inaudible) my vote?

**PRESIDENT GRAYBILL:** You may explain your vote for 1 minute.

**DELEGATE FELT:** Mr. President and members of the Convention, I have never moved for the previous question nor voted for it to my knowledge because I do not like it. Nevertheless, I think if the members would remember that perhaps everything has been said and that Mr. Murray is probably prepared to close, we could get on to a decision without having to use this parliamentary technique of a motion on the previous question in order to do so, and I really do hate to see this motion being made so frequently when we're so early into the real business of the Convention because if it becomes the thing to do, you, yourself, are going to lose the opportunity to express yourself some time when you think it's important and you're not going to like it very well. Thank you.

**PRESIDENT GRAYBILL:** Has every delegate—

Mr. Mahoney, for what purpose do you arise?

**DELEGATE MAHONEY:** To explain my vote, Mr. President.

**PRESIDENT GRAYBILL:** You may explain your vote, Mr. Mahoney.

**DELEGATE MAHONEY:** I feel very much like Mr. Felt. Now, we are going to have a lot of debate and a lot of discussion. If this was 3 o'clock in the afternoon, maybe that I would like to see—my mind is made up how I'm going to vote—nobody's going to change it, but I would like to see—

**PRESIDENT GRAYBILL:** Mr. Mahoney, the Chair would like to remind you that you are recognized only to explain your vote.

**DELEGATE MAHONEY:** Okay. Allright.

**PRESIDENT GRAYBILL:** Please keep to the point.

**DELEGATE MAHONEY:** I will. Now, what you're doing—you're shutting off minorities under this vote. I think minorities should be protected. I agree with Mr. Felt. Let's don't get this a habit.

Let's don't do that because you'd hurt yourselves later.

**PRESIDENT GRAYBILL:** Very well. Have all the delegates voted?

(No response)

**PRESIDENT GRAYBILL:** Any delegates wish to change their vote?

(No response)

**PRESIDENT GRAYBILL:** The Chair will close the vote. Take the roll call.

Aasheim	Aye
Anderson, J. ....	Aye
Anderson, O. ....	Excused
Arbanas .....	Aye
Arness .....	Aye
Aronow .....	Aye
Artz .....	Aye
Ask .....	Nay
Babcock .....	Nay
Barnard .....	Aye
Bates.. ..	Aye
Belcher .....	Aye
Berg .....	Aye
Berthelson .....	Aye
Blaylock .....	Aye
Blend .....	Aye
Bowman .....	Aye
Brazier .....	Aye
Brown. ....	Nay
Bugbee .....	Aye
Burkhardt .....	Aye
Cam .....	Aye
Campbell .....	Aye
Cate .....	Nay
Champoux .....	Aye
Choate .....	Aye
Conover .....	Aye
Cross.. ..	Aye
Dahood .....	Excused
Davis .....	Nay
Delaney .....	Nay
Driscoll .....	Nay
Drum .....	Nay
Eck .....	Aye
Erdmann.. ..	Aye
Eskildsen .....	Nay
Etchart .....	Nay
Felt .....	Nay
Foster .....	Excused
Furlong. ....	Nay
Garlington .....	Aye
Gysler .....	Aye

Habedank .....	Nay
Hanson, R. S. ....	Nay
Hanson, R. ....	Nay
Harbaugh .....	Nay
Harlow .....	Nay
Harper .....	Nay
Harrington .....	..Aye
Heliker .....	Nay
Holland.....	Aye
Jacobsen .....	..Aye
James .....	..Aye
Johnson .....	Aye
Joyce .....	Nay
Kamhoot .....	..Aye
Kelleher .....	Aye
Leuthold .....	Nay
Loendorf.....	Nay
Lore110 .....	Excused
Mahoney .....	Nay
Mansfield. ....	Nay
Martin.....	Aye
McCarvel .....	Aye
McDonough.....	Aye
McKeon .....	..Aye
McNeil .....	Nay
Melvin .....	Aye
Monroe.. .....	..Aye
Murray .....	Nay
Noble .....	Aye
Nutting .....	Nay
Payne .....	..Aye
Pemberton.....	Aye
Rebal .....	Aye
Reichert .....	..Aye
Robinson .....	..Aye
Roeder .....	Aye
Rollins.....	Aye
Romney .....	Nay
Rygg .....	Nay
Scanlin .....	Aye
Schiltz .....	Aye
Siderius. ....	Aye
Simon .....	..Aye
Skari .....	Nay
Sparks.....	Aye
Speer .....	Nay
Studer .....	Nay
Sullivan .....	Aye
Swanberg.....	Aye
Toole .....	..Aye
Van Buskirk .....	Aye
Vermillion .....	Nay
Wagner .....	Nay
Ward .....	No Vote

Warden .....	Aye
Wilson.....	Aye
Woodmansey .....	Aye
Mr. .... President	Nay

**PRESIDENT GRAYBILL:** Mr. Clerk, please announce the vote.

**CLERK HANSON:** Mr. President, 60 delegates voting Aye, 35 delegates voting No.

**PRESIDENT GRAYBILL:** That fails two-thirds and debate is still open on the question of whether or not to support Resolution Number 10. Mr. Heliker.

**DELEGATE HELIKER:** Mr. President, I rise to support the resolution and specifically to respond to comments made by Delegates Speer and Campbell concerning the opportunity of students to vote on this issue in the June 6th election. I'm advised that it is possible to obtain an absentee ballot 45 days ahead of election, so that there should be no difficulty in a student casting his vote even though he may be leaving the campus and away from the state on the date of the election.

**PRESIDENT GRAYBILL:** Mr. Skari.

**DELEGATE SKARI:** Mr. President, I rise in support of the resolution, also. I think the tentative date of June 6th is the best date. I think we have to make a judgment, a value judgment, here. There are arguments both ways, but I think the arguments in favor of the June 6th election outweigh the arguments for either a special election in the interim between the primary and the general or the general election. Like Delegate Davis and Delegate Champoux, I earlier favored a later date, but I now favor this date. I do not feel, however, that a recess is precluded by a June election.

**PRESIDENT GRAYBILL:** Mr. Burkhardt.

**DELEGATE BURKHARDT:** Mr. President, I rise in support of the resolution. It seems to me that as we think about how we got here, in terms of the electorate voting for modernizing our state government, we are in the position that Victor Hugo used to describe as an idea whose time has come, and I think the Constitution is something our people are interested in and will be interested in and would like to take action on at the June 6th meeting. I also have confidence that we, the 100 delegates, will come up with something that they will be grateful for and we will be proud of. Thank you.

**PRESIDENT GRAYBILL:** Mr. Drum.

**DELEGATE DRUM:** Mr. Chairman. I, too, rise in support of the June 6th election, in support of the motion. I'd like to make a couple of Representative-or Delegate Kelleher type comments, if I may, and address them to the concern of some who only evaluate the efforts of this Convention in the context of whether our product passes the electorate or not. I think we should recognize, as I have come to recognize since arriving in Helena some time ago, that really one of the true benefits that may be derived from our efforts here could be the involvement of the young people who are sharing the activities of the Convention with us. We are seeing some of the bright young people from the next generation who are really getting a splendid education in the educational processes here in Montana. These people are going to be going into city, county, state government areas, and they are going to carry with them knowledge that they have picked up and learned from our activities here. I think another great benefit is going to be the effect that our deliberations are having on the people who are now involved in state government--the many areas of state government--who are coming before our committees, testifying to their beliefs of the content, or what should be contained in the Constitution, and answering questions regarding what their responsibilities are now as to their response to the citizens of this state--reminds me in many ways of resaying or reviewing your matrimonial vows. I've seen many representatives of the different agencies who have come before our committee and have relearned some of the responsibilities that they have to the people of Montana. Many areas have been unresponsive for many reasons and perhaps the Legislature has been unresponsive. Certain other areas--take the Highway Department or some of those--but I feel in the future that these departments are going to be a lot more responsive to the electorate of the State of Montana, and this may be one of the real true benefits. Of course, the greatest benefit in our own mind will be if the electorate accepts our product. Delegate Wilson has a concern that the product may not be acceptable to he [him], and I think we all may have a little of this concern, but I think we have to accept that we 100 delegates represent the will of the people of Montana and really, whatever comes out of this Convention, is the will of those people. They had their chance to vote for us; they selected us; they picked people from both fringes--way out on both sides--

and they picked a pretty good mainstream of people throughout that represent the basic thinking of the State of Montana. So, I don't think we should be concerned only whether it's going to pass or not pass, either in June or in November. I think that the 80 cents per person that has been spent by the citizens of Montana is extremely well spent, and I think that, however it comes out, the State of Montana is going to benefit, and all we can do is make our best effort and let the cards fall where they may. And I would like to also share some concern with Delegate Felt as to the continual calling of the previous question. As I looked over the board, the people--most--many of the people who voted No happened to be older legislators--there were a couple of legislators that voted in favor of it, but the previous question really becomes a dangerous thing down the road. It's always reminded me of a fellow who struck out in a ball game--said "I struck out. I'm going to take my bat and my ball and go home. Nobody else is going to get to play this game." It is an expression of impatience, really, and I think if we're going to have due process take place up here, we should be a little more careful and a little bit more patient with the calling of this previous question. Thank you.

**PRESIDENT GRAYBILL:** Very well. Other discussion on the resolution, please.  
Mr. Barnard.

**DELEGATE BARNARD:** Mr. President, I rise neither in opposition nor in favor of the particular motion--more than to point of information. I believe Mr. Murray made an attempt to explain the thing that was bothering me. It is this. The first part of your--in one place, it states "acceptance or rejection at an election," and in the next section it says "at the special election, either approved or rejected." To me a special election would mean something separate and apart, and I'd like to ask Mr. Murray if they have reviewed that subject to convince themselves to be sure that we would not involve ourselves in a legal question if we do hold this election at the same time as some other election.

**PRESIDENT GRAYBILL:** Mr. Murray, will you yield to a question?

**DELEGATE MURRAY:** Yes, Mr. President, I will yield. And to that question, may I address this answer. I have in my possession an opinion from Professor Gardner Cromwell, who is working

with the Committee on Style, to the effect that we are not bound by the designation special or general election so as to have a legal entanglement in that respect. We really are bound by the one statement within the Constitutional Enabling Act that we cannot have it sooner than 2 months nor longer than 6. I call it a special election in an advisory matter [manner] so that if we distinguish it and keep it separate from the regular election to avoid the difficulty we anticipate could arise with respect to that 25 percent of the people voting in the election who might not cast a ballot on this issue.

PRESIDENT GRAYBILL: Mr. Barnard. The Chair would like to make a comment at this time, and I'll be glad to relinquish the Chair, but it isn't on either side and, unless there's objection, I'll simply make the comment. It's on this point, which I think is well taken. It seems to me that, hearing the debate here-it's the sense of the debate-that in the event we go for June 6th, the delegates are expecting this to be a special election, separate from the primary, so that we are not in danger of losing the No votes that would be at the primary. That seems to me to be the sense of everyone's understanding, and I have suggested to Mr. Eskildsen that if this resolution passes-and I'm not expressing an opinion, myself, on it-that we should perhaps send it back to the Rules Committee for a further resolution or for further doctoring up to make it clear that this body intends such an entirely separate election so that we are not later faced with a court decision that might say that special is still the same if it's at the same time. I think it would be possible for us to resolve that it be so special that it be completely separate, but I'm not sure we've done that yet. Now, I merely point out that if that's the sense that everybody means this in, then we should be able to make our will known in the resolution so that it would be clear what we intended, and if the resolution passes, I intend to ask Mr. Eskildsen to make a motion that the matter be referred back to the Rules Committee, so that our special intentions can be added to the resolution. Thank you.

Is there other discussion before Mr. Murray closes?

Mr. Furlong.

DELEGATE FURLONG: Mr. President, in keeping with your explanation and because I'm concerned that this hit the press yesterday morning before the delegates had even heard of it, which tends to color at least the decision made

here, and because I think that we should wait for some response from the public who heard about it yesterday morning in the paper. If I am in order, I would move to recommit this to the Rules Committee at this time so that they may make some of these decisions that you're talking about, and that would also give the rest of the delegates a chance to at least hear from their constituents.

PRESIDENT GRAYBILL: I take it you've made a motion to recommit the matter to the Rules Committee?

DELEGATE FURLONG: Yes.

PRESIDENT GRAYBILL: Is it the sense of your motion-I'm not trying to put any words in your mouth-but is that in order to add this matter that I've discussed to it or is it for just their reconsideration?

DELEGATE FURLONG: Both.

PRESIDENT GRAYBILL: Well, I want to know if you're distinguishing your motion from Mr. Studer's motion to lay on the table, which merely waited. Do you want them to do something further with it in Rules?

DELEGATE FURLONG: Yes, I do, and I might also add, Mr. President, that I think that would give us time that we need in order to hear from our constituents.

PRESIDENT GRAYBILL: All right. Now, state your motion, then.

DELEGATE FURLONG: I move to recommit Resolution 10 to the Rules Committee.

PRESIDENT GRAYBILL: Very well. We have a motion to recommit this to the Rules Committee. A motion to recommit is debatable.

Mr. Habedank.

DELEGATE HABEDANK: I would like to move-make an amendment to that motion that we recommit it to the Rules Committee for the purpose of clarifying in the motion the holding of a special election regardless of whether it is held in connection with a primary or general election.

PRESIDENT GRAYBILL: Mr. Furlong, do you want to accede to that amendment to your motion, or shall we handle it separately?

DELEGATE FURLONG: No. I'll accede, thank you.

**PRESIDENT GRAYBILL:** Very well. Mr. Habedank, he will accede to your amendment so that, at the moment, the Chair considers Mr. Furlong's motion to be to recommit Resolution 10 to the Rules Committee for the purpose of clarifying the special election issue. Very well.

Mr. Davis.

**DELEGATE DAVIS:** Would Mr. Habedank yield to a question?

**PRESIDENT GRAYBILL:** Mr. Habedank, will you yield?

**DELEGATE HABEDANK:** I yield.

**DELEGATE DAVIS:** Is it the sense of your motion that we would now not dispose of this matter this morning in any event?

**DELEGATE HABEDANK:** That is correct.

**DELEGATE DAVIS:** And that we would re-debate it at some future date then?

**DELEGATE HABEDANK:** I presume further debate would be possible. I was in hopes that maybe everybody had expressed their opinion on Delegate Davis but it would not be debated-voted on today.

**DELEGATE DAVIS:** Thank you.

**PRESIDENT GRAYBILL:** Is there other discussion?

Mr. Murray.

**DELEGATE MURRAY:** Mr. President, I stand in opposition to the motion with the amendment for the reason that the Chairman of the Rules Committee has read the Enabling Act, knows that there are many things which this Convention must further decide with respect to this issue, and is concerned with those problems. The President made reference to these things. I think the resolution, as we have submitted it, speaks to the primary issue. There are other things with which we are charged, and I think, once we make this basic decision, can undertake the development and exploration of those matters to the extent that there will be no indecision, there will be nothing unclear about this entire matter. Thus, I suggest that we defeat the motion and get on with the merits of this matter so we don't debate it throughout the entire Convention.

**PRESIDENT GRAYBILL:** Very well. We'll vote on Mr. Furlong's motion to recommit to the Rules Committee Resolution Number 10, with the further addition that the purpose of the recommitment is to clarify the special election problem. All those in favor of the motion to recommit, please say Aye.

**DELEGATES:** Aye.

**PRESIDENT GRAYBILL:** All those opposed, say No.

**DELEGATES:** No.

**PRESIDENT GRAYBILL:** The Noes have it, and the motion fails. All right, we're back on debate. Are there further persons who have not already spoken who wish to be heard on the main motion: namely, to adopt Resolution Number 10 setting June 6th, 1972, as the date of a special election?

(No response)

**PRESIDENT GRAYBILL:** If not, Mr. Murray, you may close.

**DELEGATE MURRAY:** Mr. President, I take this opportunity to close. I appreciate the opinions of my fellow delegates and the concerns that they have. I have heard nothing new that I have not considered and that has not been considered by the members of the Rules Committee and other members or delegates of this Convention. I anticipated that there would be a healthy debate today and that perhaps there might be a little bloodletting, so I wore my pink shirt and plum pants so that I could hide that as best. I appreciate the support of Mr. Kelleher and agree that the convention of his party might truly be a riot. (Laughter)

**PRESIDENT GRAYBILL:** Mr. Murray, don't put me in the position of having to give Mr. Kelleher time to reply.

**DELEGATE MURRAY:** Or personal privilege? I traveled Montana. I think that I know Montanans. They have judged me, and I have judged them. I have faith in their insight and their ability to make quick and intelligent decisions. I think that their selection of all of us as delegates was wise. I can see in this group one of the most intellectual groups of people that I have ever had

the pleasure to work with. It is, indeed, the most hard-working group that I have ever had the pleasure to serve with. I have faith in you as I have faith in your constituents, and I believe that the decision that they make in June, if that is your wish, will be wise-as wise, perhaps, or better than it might be in November or any other date. And that is the reason that I ask that you support this resolution. Thank you.

**PRESIDENT GRAYBILL:** Very well. All those who are in favor of Resolution Number 12, which says: "The revision or alteration of or amendments to the Constitution-Resolution 10—adopted by this Convention shall be submitted to the electors of this state for ratification or rejection at a special election to be held on June 6th, 1972, in conjunction with the primary election to be held on that day." So many as shall be in favor of this Rules Committee Resolution, please say Aye.

**DELEGATES:** Aye.

**PRESIDENT GRAYBILL:** So many as are opposed, please say No.

**DELEGATES:** No.

**PRESIDENT GRAYBILL:** The Ayes have it, and so the resolution passes.

**CLERK HANSON:** Mr. President, Resolution—

**PRESIDENT GRAYBILL:** Wait a minute. Mr. Eskildsen. Just a moment. Okay, Mr. Eskildsen.

**DELEGATE ESKILDSEN:** I move that this Convention direct the Rules Committee to prepare a resolution with specific requirements to assure the separation of the vote, and I do this, as you've been told before, so that we can clear it in all matters with the courts and Attorney General and so forth.

**PRESIDENT GRAYBILL:** I understand Mr. Eskildsen's motion, then, to be that the Convention ask that the Rules Committee prepare another resolution addressing itself to the separateness of these elections so as to clarify for anyone other than this body our position in this matter. Is there discussion on this motion?

Mr. Toole.

**DELEGATE TOOLE:** I can only emphasize

the importance of this with respect to the legal ramifications, and I rise in support of Mr. Eskildsen's motion.

**PRESIDENT GRAYBILL:** Very well. Is there other discussion?

(No response)

**PRESIDENT GRAYBILL:** All in favor of Mr. Eskildsen's motion to ask the Rules Committee to prepare another resolution addressing itself to the separateness of these elections, say Aye.

**DELEGATES:** Aye.

**PRESIDENT GRAYBILL:** Opposed, Nay.  
(No response)

**PRESIDENT GRAYBILL:** The Ayes have it and so ordered. We will stand, for 2 or 3 minutes while we change the tape, at ease.

(Convention at ease at 11:05 a.m.)

(Convention called to order at 11:10 a.m.)

**PRESIDENT GRAYBILL:** The Convention will be in order. Will the Clerk please read Resolution Number 9.

**CLERK HANSON:** Mr. President. (Reading) "Resolution Number 9. A resolution to provide that the Convention shall not recess for longer than 2 days. Section 1: This Convention shall not interrupt its deliberations and work by recessing for any period of time longer than 2 days until it shall have completed its work under Order of Business Number 6. Introduced by the Committee on Rules and Resolutions. Signed: Marshall Murray, Chairman.

**PRESIDENT GRAYBILL:** Mr. Murray.

**DELEGATE MURRAY:** Mr. President, I move that Resolution Number 9 do pass and be adopted.

Mr. President.

**PRESIDENT GRAYBILL:** Mr. Murray.

**DELEGATE MURRAY:** I think that I have pretty well discussed the content and purpose of Resolution Number 9 in my explanation of Resolution Number 10. The Rules Committee and I and, I think, all 14 votes cast by the 14 chairmen of the 14 committees believe that, upon the acceptance of the June 6th, 1972 date, which we have done, that we run a great risk if we should give further

consideration to any type of lengthy recess, because of the time period that we face with respect to that election date. Therefore, we have prepared Resolution Number 9, and I apologize that it is in negative fashion. I wish that we could have brought it out to set a recess, but it wasn't possible to do so in line with our thinking on Resolution Number 10. I therefore urge that the Convention give consideration to not recessing but to keep its momentum and its deliberations going until they have completed their voting on the proposed Constitution or amendments under Order of Business Number 6, which is the final adoption. I anticipate, and the reason that this resolution is drawn in the fashion that it is, that there may be a necessity for taking more than 2 days in the form of a recess after that vote because of the enrolling problem which might arise, and I did not think that we should foreclose that possibility in the form of this resolution, although, quite frankly, it could be reconsidered at any time. Thank you.

**PRESIDENT GRAYBILL:** Very well.  
Mr. Mahoney.

**DELEGATE MAHONEY:** Could we have that motion read again? I don't have it on my desk.

**PRESIDENT GRAYBILL:** Yes. I'll read it, "Section 1: This Convention shall not interrupt its deliberations and work by recessing for any period of time longer than 2 days until it shall have completed its work under Order of Business Number 6." Order of Business Number 6 is adoption of the proposed Constitution. Two days is, of course, the length of our weekend recesses.

**DELEGATE MAHONEY:** That's all.

**PRESIDENT GRAYBILL:** Very well.  
Mr. Schiltz.

**DELEGATE SCHILTZ:** Mr. President, I would like to advise the Convention that if we go to the ballot on June 6th we must have the Constitution signed by April 6th. That means that if we comply with the 9 weeks we're talking about, it will give Style and Drafting 10 days-17 days within which to put the whole thing together. That would be from the 18th of March to the 6th of April. I'm reasonably confident we can do that; however, if the debate this morning on what I consider to be relatively minor items compared with the adoption of the Judicial Article, is any indication, I have no confidence that we're going to finish in 9

weeks. Mr. President sent me a note this morning, saying "What if we get done on the 24th of March; can Style and Drafting finish by April 6th?" I said, "No, but we'll do it." I want to remind you, however, that there is a necessity that we not have any recesses, because we have to get this done so the Style and Drafting can finish its job by the deadline. Thank you.

**PRESIDENT GRAYBILL:** Mr. Toole.

**DELEGATE TOOLE:** Mr. President. As many of the delegates know, I have been strongly in favor of a recess and have expressed myself publicly on the subject. However, in view of the action that was taken with respect to the June 6th election and Mr. Schiltz's remarks, I now favor the Proposal Number-the Resolution Number 9 of Mr. Murray's.

**PRESIDENT GRAYBILL:** Mrs. Reichert.

**DELEGATE REICHERT:** Mr. President. I like to speak in support of Resolution Number 9. When I campaigned, I spoke often of the possibility of a recess during which time we could explain just what we were doing here and so the people would be more aware of our accomplishments. I think now, since we are having Sundays and Mondays off, we can accomplish the same thing each Monday of every week by going home and talking to our people through the news media and through individual contact, so I really support this with great conviction.

**PRESIDENT GRAYBILL:** Other discussion?

(No response)

**PRESIDENT GRAYBILL:** Mr. Murray.

**DELEGATE MURRAY:** There being no further discussion, Mr. President, I waive my right to close.

**PRESIDENT GRAYBILL:** Very well. The issue, then, is on the adoption of Resolution Number 9 proposed by the Rules Committee, the purpose of which is to say that we may not recess for longer than 2 days until we've completed drawing up the Constitution and adopting it under Order of Business Number 6. So many as shall be in favor of that resolution, please say Aye.

**DELEGATES:** Aye.

**PRESIDENT GRAYBILL:** Opposed, No.

**DELEGATES:** (No response)

**PRESIDENT GRAYBILL:** Passed. Very well. We'll pass on to Order of Business Number—

**CLERK HANSON:** —8.

**PRESIDENT GRAYBILL:** -8, Unfinished Business.

**CLERK HANSON:** None.

**PRESIDENT GRAYBILL:** Mr. Blaylock.

**DELEGATE BLAYLOCK:** Mr. Chairman, on moving these delegate proposals—that has to be done under Order of Business Number 7, doesn't it—from one committee to another?

**PRESIDENT GRAYBILL:** You—you'd like to be—we'll still be on Order of Business Number 7; yes, sir.

**DELEGATE BLAYLOCK:** Thank you. Mr. Chairman, I should like to move, as Vice-Chairman of the Bill of Rights Committee, and I have cleared this with the Chairman of the Judiciary Committee, to move Delegate Proposal Number 163, by Sullivan, to the Bill of Rights Committee.

**PRESIDENT GRAYBILL:** That's from—

**DELEGATE BLAYLOCK:** From the Judiciary to the Bill of Rights Committee. Delegate Proposal Number 163.

**PRESIDENT GRAYBILL:** And where is it now?

**DELEGATE BLAYLOCK:** It's in Judiciary.

**PRESIDENT GRAYBILL:** And you're speaking as an author of that? I'd like to—

**DELEGATE BLAYLOCK:** No, I'm speaking as Vice-Chairman of the Bill of Rights Committee. The author of this proposal asked me if I could have it moved to the Bill of Rights Committee from Judiciary.

**PRESIDENT GRAYBILL:** All right. Now, have you discussed this with the Bill of Rights—with the Judiciary Committee?

**DELEGATE BLAYLOCK:** I discussed it with the Chairman, and he was agreeable.

**PRESIDENT GRAYBILL:** Mr. Holland, are you here?

**UNIDENTIFIED:** He just stepped out.

**PRESIDENT GRAYBILL:** Okay. And Mrs. Pemberton, you don't know about this?

**DELEGATE BLAYLOCK:** No—Mrs. Sullivan.

**PRESIDENT GRAYBILL:** The reason I'm raising this point, Mr. Blaylock, is that in each case where we've done this, the Chair has required that the party having it move it, and I'm perfectly happy that you do it if it's all right with Judiciary. I just want to be sure it's all right with Judiciary. Mrs. Pemberton.

**DELEGATE PEMBERTON:** It isn't working—yes, it is. If Mr. Blaylock and Mr. Holland talked about this, the Judiciary will accept the proposal.

**PRESIDENT GRAYBILL:** Very well. Judiciary will agree; and Mr. Blaylock, your motion is to move Delegate Proposal Number 163 from Judiciary to Bill of Rights. Is that correct?

**PRESIDENT GRAYBILL:** Very well. You've heard the motion of Mr. Blaylock to move Delegate Proposal 163 from Judiciary to Bill of Rights. All in favor, say Aye.

**DELEGATES:** Aye.

**PRESIDENT GRAYBILL:** Opposed? (No response)

**PRESIDENT GRAYBILL:** So ordered. Now, we'll go to Order of Business Number 8, Unfinished Business.

**CLERK HANSON:** None.

**PRESIDENT GRAYBILL:** Order of Business Number 9, Special Orders.

**CLERK HANSON:** None.

**PRESIDENT GRAYBILL:** Number 10, General Orders.

**CLERK HANSON:** None.

**PRESIDENT GRAYBILL:** Number 11, Committee Announcements and Notices. The committee schedule is there before you, and we've

encroached upon some of the time of the morning meetings, but I think we can go ahead as soon as we're through.

Mr. Joyce.

**DELEGATE JOYCE:** Mr. President, I will not do this as a general rule, but the Executive Committee is holding a public hearing this afternoon at 1:30 on the entire Executive Article. This is the first public hearing we have had. If anybody has any views, please come to that public hearing this afternoon and give us the benefit of them. We've had very few proposals, as such, to our committee. And we want to get the thinking of the delegates, so I urge you to come this afternoon. I'll give no further special commercials for the Executive Committee hereafter, and I would like the committee to meet in the committee room 10 minutes after adjournment so we might prepare for our public hearing this afternoon. Thank you, Mr. President.

**PRESIDENT GRAYBILL:** Very well.  
Mr. Aasheim.

**DELEGATE AASHEIM:** The Legislative Committee immediately on adjournment.

**PRESIDENT GRAYBILL:** Mr. Champoux.

**DELEGATE CHAMPOUX:** There is a correction in the Convention schedule. Education and the Bill of Rights Committee will hold a joint hearing in the Senate chamber 5 minutes after adjournment of this meeting. Thank you. On equal educational opportunities.

**PRESIDENT GRAYBILL:** Very well. A joint hearing with Bill of Rights, is that right?

**DELEGATE CHAMPOUX:** Right.

**PRESIDENT GRAYBILL:** Very well.  
Other committee announcements?  
Mr. Murray.

**DELEGATE MURRAY:** Mr. President, Rules will not be meeting next week unless we have a formal request on the subject that I am about to announce. The President, in his wisdom, has referred certain proposals-and I know them not by number-jointly to two committees or more. The question has arisen as to which committee has the primary responsibility for those proposals relative to the vote thereon and the problem of drafting. Rules Committee met briefly on this question this morning, and we have informally

decided-we will decide formally if the matter is pressed further-that each committee to which a matter has been jointly referred has as much responsibility to take action within that committee on that particular proposal as has the other or other committees to which it has been jointly referred. Therefore, each committee should take independent action on that particular proposal.

**PRESIDENT GRAYBILL:** Mr. Murray, that's your thinking at the time-at the moment. The Chair would like to point out that it's his thinking that the two committees could agree as to what is going to be done and if they can't agree, that, then, is the time to notify the Chair and he will notify the Rules Committee to settle the argument. But it's my purpose that when you have joint hearings, naturally you do the best you can to solve where the issue should be handled and on what basis. Doesn't seem to me that it does us much good to insist on each coming up with a separate article if, in fact, we can agree on one article. But if you can't agree, then we'll get it to the Rules Committee and let them help you agree. Is that inconsistent with your thinking, Mr. Murray?

**DELEGATE MURRAY:** No, it is a further explanation of my thinking. The problem only arises where they cannot agree.

**PRESIDENT GRAYBILL:** Right. Allright.  
Other committee announcements?  
(No response)

**PRESIDENT GRAYBILL:** We have only a couple other announcements. First of all, I would like to congratulate all of the delegates who participated in getting information back on what they are doing in their local districts that's on the pink sheet you see. I think many of you have done an excellent job in helping the public information people get the word out and are doing a good job. Some of those-of us-who have not done anything might look at that and take heart and maybe do something. Secondly, at a meeting of the committee chairmen yesterday, it was the sense of the meeting that the Chair call next week's Convention sessions for 9:00 a.m. instead of 9:30, the purpose being to allow you more quickly to get into committee hearings in the morning, since the afternoons will be taken up with the formal hearings. Therefore, this is notice to the entire body that next week we will meet at 9:00 a.m. daily instead of 9:30. Furthermore, I'm sure you're all aware, but I

will remind you, that next week the formal hearings begin—one every afternoon and one every evening. General Government leads off on Tuesday afternoon and Legislature on Tuesday evening. One of the purposes of these meetings is that you delegates will have a chance to hear a summary hearing review of information in other committees. The Chair has asked the committee chairmen not to schedule committee meetings opposed-at the same time or in conflict with these meetings except in cases of emergency, which we're perfectly willing to interpret rather broadly. But, in other words, basically we should all try to attend as many of those hearings as possible to get the sense of what has gone on. Now, the reason for that, in the Chair's opinion, is so that much of the information which may be rather basic can be gathered by delegates in these formal hearings, and we will not have a great deal of extra questions asked and extra bickering about minor matters that are really clearly settled by the committee when we get to debate. So, in other words, if we will attend most of these hearings, I think we may help ourselves at the debate stage. Furthermore, the Chair would like to suggest to the delegates what I have already suggested to your chairmen, but maybe you can help your chairmen. In view, especially, of your action this morning in setting a June 6th date for submission to the public, it becomes—and also in view of your action in not having a recess—I think it becomes critical to get as much public reaction to some of the language which you committees are going to propose. We've asked that drafts of the committee work be prepared and available as early as possible, but at least at the time you hold your formal hearing. The purpose of this is to get some public reaction to your drafts. If we had had a recess, this would have been easily accomplished in the field, but since we're not having a recess, I think it becomes crucial that we get these drafts out—even get the drafts into the papers so people can see what we're talking about, so that you have a chance for a reaction to your absolutely drafted language before you end up with your final committee proposal. So, will the delegates please assist their chairmen and their research associates in accomplishing that purpose. Are there further announcements?

Mr. Clerk.

**CLERK HANSON:** Mr. President, the auditor's office has advised us again that their office will be open from 10:00 until 2:00 today for the purpose of delegates receiving checks.

**PRESIDENT GRAYBILL:** Mr. Mahoney.

**DELEGATE MAHONEY:** Mr. President, I'm at a loss now in listening to your explanation of how these hearings are going to be held. Is this going to be a public forum or is this going to be for information to the committee? I mean, I got a little lost. Could we have—understand how these hearings that are going to be held—how is this going to be done?

**PRESIDENT GRAYBILL:** Very well. Mr. Mahoney, we did discuss this at committee meeting yesterday, and I'll be glad to review what I consider the important parts of it, which I shared with the chairmen, and I think many of them agreed. This, of course, is an explanation of how we now conceive the hearings that Rule 38 requires, which Mr. Romney put into the rules, and it seems to me we have four purposes of these hearings. One is to allow the other delegates to hear the major issues that have been discussed in a given committee. In other words, it's a summary and a pulling together of the main issues that have been considered by that committee. Secondly, I confess that it's an excuse for the President to require the committee to pull itself together, and that's why I'm asking for these drafts, also; and it gives the committee a chance to determine among itself what the main issues are and to pull them together. Third, it is designed to elicit both committee opinions on both sides of the major issue, plus opinions of past witnesses or additional witnesses that may wish to come in on these issues. It is the last chance under our rules for the public to make what we call "citizen suggestions"; that is, they may come and approach the committee for the last time at these hearings. And, fourth, it is a means by which this Convention, through its committees, can further publicize the main issues that will be involved in the Constitutional document. So, those four issues are involved and I think the input can be committee member, can be witness—that is, invited witness—could be uninvited but public witnesses that might come. All of those places could be used and the committee is in complete charge of how they structure their hearing, but at least those things could be done.

Mr. Mahoney.

**DELEGATE MAHONEY:** I'm just wondering, in the amount of time that they will have to go in—now, in the committee that I am on, and there's eight of us, with the labor, welfare, institutions and corporations. Now, this is what's bothering me, Mr. Chairman: how should the com-

mittee-will they give time-1 understand under rules that the committee has part of this, and I'm just wondering if the committee is going to make any discussion, and then we find all of these other people making a discussion-I think we're going to have to have some kind of rules laid down for each committee to operate so that we're all kind of running in the same system in here. Now, maybe I'm wrong, Mr. Chairman.

**PRESIDENT GRAYBILL:** Well, I think you have an excellent point that it's difficult to put into 3 or 4 hours of hearings everything that your committee has considered, but the fact that it's difficult doesn't seem to me to mean that we shouldn't try and that we don't really have to, and we did discuss it with your chairmen, and why don't you and your committee address yourself to the problem which I think you have properly raised.

Mrs. Bugbee.

**DELEGATE BUGBEE:** Mr. Chairman, is there going to be a-have you talked about having a format in front of us that we can follow?

**PRESIDENT GRAYBILL:** At these hearings?

**DELEGATE BUGBEE:** Yes.

**PRESIDENT GRAYBILL:** I know of no specific format.

**DELEGATE BUGBEE:** May—

**PRESIDENT GRAYBILL:** If the committee chairmen want to, we can have another meeting and try and develop one, but I think it's up to—I think there are differences. Some of these committees have a lot of public witnesses, some of them have hardly any; and I think it would be hard to develop a uniform format, Mrs. Bugbee, but we can try.

**DELEGATE BUGBEE:** May I suggest that it would be very helpful if we could have the present Constitution in front of us and that the other data on the draft be related to the present Constitution and that we have something to read backwards and forwards so that we know what we're doing in relationship to the present Constitution-why they've taken something out; why they want something new-that there be an explanation there in front of us that we can read in addition to hear. I think we'd learn more faster if this

could be done by the committees. Thank you, Mr. President.

**PRESIDENT GRAYBILL:** Well, I think your point is well taken, but this is the purpose of this draft which should, of course, disclose such a thing, and it'll be different in different committees. Some committees have practically no Constitution to consider, others have great chunks to reenact, and others have great chunks to throw out; and it's kind of a hard thing to formalize. Is there other discussion about the formal hearings which will take place next week in the afternoon and evening?

(No response)

**PRESIDENT GRAYBILL:** If not, Mr. Eskildsen-oh, wait a minute-Mr. Heliker.

**DELEGATE HELIKER:** Mr. President, consideration of the hour and the fact that the Public Health Committee has scheduled a hearing for 1 o'clock, I'd like to announce that we will cancel the morning hearings and convene hearing at 1 o'clock and continue until all witnesses wishing to be heard have been heard.

**PRESIDENT GRAYBILL:** Very well. Mr. Rygg.

**DELEGATE RYGG:** Because of the lateness of the hour, I would like to announce Revenue and Finance for 1 o'clock instead of 1:30.

**PRESIDENT GRAYBILL:** Revenue and Finance at 1:00 instead of 1:30. Mrs. Cross.

**DELEGATE CROSS:** I would like to announce that the hearing for the Natural Resources has been moved to the Judiciary room this afternoon. Also, there will be a very short meeting upon adjournment this morning.

**PRESIDENT GRAYBILL:** You mean the hearing on the Department of Agriculture will be in the Judiciary room this afternoon?

**DELEGATE CROSS:** Yes.

**PRESIDENT GRAYBILL:** 1:00? 2:00?

**DELEGATE CROSS:** 1:30.

**PRESIDENT GRAYBILL:** 1:30. Very well,

**DELEGATE CROSS:** Thank you, Mr. President.

**PRESIDENT GRAYBILL:** Mrs. Blend.

**DELEGATE BLEND:** Mr. President, Local Government will meet immediately upon recess.

**PRESIDENT GRAYBILL:** Okay  
Mr. Eskildsen.

**DELEGATE ESKILDSEN:** Mr. President, I move, pursuant to the general powers vested in Montana Constitutional Convention and accordance with provisions of Section 7(6) of the Enabling Act, Chapter 297 [296], Laws 1971, the Montana Constitution Convention shall recess temporarily until 9:00 a.m., on Tuesday, February the 8th, 1972.

**PRESIDENT GRAYBILL:** All in favor of recessing the Convention temporarily until Tuesday morning at 9:00, please say Aye.

**DELEGATES:** Aye.

**PRESIDENT GRAYBILL:** Opposed, Nay.  
(No response)

**PRESIDENT GRAYBILL:** So ordered

(Convention recessed at 11:32 a.m.)

**February 8, 1972**  
**9:10 a.m.**

**Nineteenth Day**

**Convention Hall**  
**Helena, Montana**

**PRESIDENT GRAYBILL:** We'll begin today with the Pledge of Allegiance, and I have asked Delegate Bill Artz to lead us. Will you please rise.

**DELEGATE ARTZ:** (With delegates participating) I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands; one Nation, under God, indivisible, with liberty and justice for all.

**PRESIDENT GRAYBILL:** If you'll remain standing, Delegate Burkhardt will give us the invocation.

**DELEGATE BURKHARDT:** Let us pray. We would pause in a moment of reverence, O, God, as we begin another week. We would find the eye of calm at the center of life's storm. May we reflect on ancient words and the reality behind them. Those who wait upon the Lord shall renew their strength. They shall mount up with wings as eagles. They shall run and not be weary. They shall walk and not faint. Amen.

**PRESIDENT GRAYBILL:** We'll take the roll this morning by voting Aye on the voting machines.

**CLERK HANSON:** Delegate Choate, Delegate Conover, Delegate Driscoll, Delegate Drum, Delegate Felt, excused; Delegate Kamhoot, excused; Delegate Kelleher, excused; Delegate Loendorf, Delegate Rebal.

**PRESIDENT GRAYBILL:** Very well. Will the clerk take the automatic roll?

Aasheim	Present
Anderson, J.	Present
Anderson, O.	Present
Arbanas	Present
Arness	Present
Aronow	Present
Artz	Present
Ask.	Present
Babcock	Present
Barnard	Present
Bates	Present
Belcher	Present
Berg	Present
Berthelson	Present
Blaylock	Present
Blend	Present

Bowman	Present
Brazier	Present
Brown	Present
Bugbee	Present
Burkhardt	Present
Cain	Present
Campbell	Present
Cate	Present
Champoux	Present
Choate	Present
Conover	Present
Cross	Present
Dahood	Present
Davis	Present
Delaney	Present
Driscoll	Present
Drum	Present
Eck	Present
Erdmann	Present
Eskildsen	Present
Etchart	Present
Felt	Excused
Foster	Present
Furlong	Present
Garlington	Present
Graybill	Present
Gysler	Present
Habedank	Present
Hanson, R. S.	Present
Hanson, R.	Present
Harbaugh	Present
Harlow	Present
Harper	Present
Harrington	Present
Heliker	Present
Holland	Present
Jacobsen	Present
James	Present
Johnson	Present
Joyce	Present
Kamhoot	Excused
Kelleher	Excused
Leuthold	Present
Loendorf	Present
Lorello	Present
Mahoney	Present
Mansfield	Present
Martin	Present
McCarvel	Present
McDonough	Present
McKeon	Present
McNeil	Present

Melvin .....	Present
Monroe .....	Present
<b>Murray..</b> .....	.. Present
Noble .....	Present
Nutting .....	Present
Payne .....	Present
Pemberton .....	Present
Rebal .....	Present
Reichert .....	Present
Robinson .....	Present
Roeder .....	Present
Rollins., .....	Present
Romney .....	.. Present
Rygg .....	Present
Scanlin .....	Present
Schiltz .....	Present
Siderius .....	Present
Simon .....	Present
Skari .....	.. Present
Sparks .....	Present
Spew.. .....	.. Present
Studer .....	.. Present
Sullivan .....	Present
Swanberg .....	Present
Toole .....	Present
Van Buskirk .....	Present
Vermillion .....	Present
Wagner .....	Present
Ward .....	.. Present
Warden .....	Present
Wilson,, .....	Present
Woodmansey .....	Present

**CLERK HANSON:** Mr. President, 97 delegates present, 3 excused.

**PRESIDENT GRAYBILL:** Very well. The journal may so show.

Order of Business Number 1, Report of Standing Committees.

**CLERK HANSON:** None.

**PRESIDENT GRAYBILL:** Order of Business Number 2, Report of Select Committees.

**CLERK HANSON:** None.

**PRESIDENT GRAYBILL:** Order of Business Number 3, Communications.

**CLERK HANSON:** "February 7, 1972. Honorable Leo C. Graybill, President, Montana Constitutional Convention, Capitol, Helena, Montana, 59601. Dear Mr. President: In accordance with the provisions of section 15(2), Extraordinary

Senate Bill No. 6, Chapter Extraordinary No. 1, Laws of Montana 1971, the licenses of the following lobbyists have been suspended as of February 7, 1972, for failure to file statements of expense within the period specified by law. License No. 27-72, Ellis, Robert A.; License No. 37-72, Mitchell, Carol A.; License No. 38-72, Francis Mitchell; License No. 53-72, Heard, Edward; License No. 56-72, Davis, Kenneth H.; License No. 69-72, McCathy, Maurice; License No. 71-72, Smith, David A.; and License No. 72-72, Ellard, Robert A. Sincerely yours, Frank Murray, Secretary of State."

**PRESIDENT GRAYBILL:** I am informed that this means that these people haven't filed their financial statements and they must so file them to be reinstated. And we'll post this on the bulletin board, and then you'll all know which lobbyists can't talk to you. (Applause) Are there other communications?

**CLERK HANSON:** None, sir.

**PRESIDENT GRAYBILL:** Introduction and Reference of Proposals.

**CLERK HANSON:** None.

**PRESIDENT GRAYBILL:** Final Consideration.

**CLERK HANSON:** None.

**PRESIDENT GRAYBILL:** Number 6, Adoption of Proposed Constitution Ballots.

**CLERK HANSON:** None.

**PRESIDENT GRAYBILL:** Number 7, Motions and Resolutions.

**CLERK HANSON:** None.

**PRESIDENT GRAYBILL:** Any motions from the floor? Number 8, Unfinished Business.

**CLERK HANSON:** None.

**PRESIDENT GRAYBILL:** Number 9, Special Orders of the Day.

**CLERK HANSON:** None.

**PRESIDENT GRAYBILL:** Number 10, General Orders of the Day.

**CLERK HANSON:** None, sir.

**PRESIDENT GRAYBILL:** Number 11, Committee Announcements and Notices. First of all, I would like to announce that there will be a special meeting of the Administration Committee immediately upon adjournment in the Rules Committee room. We'd like all the members of the Administration Committee to be at that special meeting immediately upon adjournment in the Rules Committee room. Now, because we are printing today's daily schedule, I don't believe you have it, do you? Oh, well, I guess the Chair is the only one that doesn't have it. Very well. At least you have those announcements. I am sure you're aware that I think, General Government's formal hearing is at 1:30. Is that correct, Mr. Etchart? And, I believe, Legislative Committee's formal hearing's at 7 o'clock; is that right, Mr. Aasheim? All right. Those are the two main hearings today, and they show on the daily schedule. Are there other committee announcements?

Mr. Aasheim.

**DELEGATE AASHEIM:** Mr. President and delegates, the Legislative Committee has drawn up its temporary draft, and sometime today, you will have a copy on your desks. Now, our procedure this evening at 7 o'clock will be to present a brief summary of this draft to the people who are here, and we will explain it as clearly as we possibly can. People who come from distance will be allowed to testify first, and then we will invite you delegates to give testimony for or against our proposal. We understand this hearing tonight is for our benefit, to draw a final draft, which will be most acceptable to the delegates. By the way, our committee will meet at 10:10 this morning.

**PRESIDENT GRAYBILL:** Mr. Heliker.

**DELEGATE HELIKER:** I'd like the Public Health Committee members to meet right after adjournment in 428-A, where we will hear a couple of witnesses on consumer protection. We will probably then move to the Highway Department auditorium and, to correct the schedule, we are hearing today on consumer protection and on public utility regulation, and we'll also hear the sponsors of the proposals on minimum wage and compulsory arbitration.

**PRESIDENT GRAYBILL:** Mr. Holland.

**DELEGATE HOLLAND:** Judiciary, 10 minutes after adjournment.

**PRESIDENT GRAYBILL:** Mrs. Blend.

**DELEGATE BLEND:** Local Government will meet 15 minutes after adjournment, room 437.

**PRESIDENT GRAYBILL:** Mr. Joyce,

**DELEGATE JOYCE:** The Executive Committee-I would like to correct the daily schedule, which shows that the Executive Committee will meet with the Board of Education at 2:00 p.m. The request of the Board of Education, we will meet at 11 o'clock this morning with that Board of Education in the Governor's reception room, and, for the committee members, the committee will meet 15 minutes after adjournment in the committee room.

**PRESIDENT GRAYBILL:** Mrs. Cross.

**DELEGATE CROSS:** The Natural Resources Committee will meet 15 minutes after adjournment, and if there are any delegates who will have time to testify on their proposals, who have not already done so, and if you are free, you can do so at this time.

**PRESIDENT GRAYBILL:** Mr. Rygg.

**DELEGATE RYGG:** A little error on the sheet here. The Revenue and Finance is at 10 o'clock, but it'll be in our regular room, and we will be hearing delegate proposals.

**PRESIDENT GRAYBILL:** Mr. Champoux.

**DELEGATE CHAMPOUX:** Education Committee, 10 minutes after adjournment, and at that time, if any delegates wish to testify on their proposals, they may do so. Thank you.

**PRESIDENT GRAYBILL:** Mr. Dahood.

**DELEGATE DAHOOD:** The Bill of Rights will meet in the committee room 15 minutes after adjournment.

**PRESIDENT GRAYBILL:** Mrs. Babcock.

**DELEGATE BABCOCK:** Mr. Chairman, I am very happy to announce that our first scheduled tour will take place this afternoon at 3:30. I would also like to take this opportunity to tell the Great Falls delegates that it's a group from your town-Mrs. McCabe with the Junior League of Great Falls. We're certainly happy to have them come. Mr. Aasheim has been assigned to give them a 10-minute talk. Thank you.

**PRESIDENT GRAYBILL:** Which he will prepare immediately. (Laughter)  
Mr. Martin.

**DELEGATE MARTIN:** Mr. President, the subcommittee of the Public Information Committee would be glad to assist any of the delegates who are sending releases, particularly to the weekly papers. There are two young people—interns Mark Bowlds and Kitty Sullivan—who will be glad to be of any service that they can to any delegate who requests it. If there are some who would like that kind of assistance, if they would come over toward my desk right after recess, I'll see that they get in touch with these people.

**PRESIDENT GRAYBILL:** Are there other announcements? Very well. The bells are being put around. I've given permission for the bells from the schools to be put around on your desks.

We will adjourn; and there's one minor, short matter upon adjournment-off the records-so will you please remain seated for one moment after adjournment.

Mr. Eskildsen.

**DELEGATE ESKILDSEN:** Mr. President, I move we stand adjourned until Wednesday, February 9th, 9:00 a.m., 1972.

**PRESIDENT GRAYBILL:** Very well. All in favor of adjourning till Wednesday at 9:00 a.m., please say Aye.

**DELEGATES:** Aye.

**PRESIDENT GRAYBILL:** Opposed, Nay.  
(No response)

**PRESIDENT GRAYBILL:** So ordered.

(Convention adjourned at 9:22 a.m.)

February 9, 1972  
9:05 a.m.

Twentieth Day

Convention Hall  
Helena, Montana

**PRESIDENT GRAYBILL:** Will the Convention be in order, and will the pages stop distributing? If you'll all stand, Delegate Harbaugh will lead us in an invocation.

**DELEGATE HARBAUGH:** Let us pray. Almighty God, we thank You for the nameless people who, through the centuries, have preserved Your word. Make us mindful this day of those who work behind the scenes and who are hidden from the limelight and, especially, we ask You to guard and care for those on the staff of our Convention today who record and who file and without whose work, we would lose track of ourselves and slip into confusion. Grant to each of us the humble realization that, as we are faithful to our assigned task, we remain faithful to Your holy purpose. Amen.

**PRESIDENT GRAYBILL:** We'll take the roll today by voting Aye on the voting machines. Mrs. Babcock.

**DELEGATE BABCOCK:** Mrs. Pemberton asked if she would be excused for a few moments.

**PRESIDENT GRAYBILL:** Mrs. Pemberton is here and can be excused. Mr. Aronow is here and can be excused. Mr. Artz is coming.

**CLERK HANSON:** Delegate Dahood, Delegate Leondorf, Delegate Aronow, Delegate Blend, Delegate Felt and Delegate Pemberton, excused.

**PRESIDENT GRAYBILL:** Very well. We take the automatic roll.

Aasheim	Present
Anderson, J.	Present
Anderson, O.	Present
Arbanas	Present
Arness	Present
Aronow	Excused
Artz	Present
Ask	Present
Babcock	Present
Barnard	Present
Bates	Present
Belcher	Present
Berg	Present
Berthelson	Present
Blaylock	Present
Blend	Present
Bowman	Present

Brazier	Present
Brown	Present
Bugbee	Present
Burkhardt	Present
Cain	Present
Campbell	Present
Cate	Present
Champoux	Present
Choate	Present
Conover	Present
Cross	Present
Dahood	Present
Davis	Present
Delaney	Present
Driscoll	Present
Drum	Present
Eck	Present
Erdmann	Present
Eskildsen	Present
Etchart	Present
Felt	Excused
Foster	Present
Furlong	Present
Garlington	Present
Graybill	Present
Gysler	Present
Habedank	Present
Hanson, R. S.	Present
Hanson, R.	Present
Harbaugh	Present
Harlow	Present
Harper	Present
Harrington	Present
Heliker	Present
Holland	Present
Jacobsen	Present
James	Present
Johnson	Present
Joyce	Present
Kamhoot	Present
Kelleher	Present
Leuthold	Present
Loendorf	Present
Lorello	Present
Mahoney	Present
Mansfield	Present
Martin	Present
McCarvel	Present
McDonough	Present
McKeon	Present
McNeil	Present
Melvin	Present

Monroe .....	Present
Murray.. .....	Present
Noble .....	Present
Nutting .....	Present
Payne .....	Present
Pemberton .....	Excused
Rebal .....	Present
Reichert .....	Present
Robinson .....	Present
Roeder .....	Present
Rollins .....	Present
Romney .....	Present
Rygg .....	Present
Scanlin .....	Present
Schiltz .....	Present
Siderius .....	Present
Simon .....	Present
Skari .....	Present
Sparks .....	Present
Speer .....	Present
Studer .....	Present
Sullivan .....	Present
Swanberg .....	Present
Toole .....	Present
Van Buskirk .....	Present
Vermillion .....	Present
Wagner .....	Present
Ward .....	Present
Warden .....	Present
Wilson. ....	Present
Woodmansey .....	Present

**CLERK HANSON:** Mr. President, 96 delegates present, 4 excused. [Editor's note: The above vote shows 97 present, 3 excused.]

**PRESIDENT GRAYBILL:** Very well. That's a quorum, and the journal will so show. Order of Business Number 1, Reports of Standing Committees.

**CLERK HANSON:** None.

**PRESIDENT GRAYBILL:** Number 2, Reports of Select Committees.

**CLERK HANSON:** None.

**PRESIDENT GRAYBILL:** Number 3, Communications.

**CLERK HANSON:** "February 9, 1972. Honorable Leo C. Graybill, President, Montana Constitutional Convention, Capitol, Helena, Montana. Dear Mr. President: In accordance with the provisions of Section 15(2), Extraordinary Senate

Bill No. 6, Chapter Extraordinary No. 1, Laws of Montana 1971, the licenses of the following lobbyists have been reinstated as of February 8, 1972: Mitchell, Francis; Mitchell, Carol A.; Smith, David A. Sincerely yours, Frank Murray, Secretary of State." That is all, sir.

**PRESIDENT GRAYBILL:** Order of Business Number 4, Introduction and Reference of Delegate Proposals.

**CLERK HANSON:** None.

**PRESIDENT GRAYBILL:** Order of Business Number 5, Final Consideration.

**CLERK HANSON:** None.

**PRESIDENT GRAYBILL:** Order of Business Number 6, Adoption.

**CLERK HANSON:** None.

**PRESIDENT GRAYBILL:** Order of Business Number 7, Motions and Resolutions. Are you going to read this? All right.

**CLERK HANSON:** "February 9, 1972. Committee Reassignments. Under Rule No. 34, the President makes the following reassignments: (1) John Toole and Bruce Brown will leave the Public Information Committee. This move is by request from Mr. Toole and Mr. Brown. (2) Bruce Brown is hereby appointed to Administration Committee. (3) Margaret Warden is hereby appointed Chairman of Public Information Committee. (4) Fred Martin is hereby appointed Vice-President of Public Information Committee. These reassignments result from new administration assignments for the vice-presidents. Signed: Leo Graybill, President."

**PRESIDENT GRAYBILL:** Very well. Because of some reassignments of administrative tasks, we have made these changes, and both the vice-presidents who were on Public Information asked to be taken off of that. Mr. Toole is already the Chairman of Administration, and Mr. Brown went on to Administration, and in their absence, Mrs. Warden is made Chairman of Public Information and Fred Martin is made Vice-Chairman of Public Information. Now, the rules require that this body confirm these committee reassignments-or confirm the committee appointments. Is there any discussion? If not, all in favor of confirming the committee appointments, say Aye.

**DELEGATES:** Aye.

**PRESIDENT GRAYBILL:** Opposed, Nay.  
(No response)

**PRESIDENT GRAYBILL:** So ordered.  
Mr. Champoux, are you ready?

**DELEGATE CHAMPOUX:** At this time, I would like to introduce the pages for this week, and, as I call your name, please stand. Kathy McCleary from Hardin; Joan Stark, Kalispell—she'll be right back; Hertha Feldman from Billings; Dare Clubb from Missoula; Lello Galossi from Whitefish; Leslie Fuehrer from Helena; Dave Dwyer from Great Falls; Ann Billy from Box Elder. We want to welcome you to this Assembly, and Dare Clubb will make the remarks.

**DARE CLUBB:** I would like to take this opportunity to speak for the pages and to thank the delegates for the opportunity to serve at the Constitutional Convention. It is a great learning experience for all of us. I would also, at this time, like to thank Mr. Ray Loman, our Sergeant-at-Arms, for his warm welcome and advice. He is most instrumental in keeping this Convention running smoothly and efficiently. Being very much aware that this government and this new Constitution is going to be handed over to us within the next few years, we are grateful to be a part of this Convention and, indeed, a part of history. Thank you.

(Applause)

**PRESIDENT GRAYBILL:** On behalf of the Convention, we are very happy to have all of you pages, and we appreciate greatly the work you do for us. And before you girls go, you ought to know that we're going to see that today's proceedings, which includes your name, are printed and given to you so you'll have it as a memento of this Convention. Again, we want to thank you.

Under Unfinished Business, the President is happy to announce—well—Mr. Blaylock.

**DELEGATE BLAYLOCK:** Mr. Chairman, I didn't realize you were moving off Motions and Resolutions, and I would like to make a motion if I may.

**PRESIDENT GRAYBILL:** All right, hearing no objection, we'll be back on Motions and Resolutions, Item Number 7.

**DELEGATE BLAYLOCK:** Mr. Chairman

—or Mr. President, I move that substantive committees, by a majority vote, may schedule meetings during the public hearings that have been scheduled under Rule 38 and I should like to speak—

**PRESIDENT GRAYBILL:** All right. If we are going to do that, will you prepare that in writing and get it up here to me? Mr. Murray. Mr. Blaylock, the Chair was trying to determine whether this was a motion to suspend the rules. In my opinion and the opinion of the Rules Committee, there is no rule prohibiting substantive committees from scheduling hearings under Rule 38. I take it your proposed motion does not make it mandatory that they schedule hearings. It's just voluntary. That's the way it is now, and, if I may be allowed to explain the situation, the President and the committee coordinator, Max Baucus, simply have asked that this only be done in emergency situations so that delegates will have more time to attend these hearings. Now, it's perfectly all right with us if you go ahead and do it, but I think that the Chairman and the committee coordinator have only tried to maintain the integrity of the time, if possible. And I have—perfectly willingly debate and discuss this, but I am not sure that it's necessary. Now, if you think it is, just tell me that you want this motion put and we'll debate it.

Mr. Blaylock.

**DELEGATE BLAYLOCK:** Mr. Chairman. My feelings on this—and I don't mean it as any criticism of the President or the committee but, at least in the Bill of Rights, we have many, many delegate proposals to go over. I know some of the people who have put in delegate proposals would like to be heard on their delegate proposals, and at least some of the material that I was listening to yesterday I had heard before. As far as I'm concerned, as a delegate here, we're plowing the same ground. I think it might be interesting or of value to the public, but as a member of a substantive committee, I would rather take the time to get into the material that we must cover if, by a majority vote of that committee—

**PRESIDENT GRAYBILL:** Very well. Your motion will be put to the House. So the motion is that "I move that substantive committees may schedule meetings during the public hearings that have been scheduled under Rule 38." Is there discussion on the motion?

Mr. Heliker.

**DELEGATE HELIKER:** Mr. President. By your ruling, the motion doesn't mean much, I take it. I'd just like to say that I was somewhat dubious about Mr. Romney's proposal, initially, but just speaking for myself, I felt that these two hearings yesterday were extremely valuable. I've learned quite a few things that I didn't know before, and I think it would be most unfortunate if committees, barring emergency or very, very good reasons, would force their members to be away from these general hearings which are, after all, intended mainly to inform the delegates of what's going on. And I think that's exactly what they're accomplishing, and I would hope the delegates attempt to attend as many as possible, as long as possible. Mr. Romney.

**DELEGATE ROMNEY:** I think that the idea of the hearings were to permit people-delegates to sit in and learn what was transpiring within the other committees and, if possible, get people to come in from around the state to testify. I personally think that, as I did at the outset, that it will afford delegates a wonderful opportunity to learn what is going on in committees other than their own. At the time that the Bill of Rights Committee holds its hearings, I am extremely anxious to be able to come and sit in and learn what is going on in that committee.

**PRESIDENT GRAYBILL:** Mrs. Robinson.

**DELEGATE ROBINSON:** Mr. President. I would like to speak in opposition to Mr. Blaylock's motion. I feel that the two Romney hearings that were held yesterday were very beneficial to those who attended. I would hate to see other committees scheduling committee meetings that would conflict with this attempt at getting the entire Convention aware of what's going on. One of the initial purposes of these Romney meetings was to allow for this educational process that will probably cut down a lot of debate in questions that will occur in the Committee of the Whole. And I think we should continue in this fashion, and other committees should only meet in emergencies.

**PRESIDENT GRAYBILL:** Mr. Vermillion.

**DELEGATE VERMILLION:** Like to rise in opposition to Mr. Blaylock's motion. I think that one of the problems with the two meetings yesterday, perhaps, was that they were, I think, a little dull for a lot of people and a little too formal in some respects. If we could get, perhaps, a little

more give-and-take between the committee and some of the delegates so that the delegates could find out more about the thinking behind some of the committee's proposals, they would be beneficial, and I would hope that we wouldn't find too many conflicts with other committees meeting at the same time. I think the main idea behind the Romney hearings is well worth following up and that, perhaps, a little less formality in some of the Romney hearings coming up and a little more give-and-take among the delegates-they could prove even more beneficial.

**PRESIDENT GRAYBILL:** Mr. Scanlin.

**DELEGATE SCANLIN:** Mr. President. The thing I objected to yesterday was the repetition of testimony that had already been given, the recalling of witnesses-and we found out nothing new.

**PRESIDENT GRAYBILL:** Mrs. Bugbee.

**DELEGATE BUGBEE:** Mr. President. Would it be possible to give the delegates first priority in questioning the committees in the Romney hearings and then the public, rather than vice versa?

**PRESIDENT GRAYBILL:** If I may speak to that a moment, since this issue has arisen, the rule is Rule 38. On the top of page 16 in your rule book: "each substantive committee shall hold a public hearing, at which time citizens of Montana will be invited to appear and testify and file statements containing their testimony and views upon any and all phases of the proposed Constitution being considered by such committee. Such witnesses may be questioned by the committee members to better elucidate their testimony. All delegates to the Convention, not members of the committee conducting the hearing may attend the hearing as auditors to better inform themselves of the committee's progress." Mrs. Bugbee, this issue came up last night and the rule, and I'm not saying it was a good rule but I'm simply saying that the rule says that this gives the public a last free chance to testify, and I think that the committee chairmen surely should let delegates speak also—or delegates question also-but they should probably do so after the public witnesses are taken care of. Now, that's what the rule says; maybe we should change the rule. But the rule makes it clear we're giving the public a last clear chance at the committee process.

Mr. Mahoney was up next.

**DELEGATE MAHONEY:** Mr. President. I rise in support of the motion of the gentleman from Laurel for the reason yesterday this came up very much in Public Welfare Committee. We were at a meeting. The committee did not recess, and (Inaudible) they said they had to keep in session until we went into session. Now, I don't blame the Chairman; this is the rule. He said we couldn't have any session in the afternoon because we had the other two hearings. Now, I came over and I saw one committee meeting over in the Senate chamber and I wondered what was the deal. In our committee, we have a very top proposal. Everybody should know, it's the Public Utility Bill. We have a lot of witnesses to be heard and more coming all the time. Now, we'd like, in our committee, to get the original witnesses heard, and if this keeps continuing, we're not going to be able to hear all our witnesses. I don't think that Mr. Blaylock has asked anything out of order if a majority of that committee wishes to do it. Then I think the majority of that committee should be allowed—and if it takes the majority of the committee—and I support Mr. Blaylock's motion.

**PRESIDENT GRAYBILL:** Mr. Aasheim.

**DELEGATE AASHEIM:** Mr. President, would Mr. Scanlin yield to a question?

**PRESIDENT GRAYBILL:** Mr. Scanlin?

**DELEGATE SCANLIN:** Yes.

**DELEGATE AASHEIM:** After listening to the testimony last night, would you say the testimony was transparently tautological?

**DELEGATE SCANLIN:** Amen.

**DELEGATE AASHEIM:** Now, may I speak on the motion?

**PRESIDENT GRAYBILL:** The Chair is in doubt, but I think, yes, we'll let you speak on the motion.

**DELEGATE AASHEIM:** Mr. President. I think when we deny the chairman of a committee the right to call his committee into special session and ask them, "Shall we sit down and forego the pleasure of listening to the Romney hearings?", I don't think we're very democratic if we deny them that right.

**PRESIDENT GRAYBILL:** Is there other discussion?

Mr. Studer.

**DELEGATE STUDER:** Mr. Chairman. It isn't very often that I'd get up and support Mr. Blaylock (Laughter), but I do want to say that I think his motion clears this up and will make it so that if a committee does want to have a hearing and is behind and wants to do something, certainly the majority ought to do it. The way it has been, and if we don't adopt this, I think it's up to—the Chairman can even call a meeting any time he wants to and it'll just raise maybe a little rumpus, because maybe half a dozen of the committee would like to go to the Romney hearings but the Chairman, by himself, can call a meeting, the way it now stands. This clarifies the rule. I support his motion.

**PRESIDENT GRAYBILL:** Mr. Siderius.

**DELEGATE SIDERIUS:** Mr. Chairman, I don't very often support Mr. Studer, but this time I will. (Laughter)

**PRESIDENT GRAYBILL:** I didn't realize we had made so many quick alliances here.

Mrs. Bates.

**DELEGATE BATES:** Again, I don't very often disagree with Charlie Mahoney, but this time I do. I feel that these hearings were set up for the benefit of all of us to have a better understanding of what is taking place within the committees and give us the information. Also, they've been publicized all over the State of Montana. I anticipate witnesses coming from far and near, and I think these people should have the opportunity to be heard in a House of the Whole Committee. Thank you.

**PRESIDENT GRAYBILL:** Mr. James.

**DELEGATE JAMES:** Before Mrs. Bates spoke, I was going to say the preceding comments showed there's a little bit of good in all of us.

**PRESIDENT GRAYBILL:** Mr. Dahood.

**DELEGATE DAHOOD:** Mr. President. I'm satisfied that the committee chairmen are not going to take advantage of the situation to a point where the members of the committee cannot attend Romney hearings. What we are thinking about is simply this: that perhaps the meeting might be held in abeyance for an hour. We can attend the Romney hearing, receive the report of the committee, and then schedule a meeting of our committee if there is work that requires our attention at that time. Consequently, I do support the motion of Mr. Blaylock (Inaudible).

**PRESIDENT GRAYBILL:** Is there other discussion?

**CLERK HANSON:** Mr. President, may the journal show Mrs. Blend present, please?

**PRESIDENT GRAYBILL:** Mrs. Blend, you may be shown present.

**DELEGATE BLEND:** (Inaudible)

**PRESIDENT GRAYBILL:** Well, we are just acknowledging you, Mrs. Blend.  
Mr. Joyce.

**DELEGATE JOYCE:** I'm a little confused in this respect. It seems to me that if the fact is that the rule does not prohibit what Mr. Blaylock wants to do at this time, I can't see what kind of a meaningful vote we can get on the motion. I mean, a yes vote permits intervening committee meetings and a no vote would do the same. I mean—what's the point?

**PRESIDENT GRAYBILL:** Is there any further discussion? Before we vote, the Chair would ask your indulgence to simply point out again that it is not my idea nor Mr. Baucus' idea to stop any committee chairman from having a meeting if he must have one. We have, I will admit, tried to hold them to a minimum so that we could get a little better attendance and so that we could learn a little more at the Romney hearings, but we'll be guided by whatever you do, in any event. Is there any other discussion? All right, all in favor of the motion—the motion is that “the committee chairmen may schedule substantive committee meetings during the public hearings scheduled under Rule 38.” Mr. Aronow, we recognize your presence and you may vote. All in favor of the motion, say Aye.

**DELEGATES:** Aye.

**PRESIDENT GRAYBILL:** Opposed, No.

**DELEGATES:** No.

**PRESIDENT GRAYBILL:** The Ayes have it, and we will so order.  
Mr. Holland.

**DELEGATE HOLLAND:** Mr. President. Previously, Delegate Proposal Number 133 was referred jointly to the Bill of Rights Committee and Judiciary Committee. I talked to the sponsors of the bill and they desire to have it in Bill of Rights only. I've talked to Mr. Dahood, the Chairman of

the committee, he desires to have it in there only. I, therefore, move that this be referred out of the joint committee to the Bill of Rights Committee alone.

**PRESIDENT GRAYBILL:** You've heard the motion to move Delegate Proposal Number 133 from a joint hearing between Judiciary and Bill of Rights to Bill of Rights alone. All in favor, say Aye.

**DELEGATES:** Aye.

**PRESIDENT GRAYBILL:** Opposed, No.  
(No response)

**PRESIDENT GRAYBILL:** So ordered.  
Mr. Swanberg.

**DELEGATE SWANBERG:** Mr. President, getting back to this Romney hearing situation, I would first like to commend the General Government Committee on what I think is a splendid job on Article IX. And I think if the entire Constitution shows this kind of craftsmanship, we're going to come out of this set of hearings with a greatly improved State Constitution. At this hearing, however, it became evident, to me anyway, that perhaps some attention in these Romney hearings should be given to the delegate proposals. Most of us are trying to follow the progress of these delegate proposals through committee, and as these Romney hearings come up for discussion, if they would identify the delegate proposals which were assigned to them, and what the disposition of those proposals has been or will probably be, it would probably assist us in following the deliberations of the body as a whole.

**PRESIDENT GRAYBILL:** Very well. I take it, Mr. Swanberg, that's a suggestion to the committees to identify delegate proposals where possible.

Mr. Joyce. We're still on Motions and Resolutions.

**DELEGATE JOYCE:** Yes, Mr. President, I move that Delegate Proposal Number 110, which has been referred to the Executive Committee, be also referred jointly to the Judiciary, Legislative and Local Government Committees. May I speak on the motion, Mr. President?

**PRESIDENT GRAYBILL:** In a moment. Wait till I get it down here. Executive, Judiciary, Legislative—

**DELEGATE JOYCE:** Local Government.

**PRESIDENT GRAYBILL:** Can you identify (Inaudible) Delegate Proposal Number 110, Mr. Joyce.

**DELEGATE JOYCE:** I will. Delegate Proposal 110 is introduced by Delegate Brazier. It is very brief and reads—"that there shall be a new constitutional section to provide as follows: after the effective date of this provision, no person may serve more than three consecutive terms in the same public, elective office." Mr. Brazier has already appeared before our committee in connection with this. It's his intention that this particular proposal, if adopted into the Constitution, would apply to all elective offices. The Legislature being an elective office, the Judiciary, at the present time, being elective, and the Local Government all being elective, it seemed to us that perhaps the other committees ought also to consider Delegate Proposal Number 110 and afford Mr. Brazier the opportunity to appear before them, and, therefore, that is the reason for the motion.

**PRESIDENT GRAYBILL:** Very well. You've heard the motion, which is to take Delegate Proposal 110, which has been assigned to Executive, and broaden its assignment to Judiciary, Legislative and Local Government because it deals with limiting consecutive terms of public offices. Is there further discussion on the motion? All right, all in favor of the motion, say Aye.

**DELEGATES:** Aye.

**PRESIDENT GRAYBILL:** Opposed, Nay. (No response)

**PRESIDENT GRAYBILL:** So ordered. Are there other motions or resolutions? Very well, we'll go back on Order of Business Number 8, Unfinished Business. The Chair is—the President is happy to announce that Dale Harris has come back to Helena and is back working with us. Dale is assuming part of his original job immediately, that of Research Coordinator, and he is going to work with the committee chairmen, with the research analysts and with any of the minorities. We are going to try and have all the help we can for you in the next week in putting together your committee proposals. And he will be spending full time on helping committees or minorities or research analysts or anyone that has a substantive problem in putting together the proposals. So please feel free to call upon him. And he's in his regular office. In that conjunction, I would also like to point out that the Administrative Committee last week

made Max Baucus acting Executive Director, which title he will retain, temporarily at least and that merely is—I make this announcement so that if you have administrative problems, a good place to start is with Max Baucus and then we'll try and farm them out to wherever they are at the moment.

All right, Order of Business Number 9, Special Orders.

**CLERK HANSON:** None, sir.

**PRESIDENT GRAYBILL:** Order of Business Number 10, General Orders.

**CLERK HANSON:** None.

**PRESIDENT GRAYBILL:** Order of Business Number 11, Announcements. First of all, I wish to announce that the flags at the State Capitol complex will be flown at half-staff on Wednesday, February 9th, for First Lieutenant Joseph J. Filka, Jr., husband of Mrs. Cynthia J. Filka of Missoula, Montana. Secondly, I have been asked to announce that the concession stand will be open at night during the so-called Romney hearings, especially if we patronize them somewhat. (Laughter) Third, I think it's clear to everyone that Judiciary is holding its hearing this afternoon—1:30. Is that right, Mr. Holland or Mrs. Pemberton? 1:30?

**DELEGATE PEMBERTON:** Yes.

**PRESIDENT GRAYBILL:** And Executive is holding their Romney hearing tonight—7:30. Is that right, Mr. Joyce? 7:30?

**DELEGATE JOYCE:** 7:00. (Inaudible)

**PRESIDENT GRAYBILL:** Well, I think some of them are announced for 7:00. I noticed that we didn't get started until 7:30 last night. What shall we set it—7:30, Mr. Joyce?

**DELEGATE JOYCE:** 7:30.

**PRESIDENT GRAYBILL:** Promptly at 7:30. For the Administration Committee, there will be a short meeting in the Rules Committee room immediately upon adjournment. For the Administration Committee. Now, are there other committee announcements?

Mr. Heliker.

**DELEGATE HELIKER:** Mr. President. The Public Health Committee's hearings on public utility regulations will reconvene immediately upon adjournment, rather than 10:30 as is in the

schedule; and also, we will hear testimony, preferably brief, from anyone who wishes to give such testimony on Delegate Proposals 138,148 and 177. In speaking to Mr. Vermillion's comment concerning dull hearings, I'd like to assure him that we have some lively hearings today. We're hearing-already heard from Mountain States Telephone. We're also going to hear from Montana-Dakota Utilities, Montana Power Company, and tomorrow from Burlington-Northern and Senator Lee Metcalf.

**PRESIDENT GRAYBILL:** All right. Mr. Champoux, do you have a commercial? (Laughter)

**DELEGATE CHAMPOUX:** I was going to check to Mr. Kelleher leaving out Kalispell's Fish Derby Days next summer, but I won't mention that. Education Committee, 10 minutes from now. Thank you.

**PRESIDENT GRAYBILL:** Very well. Mrs. Blend.

**DELEGATE BLEND:** Local Government Committee, 15 minutes after adjournment, please.

**PRESIDENT GRAYBILL:** Mr. Dahood.

**DELEGATE DAHOOD:** Bill of Rights Committee, 15 minutes after adjournment.

**PRESIDENT GRAYBILL:** Mr. Joyce.

**DELEGATE JOYCE:** Executive Committee, 15 minutes after adjournment.

**PRESIDENT GRAYBILL:** Mr. Rygg.

**DELEGATE RYGG:** Revenue and Finance at 10:00, and I would like to invite all who are interested in the 4-mill levy on livestock to be over there. We'd like to talk with you this morning. Thank you.

**PRESIDENT GRAYBILL:** Mrs. Cross.

**DELEGATE CROSS:** Natural Resources, 30 minutes after adjournment. We will hear a report on a delegate proposal, and also we are having witnesses this morning at this meeting.

**PRESIDENT GRAYBILL:** Mr. Aasheim.

**DELEGATE AASHEIM:** Mr. President, Legislative Committee at 10:00, and we are having some delegates in at that time to discuss the recall. Any others who would like to come in and make any protests or comments, we'd like to have, at any time, because we are now in the process of drawing up the final document. So, any suggestions that you have, I would like to have you contact our committee. We'll meet at 10:00, and if you have time, I would welcome you in there, to listen to your suggestions.

**PRESIDENT GRAYBILL:** Mrs. Pemberton.

**DELEGATE PEMBERTON:** Judiciary Committee, immediately after adjournment. Thank you.

**PRESIDENT GRAYBILL:** Mrs. Mansfield.

**DELEGATE MANSFIELD:** Mr. President, I wish to thank all the gentlemen that sent the lovely roses. I will thank them personally as reading their names might be discriminatory to the rest of the Convention body. (Laughter) Thank YOU.

**PRESIDENT GRAYBILL:** Very well. Are there other announcements?

Mr. Eskildsen.

**DELEGATE ESKILDSEN:** Mr. President, I move we adjourn until Thursday, February the 10th, 9:00 a.m., 1972.

**PRESIDENT GRAYBILL:** Very well. The motion is to adjourn until 9:00 a.m. tomorrow morning. All in favor, say Aye.

**DELEGATES:** Aye.

**PRESIDENT GRAYBILL:** Opposed, Nay. (No response)

**PRESIDENT GRAYBILL:** So ordered.

(Convention adjourned at 9:40 a.m.)

**February 10, 1972**  
**9:00 a.m.**

**Twenty-First Day**

**Convention Hall**  
**Helena, Montana**

**PRESIDENT GRAYBILL:** If we'll all stand, Delegate Mae Nan Robinson will give us an invocation this morning.

**DELEGATE ROBINSON:** Let us pray. Almighty God, You have taught us that to every thing there is a season and a time to every purpose under the Heaven. A time to be born and a time to die; a time to plant and a time to reap; a time to cast away stones and a time to gather stones together; a time to win and a time to lose; a time to keep and a time to cast away; a time to keep silent and a time to speak; a time to love and a time to hate. Help us, O God, in this day to remember that now is the time to cast away petty differences and personal motives and work together for the good of all people in our beloved state. Amen.

**PRESIDENT GRAYBILL:** Very well. We'll take the roll this morning by voting Aye on the voting machines. Delegates Eck, James, Jacobsen and Melvin are excused because they went to Great Falls for the television series. Eck, James, Jacobsen and Melvin. Delegate Felt is excused.

**CLERK HANSON:** Delegate Blaylock, Delegate Blend, Delegate Campbell, Delegate Dahood, Delegate Foster, Delegate Pemberton, Delegate Rebal, Delegate Studer. Delegate Studer, Delegate Rebal, Delegate Pemberton.

**PRESIDENT GRAYBILL:** Mr. Clerk, let's send a page to the Bill of Rights hearing and tell them we're in session, please. Do we know where the hearing is? The meeting? In the Senate, I believe. All right; in their Bill of Rights room, then, which is around behind the Senate. We'll stand at ease until the Bill of Rights Committee comes.

Mr. Studer, for what purpose do you rise?

**DELEGATE STUDER:** Could I be here?

**PRESIDENT GRAYBILL:** Yes, you're here. (Laughter) We haven't closed the vote yet. We're waiting for the Bill of Rights Committee to join us.

(Convention at ease for 4 minutes)

**PRESIDENT GRAYBILL:** Very well. We'll complete the roll call. Will all the delegates vote present by voting Aye on the voting machines.

**CLERK HANSON:** Dahood, Foster and Rebal.

**PRESIDENT GRAYBILL:** Very well. We'll close the vote. Please take the automatic. Mr. Clerk, before you announce the tally, will you please show Mr. Foster and Mr. Dahood present?

Aasheim .....	Present
Anderson, J. ....	Present
Anderson, O. ....	Present
Arbanas .....	Present
Arness .....	Present
Aronow .....	Present
Artz .....	Present
Ask .....	Present
Babcock.. .....	Present
Barnard .....	Present
Bates .....	Present
Belcher .....	Present
Berg .....	Present
Berthelson .....	Present
Blaylock .....	Present
Blend .....	Present
Bowman .....	Present
Brazier .....	Present
Brown.. .....	Present
Bugbee .....	Present
Burkhardt .....	Present
Cain .....	Present
Campbell .....	Present
Cate .....	Present
Champoux .....	Present
Choate .....	Present
Conover .....	Present
Cross .....	Present
Dahood .....	Present
Davis .....	Present
Delaney .....	Present
Driscoll .....	Present
Drum .....	Present
Eck .....	Excused
Erdmann .....	Present
Eskildsen .....	Present
Etchart .....	Present
Felt .....	Excused
Foster .....	Present
Furlong., .....	Present
Garlington .....	Present
Graybill .....	Present
Gysler .....	Present
Habedank .....	Present
Hanson, R. S. ....	Present
Hanson, R. ....	Present
Harbaugh .....	Present

Harlow .....	Present
Harper .....	Present
Harrington .....	Present
Heliker .....	Present
Holland .....	Present
Jacobsen .....	Excused
James .....	Excused
Johnson .....	Present
Joyce .....	Present
Kamhoot .....	Present
Kelleher .....	Present
Leuthold .....	Present
Loendorf .....	Present
Lore110 .....	Present
Mahoney .....	Present
Mansfield. ....	Present
Martin .....	Present
McCarvel .....	Present
McDonough .....	Present
McKeon .....	Present
McNeil .....	Present
Melvin .....	Excused
Monroe .....	Present
Murray .....	Present
Noble .....	Present
Nutting .....	Present
Payne .....	Present
Pemberton .....	Present
Rebal .....	Absent
Reichert .....	Present
Robinson .....	Present
Roeder .....	Present
Rollins .....	Present
Romney .....	Present
Rygg .....	Present
Scanlin .....	Present
Schiltz .....	Present
Siderius .....	Present
Simon .....	Present
Skari .....	Present
Sparks .....	Present
Speer .....	Present
Studer .....	Present
Sullivan .....	Present
Swanberg .....	Present
Toole .....	Present
Van Buskirk .....	Present
Vermillion .....	Present
Wagner .....	Present
Ward .....	Present
Warden .....	Present
Wilson .....	Present
Woodmansey .....	Present

**CLERK HANSON:** Mr. President, 94 dele-

gates present, 1 absent and 5 excused.

**PRESIDENT GRAYBILL:** Very well. That's a quorum, and the journal may so show.

**PRESIDENT GRAYBILL:** Number 1, Reports of Standing Committees.

**CLERK HANSON:** None, sir.

**PRESIDENT GRAYBILL:** Number 2, Reports of Select Committees.

**CLERK HANSON:** None.

**PRESIDENT GRAYBILL:** Number 3, Communications.

**CLERK HANSON:** None.

**PRESIDENT GRAYBILL:** Yes, there is a communication. Do you want to read the letter?

**CLERK HANSON:** (Reading) "February 9, 1972. Mr. Dale Harris, Research Coordinator, Constitutional Convention, State Capitol, Helena, Montana 59601. Dear Mr. Harris: This letter confirms your return from leave of absence which you requested last week. You have informed me that you would prefer to be reassigned to substantive areas. Therefore, we are happy to have you back on the Convention staff, and your assignment will be Research Coordinator. We have already discussed the important work remaining to be done in this area. Sincerely, Leo Graybill, Jr., President."

**PRESIDENT GRAYBILL:** Will you please give the letter to file in the journal. Are there other communications?

**CLERK HANSON:** None, sir.

**PRESIDENT GRAYBILL:** Introduction of Delegate Proposals-None. Final Consideration-None. Adoption of Constitution-None. Motions and Resolutions. Unfinished—oh—Mr. Monroe.

**DELEGATE MONROE:** Mr. President, I just rise to make a motion to this effect: that our President be requested to send a congratulatory message to the College of Great Falls, reason being that they're having their 40th anniversary celebration during this week; and I'm an alumni of that college, and I would request that our President send a congratulatory message to the College of Great Falls in celebrating their 40th anniversary. Thank you.

PRESIDENT GRAYBILL: Mr. Monroe, I take it that's a motion. You've all heard the motion. Is there any discussion?

(No response)

PRESIDENT GRAYBILL: All in favor of the motion to send the College of Great Falls a congratulatory message on its 40th **anniversary**, please signify by saying Aye.

DELEGATES: Aye.

PRESIDENT GRAYBILL: Opposed?

(No response)

PRESIDENT GRAYBILL: So ordered, and I'll be happy to do that. Are there other motions or resolutions?

CLERK HANSON: None, sir.

PRESIDENT GRAYBILL: Unfinished Business.

CLERK HANSON: None.

PRESIDENT GRAYBILL: Special Orders.

CLERK HANSON: None.

PRESIDENT GRAYBILL: -10, General Orders.

CLERK HANSON: None.

PRESIDENT GRAYBILL: -11, Announcements. First of all, Mr. Omholt has asked that I announce to you that warrants are again ready in the auditor's office. However, he wishes you to know that the auditor's office will be closed on Friday and Saturday, so make note of that fact. He's been open Saturdays before, but because of the holiday he will not be. Secondly, I think we should announce--I think everybody is aware--but I think we should announce that the Convention will, of course, continue on with its schedule on Friday as far as the delegates are concerned. The printing shop will be closed that day, but we will go ahead with our program. Third, I've been asked to announce that the interns will have a meeting with the research subcommittee of the Administration Committee on adjournment in the Rules room to the left of the roster. Now, are there other committee announcements?

Mr. Schiltz.

DELEGATE SCHILTZ: Style and Drafting, tomorrow morning at 8 o'clock.

PRESIDENT GRAYBILL: Mr. Rygg.

DELEGATE RYGG: Revenue and Finance, at 10:00.

PRESIDENT GRAYBILL: Mr. Joyce.

DELEGATE JOYCE: Executive, 5 minutes after adjournment.

PRESIDENT GRAYBILL: Mrs. Blend.

DELEGATE BLEND: Local Government will meet 15 minutes after adjournment.

PRESIDENT GRAYBILL: That's Local Government, 15 minutes after adjournment. Mrs. Cross.

DELEGATE CROSS: Natural Resources, 15 minutes after adjournment, please.

PRESIDENT GRAYBILL: Mr. Aasheim.

DELEGATE AASHEIM: Legislative Committee, 9:30.

PRESIDENT GRAYBILL: Mr. Dahood.

DELEGATE DAHOOD: The Bill of Rights Committee is holding a public hearing at 10 o'clock in the Governor's reception room on two proposals dealing with an expanded concept of eminent domain or compensation for the landowner, and I understand at that particular hearing the "big boys" will make one of their rare appearances. Thank you, Mr. President. (Laughter)

PRESIDENT GRAYBILL: Any other commercials'? (Laughter)  
Mr. Martin.

DELEGATE MARTIN: Mr. Chairman, the subcommittee of the Public Information on the press has a couple of interns who have done an excellent job on getting out the first release and to assist the weekly--those who were interested in getting releases for the weekly newspapers. A copy of that release will be put on the desks of delegates, and anyone who wants some help in getting out their release can get in touch with Mark Bowlds or Kitty Sullivan at the Public Information Office.

PRESIDENT GRAYBILL: Very well. Are there other announcements?

Mrs. Pemberton.

**DELEGATE PEMBERTON:** Mr. Graybill, the Judiciary has delegate proposals this morning at 11:00 a.m. in Room 413.

**PRESIDENT GRAYBILL:** Very well. Now, I take it we're all aware that Revenue and Finance will hold forth on their formal hearing at 1:30 in the Convention Hall, and that Natural Resources will hold forth this evening. It's scheduled here at 7:00.

Mrs. Cross, what's your pleasure-is it 7:00 or 7:30?

**DELEGATE CROSS:** Because I think there are going to be a great many witnesses tonight, I would prefer to begin at 7 o'clock.

**PRESIDENT GRAYBILL:** Very well. Does everyone understand that the Natural Resources

Committee will start at 7 o'clock tonight on their formal hearing? Are there other announcements?

Mr. Eskildsen.

**DELEGATE ESKILDSEN:** Mr. President, I move we adjourn until Friday, February the 11th, 9:00 a.m., 1972.

**PRESIDENT GRAYBILL:** Very well. You've heard the motion to adjourn until Friday at 9:00 a.m. All in favor, say Aye.

**DELEGATES:** Aye.

**PRESIDENT GRAYBILL:** Opposed, Nay.  
(No response)

**PRESIDENT GRAYBILL:** So ordered  
(Convention adjourned at 9:16 a.m.)

**February 11, 1972**  
**9:00 a.m.**

**Twenty-Second Day**

**Convention Hall**  
**Helena, Montana**

**VICE-PRESIDENT TOOLE:** The Convention will come to order.

Mr. Scanlin.

**DELEGATE SCANLIN:** Let each one of us make this our prayer for today. Give us the courage and the ability, O Lord, to change the things we can change and the gracious acceptance, for the time being, of the things that can't be changed. But, above all, grant us the insight and the wisdom necessary to recognize the difference. Amen.

**VICE-PRESIDENT TOOLE:** Okay. Clerk will call the roll. Signify by saying Aye. Push the Aye button.

**CLERK HANSON:** Delegate Brown, Delegate Bugbee, Delegate Campbell, Delegate Dahood, Delegate James, Delegate Skari, Delegate Speer.

**VICE-PRESIDENT TOOLE:** Delegates Loendorf and Delegates Felt are excused.

**CLERK HANSON:** Delegate Joyce also, please, Mr. President. Delegate Warden, (Inaudible) Delegate Campbell, Delegate Dahood.

Aasheim	Present
Anderson, J.	Present
Anderson, O.	Present
Arbanas	Present
Arness	Present
Aronow	Present
Artz	Present
Ask.	Present
Babcock	Present
Barnard	Present
Bates	Present
Belcher	Present
Berg	Present
Berthelson	Present
Blaylock	Present
Blend	Present
Bowman.	Present
Brazier	Present
Brown	Present
Bugbee	Present
Burkhardt	Present
Cain	Present
Campbell	Absent
Cate	Present
Champoux	Present
Choate	Present

Conover	Present
Cross.	Present
Dahood	Absent
Davis.	Present
Delaney	Present
Driscoll	Present
Drum	Present
Eck	Present
Erdmann	Present
Eskildsen	Present
Etchart	Present
Felt	Excused
Foster	Present
Furlong	Present
Garlington	Present
Graybill	Present
Gysler	Present
Habedank	Present
Hanson, R. S.	Present
Hanson, R.	Present
Harbaugh	Present
Harlow	Present
Harper	Present
Harrington.	Present
Heliker	Present
Holland	Present
Jacobsen	Present
James	Present
Johnson	Present
Joyce	Present
Kamhoot	Present
Kelleher	Present
Leuthold	Present
Loendorf.	Excused
Lorello	Present
Mahoney	Present
Mansfield	Present
Martin.	Present
McCarvel	Present
McDonough	Present
McKeon	Present
McNeil	Present
Melvin	Present
Monroe	Present
Murray.	Present
Noble	Present
Nutting.	Present
Payne	Present
Pemberton	Present
Rebal	Present
Reichert	Present
Robinson	Present

Roeder	Present
Rollins	Present
Romney .....	Present
Rygg .....	Present
Scanlin .. ..	Present
Schiltz ..	Present
Siderius..	Present
Simon .....	Present
Skari	Present
Sparks .....	Present
Speer .....	Present
Studer .....	Present
Sullivan	Present
Swanberg .....	Present
Toole	Present
Van Buskirk	Present
Vermillion	Present
Wagner	Present
Ward .....	Present
Warden .....	Present
Wilson .. ..	Present
Woodmansey .. ..	Present

**CLERK HANSON:** Mr. President, 96 delegates present—

**VICE-PRESIDENT TOOLE:** Mr. James is present.

**DELEGATE JAMES:** Mr. President.

**VICE-PRESIDENT TOOLE:** Mr. James.

**DELEGATE JAMES:** Delegate James is present.

**CLERK HANSON:** -2 excused and 2 absent.

**VICE-PRESIDENT TOOLE:** Order of Business Number 1, Reports of Standing Committees.

**CLERK HANSON:** None, sir.

**VICE-PRESIDENT TOOLE:** Order of Business Number 2, Reports of Select Committees.

**CLERK HANSON:** None.

**VICE-PRESIDENT TOOLE:** Order of Business Number 3, Communications.

**CLERK HANSON:** (Reading) "Secretary of the State, Helena, Montana, February 10, 1972. Honorable Leo C. Graybill, President, Montana Constitutional Convention, Capitol, Helena, Mon-

tana 59601. Dear Mr. President: In accordance with the provisions of Section 15(2), Extraordinary Senate Bill No. 6, Chapter Extraordinary No. 1, Laws of Montana 1971, the license of Edward A. Heard, License Number 53-72, has been reinstated as of February 10th, 1972. Sincerely yours, Frank Murray, Secretary of State."

**VICE-PRESIDENT TOOLE:** Order of Business Number 4, Introduction and Reference of Delegate Proposals.

**CLERK HANSON:** None, sir.

**VICE-PRESIDENT TOOLE:** Number 5, Final Consideration of Proposals.

**CLERK HANSON:** None.

**VICE-PRESIDENT TOOLE:** Number 6, Adoption of Proposed Constitution and Ballot.

**CLERK HANSON:** None.

**VICE-PRESIDENT TOOLE:** Number 7, Motions and Resolutions.

**DELEGATE AASHEIM:** Are—are we—

**VICE-PRESIDENT TOOLE:** Mr. Aasheim.

**DELEGATE AASHEIM:** Are we making announcements now for the committees?

**VICE-PRESIDENT TOOLE:** No, not at this moment. Any other motions and resolutions?

**CLERK HANSON:** None.

**VICE-PRESIDENT TOOLE:** Number 8, Unfinished Business.

**CLERK HANSON:** None.

**VICE-PRESIDENT TOOLE:** Number 9, Special Orders of the Day.

**CLERK HANSON:** None.

**VICE-PRESIDENT TOOLE:** -10, General Orders of the Day.

**CLERK HANSON:** None.

**VICE-PRESIDENT TOOLE:** -11, Committee Announcements and Notices. Mr. Aasheim.

**DELEGATE AASHEIM:** The Legislative Committee will meet at 9:30.

**VICE-PRESIDENT TOOLE:** Mrs. Blend.

**DELEGATE BLEND:** Local Government will meet 15 minutes after adjournment. Thank you.

**VICE-PRESIDENT TOOLE:** Mr. Champoux.

**DELEGATE CHAMPOUX:** Education Committee-formal committee hearing at 1:30 in this chamber.

**VICE-PRESIDENT TOOLE:** Mr. Holland.

**DELEGATE HOLLAND:** The Judiciary will meet 10 minutes after adjournment.

**VICE-PRESIDENT TOOLE:** Mr. Dahood.

**DELEGATE DAHOOD:** Bill of Rights will meet at 9:30.

**VICE-PRESIDENT TOOLE:** Mr. Joyce.

**DELEGATE JOYCE:** Executive will meet at 930.

**VICE-PRESIDENT TOOLE:** Mrs. Warden.

**DELEGATE WARDEN:** Public Information, 10 minutes after adjournment in the Public Information office.

**VICE-PRESIDENT TOOLE:** The Chair wishes to announce that there will be a meeting of the Administration Committee in the Rules Committee room immediately following adjournment. Mrs. Cross, excuse me.

**DELEGATE CROSS:** The Natural Resources Committee will meet ½ hour after adjournment.

**VICE-PRESIDENT TOOLE:** Mr. Dahood.

**DELEGATE DAHOOD:** Mr. President, I trust the roll will show that I'm present-and also Bob Campbell.

**VICE-PRESIDENT TOOLE:** Mr. Dahood and Mr. Campbell are present. Mrs. Babcock.

**DELEGATE BABCOCK:** Could I have the Helena delegation meet me up here in the corner for a minute afterwards, please?

**VICE-PRESIDENT TOOLE:** Any other

committee announcements or notices?

Mr. Kygg.

**DELEGATE RYGG:** Revenue and Finance at 10 o'clock.

**VICE-PRESIDENT TOOLE:** Mr. Vermillion.

**DELEGATE VERMILLION:** Yes. I'd like to make an announcement of interest, I think, to some of the delegates here. First of all, the cable television people, as you know, have been filming-

**VICE-PRESIDENT TOOLE:** Mr. Vermillion, would you speak a little louder? The Chair can't hear you.

**DELEGATE VERMILLION:** All right. Yes. As most people know, the cable TV people have been doing a good deal of filming recently, and for those who may be in Helena this weekend, their show will be on cable TV Saturday night. I'd like to let the delegates know something that's coming up Monday night and which may be the beginning of a new series. We've talked a good deal about this open Convention and how the public is free to come to Helena and testify and to take in the hearings. But I think we're starting something Monday night that may go a bit beyond what any other convention has done in the way of open conventions. Monday night, the General Government Committee is going to more or less hold a statewide hearing at 8 o'clock. The General Government Committee is going to be up at the Colonial Motel, and we are going to go on statewide radio through the facilities of the Inter-mountain Radio Network, and we are going to be accepting calls from around the state from those people who can't get to Helena. It might be somebody in the eastern part of the state-Sidney or Glasgow-or somebody from northern Montana or western Montana who find it impossible to get to Helena. By the simple means of making a telephone call to our committee Monday night, they will be able to give testimony to this Convention--to the General Government Committee. We will have one topic we'll be considering, and that will be the topic of lotteries, gambling and that, and I think we'll get a few comments from around the state on that. And we understand that--and then, next Monday night, the Bill of Rights Committee has agreed to do the same thing, and the tentative subject of a week from Monday night's telephone testimony from around the state will be the right

of 18-year-olds to hold office and other privileges of adulthood. So I think this Convention has been aiming at an open Convention-I think we've gone one step beyond what any other convention has done, and that is, we are going to be taking telephone testimony from around the state from those people who can't make it to Helena, and I hope that all you delegates who have an Inter-mountain Radio station in your area, you might want to check back with them and let the people know that it is going to be on radio this coming Monday night at 8 o'clock and the following Monday, and there may be other programs to follow.

**VICE-PRESIDENT TOOLE:** Thank you very much, Mr. Vermillion. Are there further announcements or notices?

Mrs. Van Buskirk.

**DELEGATE VAN BUSKIRK:** May I ask Mr. Vermillion if he knows the telephone number that they would call?

**DELEGATE VERMILLION:** (Inaudible)

**VICE-PRESIDENT TOOLE:** Are there

further announcements or notices?

Mr. Etchart.

**DELEGATE ETCHART:** General Government will meet immediately upon adjournment.

**VICE-PRESIDENT TOOLE:** If there are no further announcements or notices, the Chair will recognize Mr. Eskildsen.

**DELEGATE ESKILDSEN:** Mr. Vice-President, I move we adjourn until Saturday, February the 12th, 9:00 a.m., 1972.

**VICE-PRESIDENT TOOLE:** You've heard Mr. Eskildsen's motion that the Convention adjourn until 9:00 a.m., February 12th, 1972. All in favor say Aye.

**DELEGATES:** Aye.

**VICE-PRESIDENT TOOLE:** Opposed, No. (No response)

**VICE-PRESIDENT TOOLE:** The meeting is adjourned.

(Conventioned adjourned at 9:13 a.m.)

February 12, 1972  
9:10 a.m.

Twenty-Third Day

Convention Hall  
Helena, Montana

**PRESIDENT GRAYBILL:** The Convention will be in session. This morning we have with us Sister Jean Michelle from East Helena, and if you'll rise, we'll ask her to give the invocation. Sister Michelle—Jean Michelle.

**SISTER JEAN MICHELLE:** Father of us all, another day has begun and we gather together again to do our work. In the humility and glory of the human condition, we struggle with each other, with words and with decisions. The decisions we make are larger than any one of us and can be made only by all of us. Let Your truth and word guide us through this day. Amen.

**PRESIDENT GRAYBILL:** Thank you. We will register our presence by voting Aye on the voting machines. Mr. Clerk, will you show Mr. Champoux as excused and will you show Mr. Bob Hanson as excused?

**CLERK HANSON:** Mr. President, may Delegates Aronow, Blend, Brown, Jacobsen, Harrington and Holland also be excused please?

**PRESIDENT GRAYBILL:** Yes, they may.

**CLERK HANSON:** Delegate Bugbee.

**PRESIDENT GRAYBILL:** Delegate Felt is excused.

**CLERK HANSON:** Delegate Bugbee.  
(No response)

**PRESIDENT GRAYBILL:** Very well, take the machine vote.

Aasheim .....	Present
Anderson, J. ....	Present
Anderson, O. ....	Present
Arbanas .....	Present
Arness .....	Present
Aronow .....	Excused
Artz .....	Present
Ask .....	Present
Babcock .....	Present
Barnard .....	Present
Bates .....	Present
Belcher .....	Present
Berg .....	Present
Berthelson .....	Present
Blaylock .....	Present
Blend .....	Excused
Bowman .....	Present

Brazier .....	Present
Brown .....	Excused
Bugbee .....	Absent
Burkhardt .....	Present
Cain .....	Present
Campbell .....	Present
Cate .....	Present
Champoux .....	Excused
Choate .....	Present
Conover .....	Present
Cross .....	Present
Dahood .....	Present
Davis .....	Present
Delaney .....	Present
Driscoll .....	Present
Drum .....	Present
Eck .....	Present
Erdmann .....	Present
Eskildsen .....	Present
Etchart .....	Present
Felt .....	Excused
Foster .....	Present
Furlong .....	Present
Garlington .....	Present
Graybill .....	Present
Gysler .....	Present
Habedank .....	Present
Hanson, R. S. ....	Excused
Hanson, R. ....	Present
Harbaugh .....	Present
Harlow .....	Present
Harper .....	Present
Harrington .....	Excused
Heliker .....	Present
Holland .....	Excused
Jacobsen .....	Excused
James .....	Present
Johnson .....	Present
Joyce .....	Present
Kamhoot .....	Present
Kelleher .....	Present
Leuthold .....	Present
Loendorf .....	Present
Lorello .....	Present
Mahoney .....	Present
Mansfield .....	Present
Martin .....	Present
McCarvel .....	Present
McDonough .....	Present
McKeon .....	Present
McNeil .....	Present
Melvin .....	Present

Monroe	Present
Murray	Present
Noble.....	Present
Nutting	Present
Payne	Present
Pemberton	Present
Rebal	Present
Reichert	Present
Robinson	Present
Roeder	Present
Rollins..	Present
Romney .....	Present
Rygg .....	Present
Scanlin	Present
Schiltz..	Present
Siderius..	Present
Simon	Present
Skari	Present
Sparks .. ..	Present
Speer .....	Present
Studer .....	Present
Sullivan	Present
Swanberg.....	Present
Toole .. ..	Present
Van .. .. Buskirk	Present
Vermillion	Present
Wagner	Present
Ward	Present
Warden .....	Present
Wilson .....	Present
Woodmansey	Present

**CLERK HANSON:** Mr. President. 9—

**PRESIDENT GRAYBILL:** Yes, sir.

**CLERK HANSON:** 90 delegates present; 9 excused; 1 absent.

**PRESIDENT GRAYBILL:** Very well. The journal may so show. Order of Business Number 1, Reports of Standing Committees.

The Chair will recognize Mr. Etchart.

**DELEGATE ETCHART:** Mr. President, the General Government and Constitutional Amendment Committee submits herewith the proposed Constitutional Revision article. The proposed article is intended to replace all sections of the present Constitution dealing with constitutional revision. The committee addressed itself to the basic problems concerning constitutional revision. The committee worked with the basic purpose of making a fundamental, yet flexible, document. In doing so, the committee gave careful

consideration to several citizen and delegate proposals. Our end product is composed of a majority report. In signing this report, a committee member does not necessarily endorse each and every statement in it. Mr. President, the committee utilized the services of the following people: James Grady, our research analyst; Bobbie Murphy, our secretary; and Robert Skaggs, our intern. Your Committee on General Government and Constitutional Revision recommends that this report be advanced to Committee of the Whole for further consideration by this body.

**PRESIDENT GRAYBILL:** Mr. Etchart—go ahead, proceed.

**DELEGATE ETCHART:** In addition, I think it was deleted, but there is also a minority report inherent in this.

**PRESIDENT GRAYBILL:** That was my inquiry—is there a minority report also?

**DELEGATE ETCHART:** There is a minority report also.

**PRESIDENT GRAYBILL:** And it's going to be contained in the proposal booklet?

**DELEGATE ETCHART:** Yes, sir.

**PRESIDENT GRAYBILL:** Very well.

**DELEGATE ETCHART:** And I move the adoption of the committee report.

**PRESIDENT GRAYBILL:** Well, very well. We'll accept the committee report, and I will ask that the committee report be printed or duplicated, and we will place the committee report on General Orders. It's not necessary for the body to move. The rules require that it automatically goes to General Orders, and the General Government's first committee proposal, then, including the minority report, is now accepted and will be ordered printed and placed upon your desks when printed and will appear on General Orders. This means that 48 hours after it's placed upon your desks, it can be brought up for debate, and this is the procedure we will use with the rest of the committee proposals as they come in. That's all there is to bringing the proposal before you at this time, so we can go on to the next order of business. Before I do that, however, Mrs. Bugbee, we will show you present.

All right. Order of Business Number 2, Reports of Select Committees.

**CLERK HANSON:** None.

**PRESIDENT GRAYBILL:** Order of Business Number 3, Communications.

**CLERK HANSON:** None, sir.

**PRESIDENT GRAYBILL:** Order of Business Number 4, Introduction of Delegate Proposals. None.

**CLERK HANSON:** None.

**PRESIDENT GRAYBILL:** Order of Business Number 5, Final Consideration.

**CLERK HANSON:** None.

**PRESIDENT GRAYBILL:** Order of Business Number 6, Adoption of Proposed Rules-or Constitution.

**CLERK HANSON:** None.

**PRESIDENT GRAYBILL:** Order of Business Number 7, Motions and Resolutions. None.

**CLERK HANSON:** None, sir.

**PRESIDENT GRAYBILL:** Order of Business Number 8. The Chair will recognize Mrs. Cross. Mrs. Cross, do you want to come forward?

**DELEGATE CROSS:** Mr. President, on behalf of Jim Osborne of Glendive, Montana, located in the Gate City of the eastern half of the Big Sky Country, where the skies are bluer and the water cleaner, and home of the great and mighty Yellowstone River, and part of the breadbasket of the Nation, I would like to present this gavel to our President. Mr. Osborne made it out of native wood and red cedar. The cedar is from the Badlands in eastern Montana. (Applause)

**PRESIDENT GRAYBILL:** Well. That's a beautiful piece of work, Mrs. Cross, and we're happy to have been able to accept it on behalf of the Convention. The Convention-I'll lay it out here, and you may all look at it. It's got inlaid, different colors of wood, and it's beautifully turned, and it's really a very nice piece, and it was certainly a novel way for Glendive and that end of the country to tell us about themselves, and I certainly appreciate it on behalf of the Convention and thank you very much for bringing it to us. I'll lay it up here and anyone who wants to look at it can see it after the session. Special Orders of the Day.

**CLERK HANSON:** None, sir.

**PRESIDENT GRAYBILL:** General Orders of the Day.

**CLERK HANSON:** None.

**PRESIDENT GRAYBILL:** Committee announcements and notices. First of all, this is a very important announcement because many of you don't know about it. There will be a short meeting of committee chairmen in the Rules Committee room, to the left here, immediately upon adjournment. Now, I know many of you have programs set up for this morning. We'll try to keep this short, and if we get out of here very shortly, I think we can be done by 10 o'clock, so I think you can proceed with your other morning business. But we do need to have a short meeting of committee chairmen on adjournment, until 10 o'clock. Secondly, Mr. Vermillion, there have been requests that you disclose the telephone number.

**DELEGATE VERMILLION:** Mr. President, we have that phone number available, and I also have a list of the stations. I could give them quickly now. The stations that are going to be carrying this phone-in program Monday night at 8 o'clock-it's the General Government Committee to hear phone-in testimony from all around the state concerning gambling, bingo, lotteries and the like, and the Intermountain Radio Network is carrying the program, and the stations are as follows: KSEN in Shelby; KYSS Radio in Missoula; KBLL in Helena; KMON in Great Falls; KGEZ, Kalispell; KLCB, Libby; KDBM in Dillon; KGHl in Billings; KATL Radio in Miles City; KGLE in Glendive; KXLO in Lewistown; KBOW in Butte; KPRK in Livingston; KBMN in Bozeman; KEYZ in Williston, North Dakota; and KLTZ in Glasgow. And I hope that some of you will get a chance, perhaps, to call back home or if you do go back home this weekend and maybe talk to the people at the radio station and a few of your friends in your home community and perhaps urge them not only to listen to the program, but if they do have some comments, to call in. And the phone number that they may use, and they can call collect Monday night-442.9670. And this is posted outside on the main bulletin board and down by the Public Information office, but that number is 442-9670, and they can call collect.

**PRESIDENT GRAYBILL:** Are you wired for sound, or is that music coming from somewhere else, Mr. Vermillion?

**CLERK HANSON:** We're wired for sound.

**PRESIDENT GRAYBILL:** Okay. Well, that's fine. I'm glad to have that program going forward. Now, the Bill of Rights Committee, of course, is holding its formal "Romney" hearing at 1:30 this afternoon in this Convention Hall. Now, are there other announcements?

Mr. Aasheim.

**DELEGATE AASHEIM:** Mr. President, the Legislative Committee will meet on adjournment. The Vice-Chairman will be in charge, and he will be informed about your assignment, and we will then reconvene in committee at 10:15, and I hope you have your assignment taken care of by that time.

**PRESIDENT GRAYBILL:** Mr. Heliker.

**DELEGATE HELIKER:** Public Health, at 10 o'clock.

**PRESIDENT GRAYBILL:** Mr. Dahood.

**DELEGATE DAHOOD:** Bill of Rights, at 10 o'clock in the committee room.

**PRESIDENT GRAYBILL:** Mr. Joyce.

**DELEGATE JOYCE:** Executive Committee, on adjournment, with the Vice-Chairman in charge.

**PRESIDENT GRAYBILL:** Mr. Rygg.

**DELEGATE RYGG:** Revenue and Finance, at 9:45, with the Vice-Chairman in charge.

**PRESIDENT GRAYBILL:** Mr. Noble.

**DELEGATE NOBLE:** (Inaudible) immediately on adjournment-436.

**PRESIDENT GRAYBILL:** Mrs. Warden.

**DELEGATE WARDEN:** Am I on? I'd just like to say that there will be, from time to time, articles from the Public Information Committee on the desk of every delegate. This is to inform you [of] some of the things that we are doing. This has gone out and is quite self-explanatory: "Hello from a Con Con Delegate's Wife." I hope you will look at these. If you can use them in any way, go ahead. Thank you.

**PRESIDENT GRAYBILL:** Mrs. Cross.

**DELEGATE CROSS:** Natural Resources, upon adjournment.

**PRESIDENT GRAYBILL:** Mr. Anderson.

**DELEGATE OSCAR ANDERSON:** The Local Government majority and minority report is out, but we haven't been able to have it printed; and if some of you people are going home over the weekend, I think that there are ways for you to get some copies or have some made.

**PRESIDENT GRAYBILL:** Very well. Other committee announcements?

Mr. Etchart.

**DELEGATE ETCHART:** Mr. President, could we revert back to Order of Business Number 1 again, please?

**PRESIDENT GRAYBILL:** Very well. We'll revert back to Order of Business Number 1 unless there's objection from the Floor.

(No response)

**PRESIDENT GRAYBILL:** There being no objection, go ahead.

**DELEGATE ETCHART:** Mr. President, I wanted to be sure that the record showed that the report that we're coming out with also includes a section on Suffrage and Elections, and this will be in our report, also.

**PRESIDENT GRAYBILL:** Very well. If you didn't mention that, we'll certainly add that, and it is on the title page, is it not, of the report?

Very well. All right, back on Order of Business Number 11, if there's no objection. Any other announcements?

(No response)

**PRESIDENT GRAYBILL:** Very well, Mr. Eskildsen.

**DELEGATE ESKILDSEN:** Mr. President, I move, pursuant to the general powers vested in Montana Constitutional Convention and in accordance with the provisions of Section 7(6) of the Enabling Act, Chapter 296, Laws 1971, the Montana Constitutional Convention shall recess temporarily until 9:00 a.m. on Tuesday, February the 15th, 1972.

**PRESIDENT GRAYBILL:** Very well. You've heard the motion that this Convention recess temporarily until 9:00 a.m. on Tuesday, February 15th, 1972. All in favor of that motion, say Aye.

**DELEGATES:** Aye.

**PRESIDENT GRAYBILL:** Opposed, Nay.  
(No response)

**PRESIDENT GRAYBILL:** **So** ordered.

(Convention recessed temporarily at 9:23 a.m.)

**February 15, 1972**  
**9:00 a.m.**

**Twenty-Fourth Day**

**Convention Hall**  
**Helena, Montana**

**PRESIDENT GRAYBILL:** The Convention will come to order. If you will all rise, Mrs. Babcock will lead us in the Pledge of Allegiance.

**DELEGATES:** I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands; one Nation, under God, indivisible, with liberty and justice for all.

**PRESIDENT GRAYBILL:** And if you'll remain standing, Reverend Burkhardt will lead us in the invocation this morning.

**DELEGATE BURKHARDT:** Let us pray. Grant, O God, that because we wait in a moment of reverence, we may have some deeper appreciation for our task and for each other, and for the people of our state. Help us to know that though it's easier to accept the worst than to commit ourselves to the best, that it still is worth the effort to try. Amen.

**PRESIDENT GRAYBILL:** We'll take attendance this morning by voting Aye on the voting machines.

**CLERK HANSON:** Mr. President, may Delegates Bates, Cate and Toole be excused, please?

**PRESIDENT GRAYBILL:** Very well.

**CLERK HANSON:** Delegate Aasheim, Delegate Barnard, Delegate Eck, Delegate Holland, Delegate Kelleher, Delegate Skari. Delegate Aasheim-

**PRESIDENT GRAYBILL:** Mr. Clerk, Delegate Aasheim is upstairs working on his report, so count him present.

**CLERK HANSON:** Delegate Holland.

**PRESIDENT GRAYBILL:** Very well, do you want to take the machine vote?

Aasheim..	.. .. .	Present
Anderson,	J.	Present
Anderson,	O..	Present
Arbanas		Present
Arness ..	.. .. .	Present
Aronow ..	.. .. .	Present
Artz ..	.. .. .	Present
Ask ..	.. .. .	Present
Babcock		Present
Barnard ..	.. .. .	Present

Bates ..	Excused
Belcher ..	Present
Berg ..	Present
Berthelson ..	Present
Blaylock ..	Present
Blend ..	Present
Bowman. ..	Present
Brazier ..	Present
Brown ..	Present
Bugbee ..	Present
Burkhardt ..	Present
Cain ..	Present
Campbell..	Present
Cate ..	Excused
Champoux ..	Present
Choate ..	Present
Conover ..	Present
Cross ..	Present
Dahood ..	Present
Davis ..	Present
Delaney ..	Present
Driscoll ..	Present
Drum ..	Present
Eck ..	Present
Erdmann ..	Present
Eskildsen ..	Present
Etchart ..	Present
Felt ..	Present
Foster ..	Present
Furlong ..	Present
Garlington ..	Present
Graybill	Present
Gysler ..	Present
Habedank ..	Present
Hanson, R. S. ..	Present
Hanson, R. ..	Present
Harbaugh ..	Present
Harlow ..	Present
Harper ..	Present
Harrington ..	Present
Heliker ..	Present
Holland ..	Present
Jacobsen ..	Present
James ..	Present
Johnson ..	Present
Joyce ..	Present
Kamhoot ..	Present
Kelleher ..	Present
Leuthold ..	Present
Loendorf ..	Present
Lorello ..	Present
Mahoney ..	Present

Mansfield .....	Present
Martin .....	Present
McCarvel .....	Present
McDonough .....	Present
McKeon .....	Present
McNeil .....	Present
Melvin .....	Present <sup>t</sup>
Monroe .....	Present
Murray .....	Present
Noble .....	Present
Nutting .....	Present
Payne .....	Present
Pemberton .....	Present
Rebal .....	Present
Reichert .....	Present
Robinson .....	Present
Roeder .....	Present
Rollins .....	Present
Romney .....	Present
Rygg .....	Present
Scanlin .....	Present
Schiltz .....	Present
Siderius .....	Present
Simon .....	Present
Skari .....	Absent <sup>t</sup>
Sparks .....	Present
Speer .....	Present
Studer .....	Present <sup>t</sup>
Sullivan .....	Present
Swanberg .....	Present
Toole .....	Excused
Van Buskirk .....	Present
Vermillion .....	Present
Wagner .....	Present
Ward .....	Present
Warden .....	Present
Wilson .....	Present
Woodmansey .....	Present

**CLERK HANSON:** Mr. President, 95 delegates present, 3 excused and, 2 absent.

**PRESIDENT GRAYBILL:** Who's absent besides Holland?

(No audible response)

**PRESIDENT GRAYBILL:** Very well. All right. That's a quorum; the journal will so show. Reports of Standing Committees, Order of Business Number 1.

**CLERK HANSON:** None, sir.

**PRESIDENT GRAYBILL:** I might comment on that and point out that the Legislative

Committee does expect to have its draft done today so that we can debate it Friday, but it can come in tomorrow and still make that deadline. Report of Select Committees.

**CLERK HANSON:** None.

**PRESIDENT GRAYBILL:** Communications.

**CLERK HANSON:** (Reading) "Helena, Montana, February 14th, 1972. Honorable Leo C. Graybill, President, Montana Constitutional Convention, Capitol, Helena, Montana. Dear Mr. President: In accordance with the provisions of Section 15(2), Extraordinary Senate Bill No. 6, Chapter Extraordinary No. 1, Laws of Montana 1971, the license of Kenneth H. Davis, License Number 56.72, has been reinstated as of February 14th, 1972. Sincerely yours, Frank Murray, Secretary of State."

**PRESIDENT GRAYBILL:** Any other communications?

**CLERK HANSON:** None, sir.

**PRESIDENT GRAYBILL:** -4, Introduction and Reference of Delegate Proposals.

**CLERK HANSON:** None.

**PRESIDENT GRAYBILL:** -5, Final Consideration.

**CLERK HANSON:** None.

**PRESIDENT GRAYBILL:** -6, Adoption of Proposed Constitution.

**CLERK HANSON:** None.

**PRESIDENT GRAYBILL:** -7, Motions and Resolutions. None.

**CLERK HANSON:** None, sir.

**PRESIDENT GRAYBILL:** -8, Unfinished Business.

**CLERK HANSON:** None.

**PRESIDENT GRAYBILL:** -9, Special Orders of the Day.

**CLERK HANSON:** None.

**PRESIDENT GRAYBILL:** -10, General Orders of the Day.

**CLERK HANSON:** None.

**PRESIDENT GRAYBILL:** The delegates have on their desks this morning the report of the General Government Committee, so we're beginning now the 24—48-hour period on that, so we have that. That is, technically on General Orders but not debatable for 48 hours.

. . .11, Committee Announcements and Other Announcements. First of all, I'd like to say that we have a subcommittee working, and it is likely that there will be another delegate dinner at the Montana Club a week from tonight on the 22nd of February, and some of you might start keeping that date in mind and remembering it so that we'll have a good attendance. Secondly, I have been asked to announce that you should tell your spouses there is the ladies' luncheon tomorrow noon, February 16th. Are there other announcements?

Mr. Anderson.

**DELEGATE OSCAR ANDERSON:** I want you all to remember that the "Romney" type hearing on Local Government will take place in this Convention Hall, 7 o'clock this evening. You have the minority and majority reports on your desk. We are ready for you to put us through the grilling on it.

**PRESIDENT GRAYBILL:** Mr. Anderson, that's going to be at 7 o'clock; is that right?

**DELEGATE OSCAR ANDERSON:** 7 o'clock. Also, the Local Government will meet 15 minutes after this morning's adjournment—Room 437.

**PRESIDENT GRAYBILL:** All right; 7 o'clock tonight for the "Romney" hearing for Local Government.

Mr. Champoux.

**DELEGATE CHAMPOUX:** Education Committee, 10 minutes after adjournment, please.

**PRESIDENT GRAYBILL:** Mr. Heliker.

**DELEGATE HELIKER:** Public Health, at 11:00.

**PRESIDENT GRAYBILL:** Mr. Dahood.

**DELEGATE DAHOOD:** Bill of Rights will meet 15 minutes after adjournment.

**PRESIDENT GRAYBILL:** Mr. Joyce.

**DELEGATE JOYCE:** The Executive Committee, having completed its work, will not need to meet after adjournment.

**PRESIDENT GRAYBILL:** Mrs. Pemberton.

**DELEGATE PEMBERTON:** The Judicial Committee will meet 10 minutes after adjournment.

**PRESIDENT GRAYBILL:** Mr. Rygg.

**DELEGATE RYGG:** Revenue and Finance at 9:45, 1:30 this afternoon and 8:30 tonight. That'll give you an hour and a half to attend the hearing, and then we'll go to work at 8:30.

**PRESIDENT GRAYBILL:** Mrs. Bowman.

**DELEGATE BOWMAN:** Could I get all the District 8 delegates to meet over in the corner for about 2 minutes immediately on adjournment, please.

**PRESIDENT GRAYBILL:** District 8 delegates in this corner on adjournment, please.

Who have I got back there? Mr. Loendorf?

**DELEGATE LOENDORF:** Loendorf, Mr. President.

**PRESIDENT GRAYBILL:** Loendorf, pardon me.

**DELEGATE LOENDORF:** Legislative Committee will meet at 9:30 this morning.

**PRESIDENT GRAYBILL:** Legislative at 9:30. May the journal show that Carman Skari is excused? Are there other announcements?

(No response)

**PRESIDENT GRAYBILL:** When we adjourn in 1 minute, would you all remain seated for about 1 more minute while the "Back Bench Barbershoppers" give us their latest problem.

Mr. Eskildsen.

**DELEGATE ESKILDSEN:** Mr. President, I move we stand adjourned till Wednesday, February the 16th, 9:00 a.m., 1972.

**PRESIDENT GRAYBILL:** You've heard the motion to adjourn until 9:00 a.m. tomorrow morning. All in favor, say Aye.

**DELEGATES:** Aye.

**PRESIDENT GRAYBILL:** The Chair is going to interrupt the vote.  
Mr. Aasheim.

**DELEGATE AASHEIM:** Well, I was busy working on the final draft up here, and I didn't realize we were in session. The Committee on Legislation, will you meet at 11 o'clock, please?

**PRESIDENT GRAYBILL:** Committee on Legislation at 11 o'clock.

Now, I'll put the motion again. All in favor of adjourning till 9:00 a.m. tomorrow morning, say Aye.

**DELEGATES:** Aye

**PRESIDENT GRAYBILL:** That's better, Opposed, Nay.  
(No response)

**PRESIDENT GRAYBILL:** So ordered

(Convention adjourned at 9:16 a.m.)

February 16, 1972  
9:05 a.m.

Twenty-Fifth Day

Convention Hall  
Helena, Montana

**PRESIDENT GRAYBILL: (Inaudible)** in session. If you'll all rise, Reverend Harbaugh will lead us in invocation this morning.

**DELEGATE HARBAUGH:** Let us pray. God of grace, today, as we enter the first day of Lent, make us mindful of the sacrificial life of your Son. Grant that the new wine of life so evident in Him may also be in us. Empower us to throw off the restraints and the temptations which bind us both individually and collectively that we may become a part of that new order of humanity which You are creating in the world. We ask this for the sake of Christ. Amen.

**PRESIDENT GRAYBILL:** We'll take the roll by voting Aye on the voting machines. Is there another one?

**CLERK HANSON:** Delegate Burkhardt, Delegate Campbell, Delegate Cate, Delegate Erdmann, Delegate Joyce, Delegate Toole. Delegate Burkhardt.

**PRESIDENT GRAYBILL:** Very well. Will you take the electronic vote? Mr. Clerk, before you announce the vote-Mr. Burkhardt, would you care to-we'll call you present, Mr. Burkhardt.

Aasheim	Present
Anderson, J.	Present
Anderson, O.	Present
Arbanas	Present
Arness	Present
Aronow	Present
Artz	Present
Ask	Present
Babcock	Present
Barnard	Present
Bates	Present
Belcher	Present
Berg	Present
Berthelson	Present
Blaylock	Present
Blend	Present
Bowman	Present
Brazier	Present
Brown	Present
Bugbee	Present
Burkhardt	Present
Cain	Present
Campbell	Present
Cate	Present

Champoux	Present
Choate	Present
Conover	Present
Cross	Present
Dahood	Present
Davis	Present
Delaney	Present
Driscoll	Present
Drum	Present
Eck	Present
Erdmann	Present
Eskildsen	Present
Etchart	Present
Felt	Present
Foster	Present
Furlong	Present
Garlington	Present
Graybill	Present
Gysler	Present
Habedank	Present
Hanson, R. S.	Present
Hanson, R.	Present
Harbaugh	Present
Harlow	Present
Harper	Present
Harrington	Present
Heliker	Present
Holland	Present
Jacobsen	Present
James	Present
Johnson	Present
Joyce	Present
Kamhoot	Present
Kelleher	Present
Leuthold	Present
Loendorf	Present
Lorello	Present
Mahoney	Present
Mansfield	Present
Martin	Present
McCarvel	Present
McDonough	Present
McKeon	Present
McNeil	Present
Melvin	Present
Monroe	Present
Murray	Present
Noble	Present
Nutting	Present
Payne	Present
Pemberton	Present
Rebal	Present

Reichert	..	Present
Robinson		Present
Roeder		Present
Rollins..		Present
Romney .....		Present
Rygg		Present
Scanlin		Present
Schiltz		Present
Siderius		Present
Simon		Present
Skari		Present
Sparks.....		Present
Speer.....		Present
Studer .....		Present
Sullivan		Present
Swanberg.. ..		Present
Toole.....		Present
Van Buskirk		Present
Vermillion		Present
Wagner,, ..		Present
Ward .....		Present
Warden.....		Present
Wilson . . . . .		Present
Woodmansey		Present

**CLERK HANSON:** Mr. President, 100 delegates present.

**PRESIDENT GRAYBILL:** Very well; that's a quorum.  
(Applause)

**PRESIDENT GRAYBILL:** I trust that will prevail throughout debate. All right, Order of Business Number 1, Reports of Standing Committees.

**CLERK HANSON:** None, sir.

**PRESIDENT GRAYBILL:** No-yes, there is.

**CLERK HANSON:** Oh, sorry.

**PRESIDENT GRAYBILL:** Mr. Aasheim.

**DELEGATE AASHEIM:** Mr. President, members of the Assembly, the Legislative Committee submits herewith a proposed new legislative article which combines Article V and Article VI of the present Constitution. The proposed article is intended to replace all sections of Article V and Article VI of the present Constitution with the exceptions of the procedure for submitting initiative and referendum petitions and the procedures for legislative action in times of emer-

gency which were assigned to the Committee on General Government. Throughout its deliberations, the committee has addressed itself to drawing up, to the best of its ability and judgment, a proposed legislative article containing choices between a bicameral and unicameral legislature. The bicameral and unicameral proposals are both submitted as majority reports. It is the committee's recommendation that the unicameral and bicameral proposals should be presented on the ballot as alternative legislative articles. The proposed revisions in the majority report include major substantive changes, procedural and technical improvements and stylistic changes in the language. Moreover, the Legislative Committee proposes a more coherent and unified organization of the article than the existing one. The unicameral and bicameral reports, for the most part, differ only as to the structure of the legislature. Minority reports express variance with the thinking of the majority of the members. The members of this committee, by signing the majority report, do not necessarily endorse each and every statement contained therein. And minority reports on various sections are also presented in this report. The committee utilized the testimony of many witnesses. A list of the witnesses is contained in this report. The committee wishes to express its thanks to Richard F. Bechtel, its research analyst, and Judith A. Pratt, its secretary, and Steve Jones, its student intern. Magnus Aasheim, Chairman; Jerry Loendorf, Vice-Chairman. The Chairman would like to have you turn to page 11 of your report and note the heading. It says "Comments on Majority Proposal." It should be "Majority Unicameral Proposal." We also have a report on the majority bicameral proposal later on.

**PRESIDENT GRAYBILL:** Thank you, Mr. Aasheim. The Chair notes that the Legislative Committee's committee proposal has been filed. As you can see, it has been printed. It is laid on your desk. It is now placed on General Orders and will be debatable 48 hours from now.

All right. Reports of Select Committees.

**CLERK HANSON:** None, sir.

**PRESIDENT GRAYBILL:** Communications.

**CLERK HANSON:** (Reading) "Helena, Montana, February 15, 1972. Honorable Leo Gray-

bill, Jr., President, Montana Constitutional Convention, Capitol, Helena, Montana. Dear Mr. President: In accordance with the provisions of Section 15(2), Extraordinary Senate Bill No. 6, Chapter Extraordinary No. 1, Laws of Montana 1971, the license of Maurice Mulcahy, License Number 69.72, has been reinstated as of February 15, 1972. Sincerely yours, Frank Murray, Secretary of State."

**CLERK HANSON:** (Reading) "Helena, Montana, February 16, 1972. Honorable Leo Graybill, Jr., President, Montana Constitutional Convention, Capitol, Helena, Montana. Dear Mr. President: In accordance with the provisions of Section 15(2), Extraordinary Senate Bill No. 6, Chapter Extraordinary No. 1, Laws of Montana 1971, the license of Robert A. Ellis, License Number 27.72, has been reinstated as of February 16, 1972. Sincerely yours, Frank Murray, Secretary of State."

**PRESIDENT GRAYBILL:** Very well. At this time, the President wants to take a moment under Communications to talk very briefly with this body. It certainly is not my intention to in any way embarrass this body, and I am very sorry for the publicity which I seem to have brought down upon our head again this morning. I would like to say to you that before the briefing that I get from the clerk and the floor manager every morning—yesterday morning--while I was out of the office, now-the Tribune's reporter went past both the secretaries, unannounced and uninvited, sat down at my desk and put his coffee on my desk and spread his notes there and took over. Now, when I came back, I asked him if he would leave. He said that he was there to take the notes of the meeting. I told him that I did not consider that a meeting of a committee of this body and that I would like him to leave, and he did leave, and that's what happened. It does seem to me that the President, as well as the delegates, must have some place that he can seek some sanctuary and do some thinking without being watched and followed by these-this particular reporter. And I am going to try and insist on that in my office. I am sorry for what has transpired. I have put out a press release explaining my side of the story. I'm sorry that it occurred. I think most of you would agree with me that all of our sessions—that all of our committee meetings and sub-committee meetings have certainly been "pen. This meeting that I have, or this group that gathers to discuss what goes on the floor, is not a

constituted committee. It's just the floor manager and the clerk and occasionally some others to decide how to run this Convention, and it seems to me that it would be most inappropriate for the news media to sit there and listen to how and what we're going to do, so that if some decision was made, the word could be flashed and this house could be put into a bad situation at the time we go into session. So, I'm going to insist on the sanctity of my office, and I hope you'll support me, but in any event, I want to apologize for the embarrassment that this will cause the Convention state-wide. (Applause)

**PRESIDENT GRAYBILL:** All right. Order of Business Number 4, Introduction.

**CLERK HANSON:** None, sir.

**PRESIDENT GRAYBILL:** Order of Business Number 5, Final Consideration.

**CLERK HANSON:** None.

**PRESIDENT GRAYBILL:** Order of Business Number 6, Adoption.

**CLERK HANSON:** None.

**PRESIDENT GRAYBILL:** Order of Business Number 7, Motions and Resolutions.

**CLERK HANSON:** None, sir.

**PRESIDENT GRAYBILL:** Order of Business Number 8.

Mr. Champoux.

**DELEGATE CHAMPOUX:** Mr. President, fellow delegates. My pleasure this morning to introduce the pages for this week. As I call your name, would you please stand, and then one of you will come to the first microphone and give an answer to our welcome. The first page is Charlotte Carruthers, Kalispell; Margaret Coldiron, Butte—Margaret has a very unusual name—she's called Jiggs—you may want to ask her why; Myrna Fillner of Billings; Patric Graham of Great Falls; Carl Gysler of Fort Benton—and Carl is the son of our fellow delegate, Erv Gysler; William Watkins of Havre; Kent Saxby of Helena; Sarah McClay of Lolo. Now, have you chosen one of your numbers to-Jiggs.

**MISS COLDIRON:** Well, it was kind of hard to try and think of something original to say, because we all feel so happy to be here, and we're so proud to be able to serve you, and we hope that we

do a good job, and if you see one of us flying by and you need something, just grab us and we'll stop. And we may not be able to find everything quite yet, but we're working hard, and we're going to try to serve you as best we can. We want to thank you for this honor.

(Applause)

PRESIDENT GRAYBILL: Well, on behalf of the Convention, we want to welcome you pages, and we're glad to have you, and we are certainly looking forward to working with you this week. Your names will be in the proceedings for the day, and we'll see that you get a copy of those proceedings to take home with you. Any other unfinished business?

CLERK HANSON: None, sir.

PRESIDENT GRAYBILL: Order of Business Number 9, Special Orders.

CLERK HANSON: None.

PRESIDENT GRAYBILL: Order of Business Number 10. The President would simply like to point out to you that the General Government proposal has been on the desks now 24 hours and will have been on the desks 48 hours and will be subject to debate tomorrow morning. We intend to debate that tomorrow morning. In that connection, I would like to point out that major amendments that any of you may have in mind to the General Government proposal should be in writing. The blanks, which are four—quadruplicate in number, are available at the clerk's office for writing up your major amendments, and if your amendment is sufficiently complicated that you feel it ought to be before the delegates, please try to get it done in time so that it can be printed and spread. If your amendments are minor—a matter of one word or a short phrase—the Chair will certainly entertain such amendments without the necessity of printing. But I want to call your attention to the fact that you should be ready with your amendments, and we would rather not type them while we are on the floor here. So, please be prepared for our first exercise in debate tomorrow morning.

Order of Business Number 11, Committee Announcements and Notices. Mr. Toole, you have an announcement.

DELEGATE TOOLE: Mr. President, there will be a meeting with the interns of the research

subcommittee of the Committee on Administration in Room 431 at 4 o'clock this afternoon.

PRESIDENT GRAYBILL: And I have an announcement that the delegate party next Tuesday night will include an amateur hour, and Max Baucus and Katie Payne are receptive to those of you who would like to perform in a more formal way than we sometimes allow here in the Convention, so if you'll all get in touch with them, they'll be happy to make the necessary arrangements for your amateur—Mr. Scanlin, are you up already? (Laughter)

Mr. Scanlin.

DELEGATE SCANLIN: Mr. President, you're responsible for this. The "Back Bench Barbershoppers" charter registration closes at noon today. We have received official word from the national headquarters in Wisconsin that we are legitimate. All interested voices, see the back bench. JPB's are on the way. Rehearsals at the Methodist Church chancel every morning at 6:00 a.m. Thank you. (Laughter)

PRESIDENT GRAYBILL: Well, that shows we'd better be careful of what word we get from Wisconsin's Constitution, doesn't it? All right.

Mrs. Blend.

DELEGATE BLEND: Local Government will meet in Room 437 15 minutes after adjournment. I would like to tell all delegates present that Mr. Jim Moore, who spoke last night, will be at our meeting, if they wish to attend. Thank you.

PRESIDENT GRAYBILL: Mr. Champoux.

DELEGATE CHAMPOUX. Education Committee, 10 minutes after adjournment, please.

PRESIDENT GRAYBILL: Mr. Holland.

DELEGATE HOLLAND: Judiciary, 10 minutes after adjournment.

PRESIDENT GRAYBILL: Mr. Aasheim.

DELEGATE AASHEIM: (Inaudible)—10 minutes after adjournment.

PRESIDENT GRAYBILL: Mr. Rygg.

DELEGATE RYGG: Revenue and Finance, at 9:45, 1:30 and 7:00 p.m.

PRESIDENT GRAYBILL: Let that sink in a little bit. (Laughter)  
Okay. Mr. Schiltz.

DELEGATE SCHILTZ: Mr. President. Scalpel and Disecting, tomorrow morning at 8 o'clock for a dry run on the Suffrage article.

PRESIDENT GRAYBILL: Very well. Are there other announcements?  
Mr. Dahood.

DELEGATE DAHOOD: Mr. President, Bill of Rights will meet 15 minutes after adjournment.

PRESIDENT GRAYBILL: Very well.  
Mr. Eskildsen.

DELEGATE ESKILDSSEN: Mr. President, I move we adjourn until Thursday, February 17th, 9:00 a.m., 1972.

PRESIDENT GRAYBILL: The motion is to adjourn until Thursday morning at 9:00 a.m. All in favor, say Aye.

DELEGATES: Aye.

PRESIDENT GRAYBILL: Opposed, Nay.  
(No response)

PRESIDENT GRAYBILL: So ordered.

(Convention adjourned at 9:24 a.m.)

**February 17, 1972**  
**9:05 a.m.**

**Twenty-Sixth Day**

**Convention Hall**  
**Helena, Montana**

**PRESIDENT GRAYBILL:** The Convention will be in order. If you'll all rise, Delegate Harper will lead **us in invocation.**

**DELEGATE HARPER: Our Heavenly** Father, we pause at the beginning of this day to measure ourselves against the standards that You have for us. Now, perhaps we feel small enough to work in humility, "pen to Your guidance and "pen to each other. May we debate with our best intelligence and vote with the courage of our convictions, taking counsel from our faith more than from our fears; so may the work we produce in humility become a document of which we can all be justly proud. Amen.

**PRESIDENT GRAYBILL:** We'll vote this morning by voting Aye on the voting machines.

**CLERK HANSON:** Delegate Artz, Delegate Barnard, Delegate Belcher, Delegate Brown, Delegate Holland, Delegate Jacobsen. Delegate Artz, Delegate Babcock, Delegate Belcher. Delegate Artz, Delegate Belcher. Mr. President, may Delegate Pemberton be excused, please?

**PRESIDENT GRAYBILL: Yes, Delegate** Pemberton is excused.

**CLERK HANSON:** Delegate Artz.

**PRESIDENT GRAYBILL:** Well, we'll close the ballot and take the recorded vote, and we'll count him absent if he comes-or, count him present if he comes.

Aasheim	Present
Anderson, J.	Present
Anderson, O.	Present
Arbanas	Present
Arness	Present
Aronow	Present
Artz	Present
Ask	Present
Babcock	Present
Barnard	Present
Bates	Present
Belcher	Present
Berg	Present
Berthelson	Present

Blaylock	Present
Blend	Present
Bowman	Present
Brazier	Present
Brown.	Present
Bugbee	Present
Burkhardt	Present
Cain	Present
Campbell	Present
Cate	Present
Champoux	Present
Choate	Present
Conover	Present
Cross	Present
Dahood	Present
Davis	Present
Delaney	Present
Driscoll	Present
Drum	Present
Eck	Present
Erdmann	Present
Eskildsen	Present
Etchart	Present
Felt	Present
Foster	Present
Furlong	Present
Garlington	Present
Graybill	Present
Gysler	Present
Habedank	Present
Hanson, R.S.	Present
Hanson, R.	Present
Harbaugh	Present
Harlow	Present
Harper	Present
Harrington	Present
Heliker	Present
Holland	Present
Jacobsen	Present
James	Present
Johnson	Present
Joyce	Present
Kamhoot	Present
Kelleher	Present
Leuthold	Present
Loendorf	Present
Lore110	Present
Mahoney	Present
Mansfield	Present
Martin	Present
McCarvel	Present
McDonough	Present

McKeon	Present
McNeil .. .. .	Present
Melvin..	Present
Monroe	Present
Murray .....	Present
Noble.. .. .	Present
Nutting.. .. .	Present
Payne	Present
Pemberton ..	Excused
Rebal .....	Present
Reichert	Present
Robinson	Present
Roeder.. .. .	Present
Rollins.. .. .	Present
Romney .....	Present
Rygg .. .. .	Present
Scanlin .. .. .	Present
Schiltz .. .. .	Present
Siderius..	Present
Simon .....	Present
S ari	Present
Sparks .. .. .	Present
Speer .....	Present
Studer .....	Present
Sullivan	Present
Swanberg. .. .	Present
Toole .. .. .	Present
Van Buskirk .. .	Present
Vermillion	Present
Wagner..	Present
Ward .....	Present
Warden.....	Present
Wilson	Present
Woodmansey .. .	Present

**DELEGATE HANSON:** Mr. President, 98 delegates present, 1 excused, 1 absent.

**PRESIDENT GRAYBILL:** Very well. That's a quorum; the journal will so show. This morning, I'd like to, unless there's objection, go immediately off the order of business to Order of Business Number 11 to make two announcements, since we may not have a chance to make them later. The first announcement is that, after consultation among the printing clerk and others, we have at the moment decided to print enough committee proposals so that everyone gets one committee proposal at their desk. Secondly, the committee who is making the proposal gets a second proposal at their committee office. So you'll get two of the ones you're on. Other than that, all of the people that are on the mailing list get them, the press gets them, and so forth; but besides that,

they have to be purchased. So, there have been a lot of requests for extra committee proposals. Will you please save your committee proposals; take care of them; write your names on them. We'll try and do something for you if we have a couple of catastrophies, but we would rather not have to print 200 or 300 extra of these committee proposals, and they are on sale for people that need one for some particular person--at a dollar per committee. But that is the way it is working now, and we'd like to try that; and if you all feel that won't work--why, someone can make a motion; we'll change it. But at the moment, there's only one for you at your desk, two if you're a member of the committee making the report.

All right. The second announcement that I am **very** happy to make this morning is that on the distinguished speaker series tomorrow morning, we will hear from Charles A. Lindbergh in this chamber. Mr. Lindbergh will visit us tonight and tomorrow morning. He will address the Convention as a meeting, just as the others did in our distinguished speakers series, in this room at 8:30 tomorrow morning. His remarks, which will be directed largely toward environment and animals and things of that nature, which he is now primarily interested in--preservation of animal species and that sort of thing--will be his remarks will be rather short, and he will then entertain questions and like--would like to talk informally with us tomorrow morning at 8:30. We will proceed with his talk and then recess for maybe a half an hour, and then we'll come back into session--whatever time is necessary--9:30 or 10 o'clock--for our debate tomorrow. Now, this evening, Mr. Lindbergh will meet with anyone who is particularly interested, in the Governor's reception room at 7:30 for an informal discussion. Some of you know about this, and others may wish to attend, but there certainly is no reason for you to attend tonight if you don't want to. He merely wants to informally discuss matters with any of you. He's very interested, as I've told you, in these subjects we've mentioned. I think that I should say on his behalf that he would prefer to discuss--he's attempting to learn something about us at this Convention, and he would be happy to discuss these fields he's interested in. He would prefer that personal questions about his past be overlooked or skipped. You can read the books.

All right. I wanted to make those announcements before we went on. We're now back on Order of Business Number 1, Reports of Standing Committees.

Mr. Joyce.

**DELEGATE JOYCE:** Mr. President, fellow delegates. The Executive Committee proposal is ready for presentation to the delegates and to be advanced to the Committee of the Whole for debate. We have a majority and a minority report in the proposal. However, I might say that the minority report does not go to the whole report by a long ways; rather, it is just to a specific number of sections. We have counted-I think-we've eliminated-400 or 500 words at least, and the proposal itself will speak for itself when you receive it. On behalf of the members of the Executive Committee, we are submitting this for-as a proposal to the delegates, and we will graciously abide the decision of the Convention on the merits thereof. Further, I might add that all members who signed the majority report do not necessarily agree with each and every provision therein. I trust that after you look at it, that you will at least see that we have been working on the matter and that it gives some food for thought in the proposed new executive article to the Constitution. Thank you, Mr. President.

**PRESIDENT GRAYBILL:** Very well. The Executive Committee's proposal is filed and is accepted and has been sent to printing and will be placed upon your desks when printed and is now placed upon General Orders.

The Chair would now recognize Mr. Holland.

**DELEGATE HOLLAND:** (Inaudible) fellow delegates. The Judiciary Committee has prepared and sent its report to the clerk. The recommendations within this report deal with the structure and organization of the Supreme Court, the District Courts and the Justice of the Peace Courts. There are two reports--a majority and a minority report. The majority report contains, among other things, provisions for election of judges, tenures of judges and qualification of judges, and further provides for the elections of clerk of the court and the county attorney. Minority of the committee--and this is a five-to-four split on the committee--report contains recommendations for selections of judges on a basis different from the majority report. In the minority report, the provision is for a selection by the judges, confirmation by the Senate--selection of the judges to be provided by the Legislature, confirmation by the Senate, and a contested election on the first election thereafter and an election without an opponent thereafter. The minority report is in itself a complete judicial article and is entirely distinguishable from the

majority report. There's been no attempt by the minority and the majority to reconcile the various provisions of the report, and they are entirely different. The recommendations contained in the full report are of great concern to the people. Resolutions by the Convention will have a profound effect upon the administration of justice and the nature and philosophy of our government. On behalf of the Vice-Chairlady, Mrs. Catherine Pemberton-myself, we regret that a complete consensus was not possible. We do not report that all members of the committee--we do report that all members of the committee worked diligently, and the majority and minority reports are consensus of the opinions of all persons signing them. While the members of this committee had philosophical differences, particularly about selection of judges, the entire committee, working on a difficult subject, wholeheartedly devoted their time and energy to their respective report. The committee expresses its thanks to its research analyst, Sandra Muck&ton, and secretary, Ellen McCarthy, and to its administrative interns, Dodge Leary and Katherine Sullivan. Thank you very much. Mr. President.

**PRESIDENT GRAYBILL:** Thank you, Mr. Holland. The report of the Judiciary Committee has been filed and is accepted and has been sent to printing and will be placed upon your desk when printed, and the Judiciary Committee proposal is now placed on General Orders.

Mr. Artz. Yes.

**DELEGATE ARTZ:** Mr. President, road conditions between here and the Mitchell Building are not the best. The legs are old. I couldn't make it on time. Sorry.

**PRESIDENT GRAYBILL:** Mr. Artz, you may be shown present, and we're sorry that you didn't get here earlier--to miss the fun.

Very well. Any other reports of Standing Committees?

**CLERK HANSON:** None, sir.

**PRESIDENT GRAYBILL:** All right. Reports of Select Committees--2.

**CLERK HANSON:** None.

**PRESIDENT GRAYBILL:** ...3, Communications.

**CLERK HANSON:** None.

**PRESIDENT GRAYBILL:** ...4, Introduction and Reference of Proposals.

**CLERK HANSON:** None.

**PRESIDENT GRAYBILL:** ...5, Further—Final Consideration.

**CLERK HANSON:** None, sir.

**PRESIDENT GRAYBILL:** ...6. Adoption of Constitution.

**CLERK HANSON:** None.

**PRESIDENT GRAYBILL:** ...7. Motions and Resolutions.

The Chair will recognize Mr. Murray.

**DELEGATE MURRAY:** Mr. President, I move to suspend the provisions of Rule 74 relating to amendment of these rules. And Mr. President, I make this motion in order to make a motion authorizing a very minor change in Rule 51, since we are about to enter Committee of the Whole, and I ask the members for their assistance in suspending the provisions of Rule 74 so that we may avoid taking the matter to the Rules Committee and then spread it upon the desks for 2 days prior to this consideration.

**PRESIDENT GRAYBILL:** Very well. The motion is on Mr. Murray's motion that Rule 74 be suspended. Rule 74 calls for a method of amending the rules which requires 2 days' consideration. Mr. Murray would like to suspend that rule so that he can make a one-digit change in Rule 51 this morning. Is there any discussion about suspending Rule 74?

(No response)

**PRESIDENT GRAYBILL:** All in favor of suspending Rule 74, say Aye.

**DELEGATES:** Aye.

**PRESIDENT GRAYBILL:** All opposed, say No.

(No response)

**PRESIDENT GRAYBILL:** The Ayes have it, and so ordered.  
Mr. Murray.

**DELEGATE MURRAY:** Mr. President, I move that we amend Rule 51, on page 22, in the third paragraph, under the caption "Committee of the Whole Consideration", by deleting-or, by

substituting the digit 10, for the digit 7, as it appears in line 2 of that paragraph 3. The reason is that we do not think we have to go back to Motions and Resolutions in order to hear or vote on the report of the Committee of the Whole but can do it within Order of Business Number 10, and it would save us some time if we can do it in this fashion.

**PRESIDENT GRAYBILL:** Very well. You've heard the motion of the Chairman of the Committee on Rules, Mr. Murray, to amend Rule 51 on page 22, right in the middle of the page, to provide that the number-that the Order of Business be Number 10 instead of Number 7 that the Committee of the Whole reports to. Is there any discussion?

(No response)

**PRESIDENT GRAYBILL:** As I understand it, this simply means that instead of-when we come in from the Committee of the Whole, instead of having to go-revert back to Order of Business Number 7, we may stay on Order of Business Number 10 to hear our own report. That's the purpose of this rule. Now, is there any discussion?

(No response)

**PRESIDENT GRAYBILL:** If not, all those in favor of amending Rule 51 by substituting the numeral 10 for the numeral 7, as indicated by Mr. Murray, please say Aye.

**DELEGATES:** Aye.

**PRESIDENT GRAYBILL:** Opposed, No.  
(No response)

**PRESIDENT GRAYBILL:** The Ayes have it, and the rule is amended. Are there other Motions and Resolutions?

Mr. Kelleher.

**DELEGATE KELLEHER:** Mr. President, I believe today we're supposed to start the debates, is that correct?

**PRESIDENT GRAYBILL:** Yes, sir.

**DELEGATE KELLEHER:** In view of the fact, Mr. President, that we've been working very hard in getting our committee reports out and that I personally am very tired-in fact, almost to the point of exhaustion--and, just speaking for myself-I'd like to know how some of the other delegates feel-and in view of the fact that I have not even had an opportunity to read either the majority or minority report on General Govern-

ment, and I personally do not feel that I am qualified to begin debate, I move **that we** postpone the beginning of the general debate until next Tuesday at 9:00 a.m.

**PRESIDENT GRAYBILL:** The motion by Mr. Kelleher is to postpone debate on General Government, and I take it the sense of it is to postpone the debate on the rest of the articles, until next Tuesday at 9:00 a.m.

Mr. Eskildsen.

**DELEGATE ESKILDSEN:** Mr. President, I rise in opposition to this motion. Let's get debate started. If we find that we don't know enough about what we're doing, we can always pass it for the day during the debate and accomplish just what he wants to accomplish. But, let's try it and see how we work out. Let's get this Convention rolling at this time.

**PRESIDENT GRAYBILL:** Mr. Toole.

**DELEGATE TOOLE:** Mr. President, if we start postponing debate at this stage of the game, this Convention will never finish its business within the budgetary allowance. I rise in opposition to the motion.

**PRESIDENT GRAYBILL:** Is there other—Mr. Romney.

**DELEGATE ROMNEY:** I feel, like delegate Eskildsen and Delegate Toole, that we should get the machinery moving. However, all of these—or most all of these various articles from the various substantive committees are going to be on the floor and will have been on the floor for 48 hours in very short order, and it is going to be necessary that after today, or at least after this General Government topic is exhausted, that there be some time devoted ahead of each discussion of each article to permit us to make a study of the article before we debate it; otherwise, we'll be going into it blindfolded.

**PRESIDENT GRAYBILL:** Mr. Aasheim.

**DELEGATE AASHEIM:** Since this is Thursday, I've great fears that by Friday, someone might be in China and bring back by Tuesday another system which we'd have to discuss, so I would suggest we continue as scheduled. (Laughter)

**PRESIDENT GRAYBILL:** Is there further debate?

(No response)

**PRESIDENT GRAYBILL:** If not, the question is on the motion of Mr. Kelleher that we defer debate-postpone debate on General Government until Tuesday morning at 9:00 a.m. All those in favor of postponing debate on General Government until Tuesday morning at 9:00 a.m., say Aye.

**DELEGATES:** Aye.

**PRESIDENT GRAYBILL:** Opposed, No.

**DELEGATES:** No.

**PRESIDENT GRAYBILL:** The Noes have it, and so ordered. Are there other motions or resolutions?

**CLERK HANSON:** None, sir.

**PRESIDENT GRAYBILL:** Very well. Unfinished Business.

**CLERK HANSON:** None.

**PRESIDENT GRAYBILL:** Number 9, Special Orders of the Day.

**CLERK HANSON:** None.

**PRESIDENT GRAYBILL:** Number 10, General Orders of the Day.

**DELEGATE ESKILDSEN:** Mr. President?

**PRESIDENT GRAYBILL:** Just a moment, Mr. Eskildsen.

Mr. Clerk, will you read the General Orders of the Day.

**CLERK HANSON:** (Reading) "The following committee proposals are now on General Orders: General Government and Committee proposal; Legislative Committee proposal; Executive Committee proposal; and Judiciary Committee proposal."

**PRESIDENT GRAYBILL:** Very well. Can you tell us what ones have passed the 48-hour rule.

**CLERK HANSON:** The General Government Committee Proposal Number 1 and 2 have been duplicated and placed on the delegates' desk

on the 15th day of February, 1972, at 9 o'clock and is now in compliance with Rule 23 of the Montana Constitutional Convention Rules.

**PRESIDENT GRAYBILL:** Very well.  
Mr. Eskildsen.

**DELEGATE ESKILDSEN:** Mr. President, I move this Convention resolve itself into the Committee of the Whole for the purpose of handling business under General Orders.

(Committee of the Whole chairmanship assumed by Mr. Graybill.)

**CHAIRMAN GRAYBILL:** Very well. The members of the Committee of the Whole will please be in order. Members of the committee, you have before you for your consideration Proposal Number 1, which is the Suffrage and Election proposal of the General Government Committee. Will the clerk please read Section 1.

All right, just a moment. Before we do that, we'll recognize Mr. Etchart to Mr. Etchart, are there any amendments in Number 1?

**DELEGATE ETCHART:** No, sir. I have some amendments to Number 2, except—

**CHAIRMAN GRAYBILL:** Right. Very well. We'll pass that, then.

**DELEGATE ETCHART:** Number 1—it should be pointed out that this is the report on Suffrage and Elections.

**CHAIRMAN GRAYBILL:** Right.

**DELEGATE ETCHART:** And the reports as they are on the desks aren't numbered.

**CHAIRMAN GRAYBILL:** You should number your report on Suffrage and Election, Number 1. You should number the other report on Constitutional Revision, Number 2. We're now on the General Government Committee's Suffrage and Elections report, Number 1.

Now, Mr. Clerk, will you read Section 1?

**CLERK HANSON:** (Reading) "Section 1. All elections by the people shall be secret ballot."

**CHAIRMAN GRAYBILL:** Mr. Etchart.

**DELEGATE ETCHART:** Mr. Chairman, I move that when this committee does rise and report, after having had under consideration General Government Proposal Number 1, Section

1, that it recommend the same do pass.

Mr. Chairman.

**CHAIRMAN GRAYBILL:** Mr. Etchart.

**DELEGATE ETCHART:** The wording in this section differs from the present Article IX, Section 1, only in that it includes the word "secret." The committee feels that the guarantee of secrecy in voting is important enough to warrant inclusion in the Constitution.

**CHAIRMAN GRAYBILL:** Very well. You have before you Section 1. Are there any amendments?

Mr. Swanberg.

**DELEGATE SWANBERG:** I was wondering, Mr. Chairman, if it wouldn't be advisable, in view of the fact that there may be something in some other section—I'm sure it doesn't apply in this case, but possibly in some of the other sections—if we couldn't have the whole thing read as a whole first and then go back and take each section one by one. And offered merely as a suggestion, for your consideration.

**CHAIRMAN GRAYBILL:** Well, Mr. Swanberg, that might be possible on this one, but if we read the others as a whole, it would be rather time-consuming, and that's why they're there for 20—for 48 hours on your desk. If you have your book opened, the whole of the proposal is on that one page. There are five sections to it, and it's very easy to see, and we're on Section 1. Now, if you want to make a motion to that effect, we'll find out, but the rules now call for taking these matters up section by section, and we're on Section 1.

Very well, members of the committee, you now have before you on the motion of the Chairman of the Committee on General Government that when this committee does arise and report after having under consideration Section Number 1, that it recommend the same be adopted. We're now going to vote on Section Number 1. As many as shall be in favor of Section Number 1, say Aye.

**DELEGATES:** Aye.

**CHAIRMAN GRAYBILL:** As many as are opposed, say No.  
(No response)

**CHAIRMAN GRAYBILL:** The Ayes have it, and Section 1 is passed.

Will the clerk read Section 2?

**CLERK HANSON:** (Reading) "Section 2. Any citizen of the United States who is 18 years of age or older and meets the registration and residence requirements of the state and political subdivision is a qualified elector, except that no person who is serving a sentence for a felony in a penal institution or is judged of unsound mind by court may vote."

**CHAIRMAN GRAYBILL:** Mr. Etchart.

**DELEGATE ETCHART:** Mr. Chairman, I move that when this committee does rise and report after having had General Government Proposal Number 1, Section 2, under consideration, that it recommend that Section 2 be adopted.

Mr. Chairman.

**CHAIRMAN GRAYBILL:** Mr. Etchart.

**DELEGATE ETCHART:** If the members would turn to the report, page 4, I believe that you could follow the rationale a little easier. The italicized language is what we have in our article, and directly under it is the rationale or the explanation, so on Section 2—I'm reading on line 15—but, this section embodies all of the proposed constitutional qualifications for and disqualifications from voting. In the 1889 Constitution, these qualifications and disqualifications are scattered through six sections of Article IX. The proposed article constitutionally gives the Legislature the major burden for establishing explicit registration and residence requirements. The rationale for individual segments of Section 2 follows, and if you'd look to the italicized language above, this would be the first--about the first statement up there, which says: "Any citizen of the United States who is 18 years of age or older..." Now, 18 is the voting age of all elections as established by the 26th Amendment of the national Constitution. The 1971 Montana Legislature was among the state legislatures that ratified the amendment. Continuing, in our language: "and meets the registration and residence requirements of the state and political subdivision is a qualified elector." I believe this is self-explanatory. And, to finish off that section: "except that no person who is serving a sentence for a felony in a penal institution or who is judged of unsound mind by a court may vote," The present Constitution automatically disenfranchises felons. This is done in Article IX, Section 2, and extends this disenfranchisement even after the person is released from prison. The convicted felon must apply for often difficult to receive pardons before he may again vote. The

committee feels that this system of permanent punishment is contrary to the best interests of society in that it does nothing to aid rehabilitation of a criminal. Indeed, a provision disenfranchising a felon attaches a stigma to the person and hinders rehabilitation. Additionally, a disqualification provision flies in the face of the rationale for prisoner release. The presumption is that when a man comes out of prison, he should be encouraged to resume normal civic relationships. As for the provision disenfranchising those adjudicated as of unsound mind, the committee feels that with the new and ever-expanding developments in mental hygiene, it is unwise to freeze arbitrary mental disqualifications by label into the Constitution. Consequently, the committee has left such decisions for judges to make on an individual case basis.

**CHAIRMAN GRAYBILL:** Very well. You have before you Section 2 of Proposal 1 for your consideration. What is your pleasure?

Mr. Blaylock.

**DELEGATE BLAYLOCK:** Mr. President, will Mr. Etchart yield to a question?

**CHAIRMAN GRAYBILL:** Mr. Etchart, will you yield?

**DELEGATE ETCHART:** I yield.

**DELEGATE BLAYLOCK:** Mr. Etchart, right after the word "state," you say "and political subdivision." Is it the intent of the committee that political subdivisions would be allowed to set voting qualifications like a town or a county?

**DELEGATE ETCHART:** No, the intention is to leave it to the Legislature.

**DELEGATE BLAYLOCK:** Would it be better if we struck that language and just said "of the state is a qualified--"?

**DELEGATE ETCHART:** Well, the Legislature has set different residency requirements in different political subdivisions, and so our intention is to leave it to the discretion of the Legislature, in that they may have different qualifications-or, different residence requirements, but our intention is to insure that they are-provided they meet these residency requirements-that they are considered qualified electors.

**CHAIRMAN GRAYBILL:** Mr. Blaylock.

**DELEGATE BLAYLOCK:** Well, Mr. President, I move to amend this then by striking the words "and political subdivision" and just say, "resident requirements of the state is a qualified elector."

**CHAIRMAN GRAYBILL:** What line is that?

**DELEGATE BLAYLOCK:** Line 11. Line 11, right after "state," strike "and political subdivision."

**CHAIRMAN GRAYBILL:** Very well. The amendment proposed by Mr.-moved by Mr. Blaylock is to strike from line 11 the three words "and political subdivision" and otherwise leave it alone. Is there discussion on Mr. Blaylock's amendment?

Mr. Etchart.

**DELEGATE ETCHART:** Mr. Chairman, I would resist the amendment because the committee considered this at great depth. There are problems that come up, such as bond elections, and we feel that the political subdivisions might have a different problem in school bond elections--this type thing--that aren't necessarily germane to qualifying an elector. So, for this reason, I would oppose that amendment, and I would like to defer to Mr. Brown if he has some additional thinking.

**CHAIRMAN GRAYBILL:** Mr. Brown.

**DELEGATE BROWN:** Mr. President, I rise in opposition to the amendment. We've carefully considered this--and you could be a qualified elector in the State of Montana, but there would be many reasons that if you moved into a city a day ahead of an election, or for many other reasons, that would complicate the electoral process, and I will--

**CHAIRMAN GRAYBILL:** Mr. Brown, hold the mike a little further away from your mouth.

**DELEGATE BROWN:** Thank you. But we carefully considered this and we think that the political subdivision--there may be a good reason in the future for having separate resident requirements other than state elections, so I move that the amendment not be adopted.

**CHAIRMAN GRAYBILL:** Mr. Harlow.

**DELEGATE HARLOW:** Mr. Chairman.

Will Delegate Blaylock yield to a question?

**CHAIRMAN GRAYBILL:** Mr. Blaylock, will you yield?

**DELEGATE BLAYLOCK:** Yes.

**CHAIRMAN GRAYBILL:** Mr. Harlow.

**DELEGATE HARLOW:** Mr. Blaylock, do you realize that your amendment would make it possible for all the people in Billings to come over and vote in your Laurel election?

**DELEGATE BLAYLOCK:** They do. (Laughter)

**CHAIRMAN GRAYBILL:** Do **you** have another question, Mr. Harlow?

**DELEGATE HARLOW:** Mr. Chairman, may I say a few more words about that? So, with this admission of Delegate Blaylock, I feel it is most unwise and unworkable to make it so that anyone in the State of Montana can wander about and vote in any election wherever he may want, wherever he may be, or wherever he may desire to vote. So, I strongly resist the amendment of Delegate Blaylock.

**CHAIRMAN GRAYBILL:** Is there other discussion on the proposed amendment?  
Mr. Kelleher.

**DELEGATE KELLEHER:** I rise to support Mr. Blaylock's motion. As I read this--and meets "the registration and residence requirements of the state"--so I assume the phrase "of the state"--the prepositional phrase--modifies "registration" as well as "residence requirements" and also that the phrase "political subdivision", so I would assume that the political subdivision--say, a county or a municipality--could set up registration and residence requirements in addition to those set up by the Legislature of the State of Montana. What if a--the county or municipality were to set up additional restrictive requirements for allowing people to vote--and we know--all of us know about the problems that they've had in the south of the United States, and it may be true that we have some protection--minority groups or any type of group may have some protection under the federal Constitution, but we can use our imaginations to envisage what type of requirements a county or other type of--or other governmental subdivision less than a state might set up for people--authorizing people to

vote in that county or in that subdivision, municipality, or what-have-you. Therefore, I support Mr. Blaylock's motion.

**CHAIRMAN GRAYBILL:** Mr. Holland.

**DELEGATE HOLLAND:** Would Mr. Brown yield to a question?

**CHAIRMAN GRAYBILL:** Mr. Brown, will you yield?

**DELEGATE BROWN:** I will yield.

**DELEGATE HOLLAND:** I have the same trouble that Mr. Blaylock and Mr. Kelleher have. If this clause means-and meets the registration and residence requirements for-established for the State of Montana and for the political subdivision, I can see some sense in keeping it. But if, as Mr. Kelleher points out, if it's registration and residence requirements of the state and political subdivisions, does this mean required by the state and required by the political subdivisions? Thus we come down to, I take it, that your interpretation is that it's a residence required by the Legislature for voting in a political subdivision and not a residence required-established by a-political subdivision. So-what I say is-if you interpret it one way--my question is-if you interpret it one way and Mr. Kelleher interprets it another, isn't it ambiguous?

**DELEGATE BROWN:** I do not believe it's ambiguous. If you'll refer to Section 3. it says the Legislature will provide your residence and registration requirements. Under this provision, no other body or legislative group could do it except your legislative body, so I think you have to read Section 3 in with Section 2, and it provides that the Legislature will do it and no other body.

**DELEGATE HOLLAND:** (Inaudible)—entire phrase “of the state and political subdivision?” And just make it read “resident requirement is a qualified voter,” because resident requirement would then refer to all of the residence requirements passed by the Legislature.

**DELEGATE BROWN:** I would disagree. I think we've got to keep this flexible, and I think there may be a time in the future when the residence requirements of the state would not be applicable to a political subdivision, and we've got to give the Legislature the discretion to fix these requirements, so I would want to leave the matter

up to the Legislature both for state elections and political subdivisions.

**CHAIRMAN GRAYBILL:** Mr. Joyce.

**DELEGATE JOYCE:** Mr. Chairman, I rise to propose a substitute motion—

**CHAIRMAN GRAYBILL:** Mr. Joyce.

**DELEGATE JOYCE:** -by amending the proposed Proposal Number 1 in line 11, by striking the words “of the state and political subdivision” and substituting in lieu thereof the following words: “as provided by law.”

**CHAIRMAN GRAYBILL:** Very well. I understand it to be the substance of Mr. Joyce's motion that he would strike the words “of the state and political subdivision,” but he would add in the words “as provided by law,” so that the section would then read: “and meets the registration and residence requirements as provided by law is a qualified elector.” Is that the sense of your substitute motion?

**DELEGATE JOYCE:** Yes, it is. May I speak on it, Mr. Chairman?

**CHAIRMAN GRAYBILL:** Very well.

**DELEGATE JOYCE:** It seems to me this would then accomplish the purpose of the General Government Committee and that if the law requires different residence requirements for voting in political subdivisions than they do in state elections, then, of course, those provisions provided by law would apply, and it seems to me that it, therefore, would clear up the ambiguity, accomplish the intent of the committee, and would make it perfectly clear that in order to be a qualified resident you would have to meet the requirements established by law.

**CHAIRMAN GRAYBILL:** Mr. Brown.

**DELEGATE BROWN:** Mr. President, I agree with Mr. Joyce's amendment, and I would so support it.

**CHAIRMAN GRAYBILL:** Mr. Brown supports your amendment. Is there other discussion of this substitute amendment?

Mr. Blaylock.

**DELEGATE BLAYLOCK:** I would support it, also.

**CHAIRMAN GRAYBILL:** Is there other discussion?

Mr. Burkhardt.

**DELEGATE BURKHARDT:** Mr. President, in fairness to the committee, it should be said that several of us were together in the Style Committee at 8 o'clock, and this came up as a matter of discussion. Normally, we'll have time, I think, to go back and forth between committees, but it seemed that this particular phrase was going to be specified in the next section and that it didn't really add anything to this part of the Constitution. Thank you.

**CHAIRMAN GRAYBILL:** Is there further discussion?

Mr. Etchart.

**DELEGATE ETCHART:** Mr. Chairman, I won't resist this amendment, but I really do think it's unnecessary, and I think that we cover what is amended in here in Section 3, and we're actually more specific with our present language, but I won't resist the amendment.

**CHAIRMAN GRAYBILL:** Is there other discussion?

Mr. Aronow.

**DELEGATE ARONOW:** Mr. Chairman, I think there is some need for clarification of the language, but it's difficult to do on the floor, and I would suggest as a substitute that this matter be passed until this afternoon and allow the Committee and the Style and Drafting to get together and come up with language to submit to us after the noon recess and we go ahead and discuss other parts of the section.

**CHAIRMAN GRAYBILL:** Mr. Aronow, I won't allow a substitute motion to a substitute motion, but if you want to make a motion to commit this section, you may. That's permitted. But, I can't allow substitutes on substitutes. But a motion to commit is a motion that is in order in the Committee of the Whole, and you could commit this section back, and we'll have to vote on whether we commit it or whether we settle it.

**DELEGATE ARONOW:** Well, prior to making the motion to commit, there is one other question that I have on this section, and that has to do with the language "except that no person who is in a penal institution may be allowed to vote." Now, does that mean that a person who gets

a suspended sentence, for example, or who is given maybe-a month or 2 or 3 months in the county jail and the balance of the sentence suspended, is he to be allowed to vote or is he foreclosed until the end of the sentence? This is a point of information, and I'd like to direct that question to whomsoever on the committee handled this matter.

Mr. Brown?

**CHAIRMAN GRAYBILL:** Mr. Brown, will you answer that parliamentary inquiry?

**DELEGATE BROWN:** I think we're getting into a different question, but I will discuss that at this time. Our committee took the position that anyone could vote who was not physically in prison. Our theory is this. If a man is given a 10-year sentence and the court or your institutional body feels that he is ready to come back in society on parole, then he should have every opportunity to rehabilitate himself. Therefore, it is the committee's opinion that a person will not be allowed to vote if he is in prison, but if he's on parole, he'll have the right to vote, and we've discussed this with various witnesses in our committee, and we feel that he should have every right to rehabilitate himself, including the right to vote, if he is on parole.

**CHAIRMAN GRAYBILL:** Very well. We'll be at ease for a moment while we change the tape.

(Convention at ease)

**CHAIRMAN GRAYBILL:** The Convention will be in order. The Chair will recognize Mr. Aronow.

**DELEGATE ARONOW:** Mr. Chairman, I move as a substitute motion for all motions to pass Section 2 until after the noon recess.

**CHAIRMAN GRAYBILL:** All right, Mr. Aronow. The Chair is in doubt. There are only certain motions that are allowed here. One is to fix the time, one is to take a recess, one is to reconsider, one is to postpone to a date certain, the next is to commit, to amend, to arise, and so forth. So, it looks to me like you either have to move to postpone to today at 2 o'clock or something like that, or else you have to commit this back to the committee. That's all that the Chair will recognize.

**DELEGATE ARONOW:** well, I move to postpone this matter until after the noon recess,

and I've been advised by the Chairman of the Rules Committee that's in order.

CHAIRMAN GRAYBILL: He didn't say that in his notes, my friend. (Laughter) We'll consider that a motion to postpone to a day certain--namely, today after recess--so that we now have before us Mr. Aronow's motion to postpone consideration of Section 2 of the article on Suffrage and Elections until today after the noon recess. All those in favor of that motion, say Aye.

DELEGATES: Aye.

CHAIRMAN GRAYBILL: All opposed, say No.

DELEGATES: No.

CHAIRMAN GRAYBILL: The Noes have it, and so ordered.

Now we're on Mr. Joyce's substitute motion that the phrase read "meet the registration and residence requirements as provided by law," having stricken therefrom the words "of the state and political subdivision." We're on Mr. Joyce's substitute motion. Is there further discussion?

Mr. Kelleher.

DELEGATE KELLEHER: I support Mr. Joyce's substitute motion.

CHAIRMAN GRAYBILL: Is there further discussion?

(No response)

CHAIRMAN GRAYBILL: All right. We're on the question of Mr. Joyce's substitute motion which says that Section 2 of the Suffrage and Elections shall be amended so that it reads after the first clause: "and meets the registration and residence requirements as provided by law is a qualified elector." And it strikes out the words "of the state and political subdivision." All those or so many as may be in favor of Mr. Joyce's substitute motion, say Aye.

DELEGATES: Aye.

CHAIRMAN GRAYBILL: So many as are opposed, say No.

DELEGATES: No.

CHAIRMAN GRAYBILL: The Ayes have it, and the substitute motion passes. Since it's a substitute motion, it wipes out Mr. Blaylock's

initial motion. Is there further discussion on Section 2 of the article on Suffrage Amendment?  
Mr. Romney.

DELEGATE ROMNEY: Mr. President, after hearing Delegate Brown's explanation of the penal situation, I wish to move that in line 13, following the word "felony," to insert "or is under parole from" and then continue "a penal institution," in lieu thereof.

Mr. President.

CHAIRMAN GRAYBILL: Mr. Romney, after you've discussed this, will you write it out so that when send it to the Chair, but go ahead and discuss it.

DELEGATE ROMNEY: My point is that, while I feel that the committee's views concerning a felon having the right to return to society and take his place after having completed his payment--his restitution is very fine, I don't think that restitution or atonement has been consummated when he is liberated--when he or she is liberated from a penal institution. Normally, they are liberated under a fraction of the time to which they had been originally sentenced. And if they violate their parole during the period of its existence, they may again be taken back into custody and incarcerated until their term as originally fixed by the court has been completed. So, I think that the felon should be remain in his limbo status until such time as the parole or probation period is exhausted.

CHAIRMAN GRAYBILL: Very well. We're now discussing Mr. Romney's amendment, which is that in line 13 after the word "felon," we add a sentence--add a clause so that it reads: "who is serving a sentence for a felony or is under parole from a penal institution." Now, is there discussion?

Mr. Garlington.

DELEGATE GARLINGTON: I wanted to point out, Mr. President, that Section 27 of the proposed Bill of Rights document includes the words that full rights shall be automatically restored upon termination of state supervision. Mr. Romney's proposal refers only to parole. There is suspension of sentence and there is probation, as well as parole, and there would be an inherent conflict, I feel, between the wording of the proposed amendment and the proposal on the Bill of Rights, and I suggest this for the consideration of the house.

**CHAIRMAN GRAYBILL:** Mr. Campbell.

**DELEGATE CAMPBELL:** Mr. President. As the author of that Section 27 that you referred to, Mr. Garlington, it was our idea that all rights not previously restored by the time that state supervision is terminated would at that time be automatically given to the individual, including the right to practice any occupation. Now, it was our intent that if such thing as voting was determined to be such a right that would be restored after incarceration but before termination of supervision, we felt that this could be done, but anything that was not done at the time that the supervision would be terminated would automatically be given back. I don't see any inherent conflict on this, and if this is the feeling of the committee that this right to vote should be given to the individual, I would be all for it. Thank you.

**CHAIRMAN GRAYBILL:** Mr. Dahood.

**DELEGATE DAHOOD:** I think I should amplify on the matter somewhat. I think Delegate Garlington does raise a point that has some validity because our rationale, to add to what committee member Bob Campbell has just stated, was simply this: that we did not think that anyone's civil rights should be restored, which included the right to vote, until the full debt to society was paid. Society does not determine that that debt has been paid in full until state supervision is totally terminated, whether it be by virtue of parole or suspension of sentence as administered by the court that imposes the sentence. So, consequently, I think there is some measure of conflict in the two situations. I was not going to rise to that particular point, since it was my thought that if the Committee on Government thought under Suffrage and Elections they should allow someone that was released from actual incarceration to participate with respect to one of his many rights as a full-fledged citizen, I was not going to stand and object to it, but there is a question I do want the delegates to know—that the rationale behind Section 27 proposed by the Bill of Rights was that no one who is adjudged a felon should be able to participate as a full-fledged citizen until his debt to society was fully paid, and that can only be measured in two ways—by total termination of state supervision when he's on parole or by completion of the term of suspension imposed by the District Court. Thank you, Mr. Chairman.

**CHAIRMAN GRAYBILL:** Mr. Brown.

**DELEGATE BROWN:** Mr. Chairman, I rise in opposition to the amendment. We have carefully considered this provision. We talked to Mr. Watt, representing the Montana Student Association, we talked to Mr. Coldiron, representing the low-income organizations, and we feel the main thing is to rehabilitate all people who are on parole. If a court, a district judge, allow that man to go on parole—I'm speaking particularly about young people—or the parole board, then we want to do everything possible to rehabilitate him and we think the stigma that he cannot vote is wrong; and if these people say he's ready to go back into society on parole, then he should have the right to vote. So, I will resist the motion to amend; and I might also add that we now have deferred sentences, and the simple way to do this is to allow him to vote if he isn't physically incarcerated in prison.

**CHAIRMAN GRAYBILL:** Mr. Choate.

**DELEGATE CHOATE:** Mr. Chairman. I, too, rise in opposition to the amendment. We did give this full consideration, and it is true that many times a convicted felon does only serve a fraction of the sentence, but his parole has to be determined by proper authority—and he might be on parole for 10 or 15 years or even beyond that—and we don't feel that during this long period of parole he should be refused the right to vote. Thank you, Mr. President.

**CHAIRMAN GRAYBILL:** Mr. Kelleher.

**DELEGATE KELLEHER:** Mr. Chairman, I am rather shocked to hear that we are still talking about paying debts to society in this day and age. I think I agree with Mr. Brown that the emphasis should be on rehabilitation, and all of us who are members of the bar in this state know full well that we have two different systems of justice in the State of Montana. We have one system for us whites and the men my age and we have another system for minority groups and for the very young. And for that reason, I side with Mr. Brown in this matter, and oppose the amendment.

**CHAIRMAN GRAYBILL:** Very well. The question is on Mr. Romney's amendment—proposed amendment to Section 2, in line 13. He wants to add the words "or is under parole from," so that the sentence will read: "except that no person who is serving a sentence for a felony or is

under parole from a penal institution," and so forth, "may vote." Now, that's the question. All in favor of Mr. Romney's amendment, please say Aye.

**DELEGATES:** Aye.

**CHAIRMAN GRAYBILL:** All opposed, say No.

**DELEGATES:** No.

**CHAIRMAN GRAYBILL:** The Noes have it, and the amendment fails. We're back on Section 2 in general. Are there further amendments or further discussion?

Mr. Wilson.

**DELEGATE WILSON:** Mr. Chairman, would Mr. Etchart yield to a question?

**CHAIRMAN GRAYBILL:** Mr. Etchart, will you yield?

**DELEGATE ETCHART:** I yield.

**DELEGATE WILSON:** Is it the intent of your majority suggestion to remove all participation by the Governor's office in whether he should consider the reinstatement of citizens' rights under conditional paroles and conditional sentences?

**DELEGATE ETCHART:** Yes, sir, it is. We have found that the whole philosophy has changed so much. There is more emphasis on deferred sentences. I think maybe when the original Constitution was written, you were either in jail or you were out. Now, you're being paroled. You might have a 10-year sentence and not serve over 6 months. And the Governor's pardon proved to be very cumbersome. In fact, most people didn't bother to go through it. So you have a large group of people that are denied the right to vote. And we felt that, with the changing times, that if they're in the institution or in jail, they shouldn't be able to vote, but if the authorities feel they're qualified to be out and amongst the rest of us, that they should have equal rights with us.

**CHAIRMAN GRAYBILL:** Mr. Wilson.

**DELEGATE WILSON:** Mr. President. For the delegates' consideration I think they should consider the fact that, while we are being in some instances very lenient with these paroles and sentences, the people are coming out who society is very conscious of the fact that they are

on a period of probation, and it is the intent, I think, that these people need some supervision—they need to know that they have, by committing these acts, made an offense against society that does need some atonement for, and I think there should be some discretion on the part of the Governor as to when these citizens' rights should be restored.

**CHAIRMAN GRAYBILL:** Mr. Brown.

**DELEGATE BROWN:** Mr. President, as far as the pardon by the Governor, the only people that will get a pardon are those that are wealthy enough to hire an attorney or have political influence, and I believe we should just forget pardons by the Governor, and I believe we've voted on this already.

**CHAIRMAN GRAYBILL:** Mr. Davis.

**DELEGATE DAVIS:** Mr. President, may I ask Mr. Brown a question, please? Will he yield?

**CHAIRMAN GRAYBILL:** Mr. Brown.

**DELEGATE BROWN:** Yield.

**DELEGATE DAVIS:** Is it the thought of your committee, then, that under your Section 4, which we will get to later, that a person who could be out on parole for murder or any other charge would then be eligible for hold any office?

**DELEGATE BROWN:** That would be my opinion. If the people want to vote for him, he could so serve.

**DELEGATE DAVIS:** Thank you, Mr. Brown.

**CHAIRMAN GRAYBILL:** Further discussion on Section 2?

(No response)

**CHAIRMAN GRAYBILL:** Very well, members of the committee, you have now before you, on the motion of the Chairman of the Committee on General Government, that when this committee does arise and report, after having under consideration Section 2, it recommends the same be adopted. As many as are in favor of Section 2—

Mr. Romney.

**DELEGATE ROMNEY:** I call for a roll call and ask for seconds.

**CHAIRMAN GRAYBILL:** Very well. There are sufficient seconds. We will have a roll call vote on the approval of or disapproval of Section 2. It will be Section 2, as amended.

Mr. Felt, do you have a point?

**DELEGATE FELT:** Of parliamentary procedure, Mr. President, as to whether a roll call vote may be taken during this stage of debate.

**CHAIRMAN GRAYBILL:** We-The rules adopted provide that in this Committee of the Whole, a roll call vote may be called for and, if five seconds stand, may be had. That was the debate we had, and that is the rule. The votes will be non-roll call unless they're called for. Mr. Romney has called for a roll call vote, five seconds have stood, so the vote will be by roll call on Section 2, as amended. You'll remember that the amendment provides for taking out the word "of the state and political subdivision" and putting in the words "as provided by law," so that Section 2 now contains that amendment.

We'll "pen the voting machines. So many as are in favor will vote Aye on the voting machines-this is of Section 2. So many as are opposed will vote No. Has every delegate voted?

(No response)

**CHAIRMAN GRAYBILL:** The Chair will suspend the vote for a moment.

Mrs. Pemberton, you were excused. Do you want to stand and announce your presence, and we'll let you vote.

**DELEGATE PEMBERTON:** Please.

**CHAIRMAN GRAYBILL:** Very well. Mrs. Pemberton is now present, and Mrs. Pemberton may now vote. Have all the delegates voted?

(No response)

**CHAIRMAN GRAYBILL:** Do any delegates wish to change their vote?

(No response)

**CHAIRMAN GRAYBILL:** Very well. The Chair will close the vote. Will you take the roll call vote, Mr. Clerk?

Aasheim	..	..	..	Aye
Anderson, J.				Aye
Anderson,		0..		Aye
Arbanas				Aye
Arness				Aye
Aronow				Aye

Artz	..	Aye
Ask	..	Aye
Babcock		Nay
Barnard	..	Aye
Bates..	..	Aye
Belcher		Aye
Berg		Nay
Berthelson		Nay
Blaylock	..	Aye
Blend		Nay
Bowman	..	Aye
Brazier		Aye
Brown	..	Aye
Bugbee		Aye
Burkhardt	..	Aye
c all.	..	Aye
Campbell	..	Aye
Cate..	..	Aye
Champoux	..	Aye
Choate	..	Aye
Conover	..	Aye
Cross	..	Aye
Dahood	..	Aye
Davis	..	Aye
Delaney	..	Aye
Driscoll	..	Aye
Drum	..	Aye
Eck	..	Aye
Erdmann		Nay
Eskildsen		Nay
Etchart	..	Aye
Felt	..	Aye
Foster	..	Aye
Furlong	..	Aye
Garlington	..	Nay
Gysler		Nay
Habedank	..	Aye
Hanson, R.S.		Nay
Hanson, R.	..	Aye
Harbaugh	..	Aye
Harlow	..	Aye
Harper	..	Aye
Harrington	..	Aye
Heliker	..	Aye
Holland	..	Aye
Jacobsen		Aye
James	..	Aye
Johnson		Nay
Joyce	..	Aye
Kamhoot		Nay
Kelleher		Aye
Leuthold	..	Aye
Loendorf	..	Aye
Lorello	..	Aye
Mahoney		Nay

Mansfield .....	Nay
Martin .....	Nay
McCarvel .....	Aye
McDonough .....	Aye
McKeon .....	Aye
McNeil .....	Aye
Melvin .....	Aye
Monroe .....	Aye
Murray .....	Nay
Noble .....	Aye
Nutting .....	Nay
Payne .....	Nay
Pemberton .....	Nay
Rebal .....	Nay
Reichert .....	Aye
Robinson .....	Aye
Roeder .....	Aye
Rollins .....	Aye
Romney .....	Nay
Rygg .....	Nay
Scanlin .....	Aye
Schiltz .....	Aye
Siderius .....	Aye
Simon .....	Aye
Skari .....	Aye
Sparks .....	Aye
Speer .....	Aye
Studer .....	Nay
Sullivan .....	Aye
Swanberg .....	Aye
Toole .....	Aye
Van Buskirk .....	Aye
Vermillion .....	Aye
Wagner .....	Aye
Ward .....	Nay
Warden .....	Nay
Wilson .....	Nay
Woodmansey .....	Nay
Mr. Chairman .....	Aye

**CLERK HANSON:** Mr. President, 74 delegates voting Aye, 26 voting No.

**CHAIRMAN GRAYBILL:** 74 delegates having voted Aye, 26 having voted No, Section 2 is carried and passed. Will the clerk read Section 3?

**CLERK HANSON:** (Reading) "Section 3: The Legislature shall provide by law the requirements for residency, registration, absentee voting and administration of elections."

**CHAIRMAN GRAYBILL:** Members of the committee, you have now before you for your

consideration Section Number 3. What is your pleasure?

Mr. Etchart.

**DELEGATE ETCHART:** Mr. Chairman, I move that when this committee does rise and report, after having had under consideration General Government Report Number 1, Section 3, that it recommend the same do pass. Mr. Chairman.

**CHAIRMAN GRAYBILL:** Mr. Etchart.

**DELEGATE ETCHART:** Going to page 6 in the report, the rationale on Section 3: "This section allows the Legislature to determine the voting residency and registration requirements." In a large part this has been done by section 23-2701, Revised Codes of Montana, 1947, which established the residency period for most elections at 30 days. This statute, enacted in 1971, conflicts with the present constitutional requirement of 1 year, though this section has a proposed amendment which would change the time limit to 30 days. Approximately 60 percent of the states include specific residency and registration requirements in their constitutions, but most of the newer state constitutions follow the example of the proposed article and leave these matters to the Legislative Assembly. This section will help avoid conflict with rapidly changing federal laws and court decisions. This section also allows the Legislature to determine the time that all elections are held. The committee closely examined several delegate proposals regarding constitutionally establishing the grouping and scheduling of elections. It is the committee's considered opinion that the Legislature is capable of scheduling and providing administration for all elections. The committee is extremely reluctant to freeze for all time the schedule and administrative process of elections. And we have a minority report on this section, Mr. President.

**CHAIRMAN GRAYBILL:** The Chair will recognize the minority.

Mr. Vermillion.

**DELEGATE VERMILLION:** Mr. Chairman, I rise to make a substitute motion. I move that the minority report on Section 3 be adopted, and I would refer the delegates to page 13 in this gray booklet, and the minority report for Section 3 reads as follows: "The Legislature shall provide by law requirements for residence and absentee voting and administration of elections." There is

no change there from the majority report, but here's where the difference comes in the minority report. The minority is asking that voter registration prior to election day shall not be a condition for voting. The Legislature shall provide for a system of poll booth registration and this last phrase is also very important—"insure the purity of elections and guard against the abuse of the electoral process." If I may comment on that, Mr. Chairman?

**CHAIRMAN GRAYBILL:** Mr. Vermillion.

**DELEGATE VERMILLION:** Now, basically, the main difference, as I've explained, in the minority proposal centers around the word "registration." Now, it is our contention that the act of voting is not a privilege that the state merely hands out, but it is a basic right—a right that in no way should be infringed unless for very good reasons. Now, the registration laws as we have them now were put on the books for one reason, and that is to prevent fraud, and it is the minority's contention that that no longer holds water. There is no real need for the current registration laws to prevent people from voting. We feel that you can have poll booth registration, which is, in essence, registering at the time and the place of election, and still prevent frauds. In fact, there has been a good deal of success already in North Dakota on this. North Dakota has had poll booth registration now for 21 years, and they've had minimal problems with fraud. In fact, you've probably heard quoted by many delegates that there's been three cases of fraud in those 21 years since North Dakota has had poll booth registration. I've looked into Professor Lloyd Amdahl's study of the matter, and I find that that figure is wrong. According to his study, there has only been one real case of voter fraud taken to the courts and that man was acquitted. So, North Dakota has had this system for some 21 years. Now, I know there may be some who say that with poll booth registration you might have the problems of fraud, but I think that you can get around that. North Dakota—those people who may not already be on the pollbooks as registered voters have been—the voter comes in—the prospective voter goes in to the place of election and there is an election judge, there are party watchers, there are clerks there, and if there is any doubt whatsoever that the prospective voter might be some doubt—they ask him to sign an oath, an affidavit. And this is under pain of perjury, which

could be anywhere from a 1- to 5-year sentence, and they've had no difficulty with frauds in that state. And I maintain, and the minority maintains, that those who want to maintain the present registration system must prove that there is a great chance of fraud in the State of Montana. If the people who want to keep the present registration laws can show that there is a chance of fraud they may have some validity, but it is our contention that the supporters—those who oppose the minority report, rather, must show that there's a voter fraud, and we contend there is no such difficulty. We are assuming that the voters of Montana are innocent until proven guilty, and it is our hope that the minority proposal will be adopted by the committee.

**CHAIRMAN GRAYBILL:** All right. The question now is on Mr. Vermillion's substitute motion which substitutes the language on page 13, the minority report, Section 3—or Section 3 on page 2.

Mr. Champoux.

**DELEGATE CHAMPOUX:** (Inaudible)—to talk on Mr. Vermillion's motion at this time? Minority report.

**CHAIRMAN GRAYBILL:** Yes, you may debate Mr. Vermillion's substitute motion.

**DELEGATE CHAMPOUX:** I've worked on many registration drives, walking around streets. I spent a whole month one summer, a couple of years ago, and as I went around I thought to myself what a complete waste of time, effort and money this is—not only for the register hut also for the citizen. Not only that—if you look at the many people that are engaged in voter registration at the county courthouses, I think here, again, you have a lot of employee time wasted—and money, also. I've worked also in polling booths, and I've seen many, many people turned away simply because they thought they were registered and weren't. They had missed an election or something of that effect. And for this reason, I stand in support of the minority report. Thank you.

**CHAIRMAN GRAYBILL:** Mr. Brown.

**DELEGATE BROWN:** Mr. President, I rise in opposition to the minority report. The majority of our committee wants to keep this Constitution flexible. One state allows poll booth registration. It's North Dakota. I studied their

constitution yesterday in the law library. 'Their constitution does not provide for it. It's provided for by legislative act. It is our opinion-or my opinion-that maybe this is good or manybeit isn't, but you'll note on their yellow sheet they put out, there were four election inspectors in North Dakota that questioned and had serious concern over this procedure. We have had no election fraud cases in Montana for the past 21 years. I feel this—if the people of Montana do not want registration prior to voting, they can do it by legislative act. If this is bad and it's in the Constitution, it's locked into the Constitution, and I don't want to lock in anything that one state has tried that we aren't sure about, so I request that the majority report be accepted.

**CHAIRMAN GRAYBILL:** Mr. McKeon.

**DELEGATE McKEON:** Mr. Chairman, I rise in support of the minority position. It is our contention that the right to vote is so sacred and so important that it does deserve Constitutional treatment. It is also our contention that registration has been the greatest factor in subverting the turnout of the American electorate in the history of our country. I submit to you that in 1874, when there were no registration laws in our country, 82 percent of the people eligible to vote did vote. By 1924, when every state in the Union had registration laws, the turnout was 48 percent. As we all know, the purpose of registration was to prevent the Negro in the South and groups in the North from voting. It has effectively done that, Mr. Chairman. I would submit to you that, in 1960, more people failed to register and failed to vote than elected the President of the United States. Also, Mr. Chairman, in every other Western civilization, the average voter turnout ranges between 85 to 95 percent. As I said, only 60 percent in this country have voted. If we are to have a true participatory democracy, we must insure that as many people as possible vote for the people who represent them in government. The voter registration laws in this country, Mr. Chairman, have effectively prevented so many people from voting that we cannot say that we truly have a participatory democracy. It is for this reason that I submit we reject any requirements of prior registration and allow poll booth registration as the means of enabling all our citizens to vote in all our elections. Thank you, Mr. Chairman.

**CHAIRMAN GRAYBILL:** Mr. Swanberg.

**DELEGATE SWANBERG:** Would Delegate Brown yield to a question?

**CHAIRMAN GRAYBILL:** Mr. Brown, will you yield?

**DELEGATE BROWN:** I will yield.

**DELEGATE SWANBERG:** Just to get this straight now, Mr. Brown, your section does not prohibit poll booth registration, does it?

**DELEGATE BROWN:** Our section leaves it all to the Legislature. We're not trying to constitutionalize it.

**DELEGATE SWANBERG:** Thank you very much.

**CHAIRMAN GRAYBILL:** Mr. Murray.

**DELEGATE MURRAY:** Mr. Chairman, may I ask several questions of Mr. Vermillion, please?

**CHAIRMAN GRAYBILL:** You may. Mr. Vermillion, will you yield for some questions?

**DELEGATE VERMILLION:** Yes.

**CHAIRMAN GRAYBILL:** Very well.

**DELEGATE MURRAY:** Mr. Vermillion, has this matter of poll booth registration ever been brought to the Legislature in Montana?

**DELEGATE VERMILLION:** I'm not sure that it has or not.

**DELEGATE MURRAY:** I'm not sure that I understand exactly how it functions. Will you describe to me how a voter knows where he goes to register and then to vote, and how he goes through the line—or what procedure do you follow—

**DELEGATE VERMILLION:** In North Dakota?

**DELEGATE MURRAY:** In North Dakota we don't—because I guess that's the only place we know of it.

**DELEGATE VERMILLION:** Right. Well, first of all, using the North Dakota as a base, now they can register, as I say, at the place of polling. In Montana, if we were to adopt this, this does not mean that we would necessarily have to drop the present registration. This would be in addition to it. For those who are not on the poll

lists in North Dakota, they go in, and if they are not on those lists, they are not registered by the sort of permanent registration that we have in Montana—that is, if you voted in one election before, you're still on the lists. Then they are faced with an election judge, you have party watchers there—Democratic and Republican—you also have clerks, and they are free to ask this prospective voter any question they want—ask of them any identification. They may make phone calls. Sometimes there are instances where they may call their employer. They could call anybody they want to check on identification and, further, if they have any question—and this is actually a very rare case in North Dakota—these judges are by law required to be suspicious of these people. If they do have any question, they are asked to sign an affidavit. Now, this is under pain of perjury. In North Dakota that's a 1- to 3-year term, and they have, in these 21 years, had no problems with fraud.

**DELEGATE MURRAY:** All right, another question. Does it require more help at each polling place?

**DELEGATE VERMILLION:** Not—apparently not, in North Dakota. They do have provisions for the larger precincts to hire more clerks, up to six clerks in your larger cities, but in only a couple of instances they've hired up to four clerks. They've never seen it necessary to hire up to six.

**DELEGATE MURRAY:** Does it take additional personnel to do the judging or the inspection?

**DELEGATE VERMILLION:** They do have these election judges. It would likely, assuming this were adopted in Montana, it would likely—probably take some additional help in that—the first general election. It's just my—

**DELEGATE MURRAY:** Might it take some additional help in all 1,000 precincts?

**DELEGATE VERMILLION:** That's a question of speculation. That's hard to say.

**DELEGATE MURRAY:** Have you checked out what additional cost this might mean to the counties in any respect?

**DELEGATE VERMILLION:** No, but I took the position that if it's a basic right—and voting is, I think, a basic right—that it shouldn't be a question of worrying about cost. The state

should be facilitating the people to vote and not worrying about the question of dollars and cents. I don't think it would be a major expense. I think it would—could be a minor expense, but even so, I don't think the question of cost, when we're talking about a basic right, should enter.

**DELEGATE MURRAY:** What comparison can you make with North Dakota and the numbers of voters that they have had compared to Montana since they have adopted this system?

**DELEGATE VERMILLION:** I don't have any specific figures on that; I'm sorry.

**DELEGATE MURRAY:** Mr. Chairman.

**CHAIRMAN GRAYBILL:** Mr. Murray.

**DELEGATE MURRAY:** I speak in opposition to this program because I do not think we have developed it to the point that we can chance proceeding with it. Thank you.

**CHAIRMAN GRAYBILL:** Mr. Habedank.

**DELEGATE HABEDANK:** Mr. Chairman, I rise in support of the majority proposal. This matter was considered at length by our committee, as pointed out by Mr. Brown; and while we see considerable merit and a lot of interesting things in the minority proposal, it is our feeling that if these things have sufficient merit—if the proposal has sufficient merit—the Legislature is free to take care of it. Yet, if we lock it into the Constitution, as is done by the minority proposal, and for some reason or other it does not work out in Montana, we are stuck with it because of the Constitution. And I would call to your attention that in the one state that has adopted it, North Dakota, it has been done by statute, and there is no reason why it cannot be done by statute or, if sufficient people are interested—I mean by act of the Legislature—or if sufficient people are interested, it could be done by initiative measure. It would become a law, still subject to change. On page 3 of the explanation that you received from the minority this morning, you will note, at the end, it says it should be remembered that under present statutory law any city in North Dakota can reinstate registration for elections if they so choose. However, not one city has reinstated registration since 1951. This speaks very well for it, but at the same time, it also shows that North Dakota was not so sure that they wouldn't allow

change. If we put this in the Constitution, we do not have this right; and it is for this reason that the majority put down-or voted for the majority proposal, rather than accepting the minority proposal, even though we found it extremely interesting.

**CHAIRMAN GRAYBILL:** Mrs. Mansfield.

**DELEGATE MANSFIELD:** Mr. President. I go along with the minority report, too; but I can see now that it is a legislative matter. But I would like to point out that in our last election, when they were voting for the delegates, that we had six people, young people, working on the ranch, of whom three were mine, and they had to take time out to go 29 miles to register, and as the courthouse closes at 5 o'clock, it was a real hardship on them, and of course, they wanted to vote for their mother and this was-but I do think that it would encourage people to vote, and we might get away from the apathy. Thank you.

**CHAIRMAN GRAYBILL:** Mr. Harlow.

**DELEGATE HARLOW:** Mr. Chairman, I rise in support of the minority report. My name may be on the majority, but as it says, I have the right to change my mind, but I did not change my mind. My name got on the majority report in the confusion. (Laughter) I'm honest. Now, in regards to some of the questions that Delegate Murray brought to Mr. Vermillion's attention, the process of registering and voting could be carried on very easily at the voting booth or at the voting place. The present way you do it now-you fill out a little card, here in Montana, and you fill that card out most any place that you can find one, and someone then takes it in and has it notarized, and it goes into the file, and you are a registered voter. What is so dangerous-what is so degrading to allow that privilege as you come to vote? You merely come in to vote. There is a desk there where you get your card, you fill it out and hand it back to the man, and you are a registered-to the person; I'll take that word "man" out-you hand it back to the person, and you're a registered voter and can go ahead and vote. Is there any more opportunity for fraud, any more opportunity for confusion, using that method than there is under the present method. And I give to you the thoughts that have been brought out by the few delegates that have spoken so far-why should we deprive a person of the right to vote merely because he was unable to get in at a specified time to fill out a card of

registration? I sincerely hope that you support the minority report, and give the people the right to vote.

**CHAIRMAN GRAYBILL:** Mrs. Blend.

**DELEGATE BLEND:** Mr. President, I rise in support of the majority report. We have instant tea, instant cereal, instant orange juice. To me, if voting is a basic right, there needs to be some preparation-like for marriage-the things that we consider vital to our lives. How can someone who runs in to the voting booth be prepared to vote from a knowledge of the candidates that are available? I see a confusion in cost to the county from the lack of knowledge of how many ballots to prepare. Where we have voting machines, you know, it is necessary to prepare an equal number of paper ballots in the event that the voting machines break down. I think it would be costly. I think it's ill-advised until we have a communication system that enables us to get the background of the individual requesting this privilege well established in Montana.

**CHAIRMAN GRAYBILL:** Mr. Berg.

**DELEGATE BERG:** Would Mr. Vermillion rise-or yield to a question?

**DELEGATE VERMILLION:** Yes.

**CHAIRMAN GRAYBILL:** Mr. Vermillion will you yield?

**DELEGATE BERG:** Mr. Vermillion, have you checked to determine whether the new proposed constitution in North Dakota includes, specifically, under suffrage, poll booth registration?

**DELEGATE VERMILLION:** They make -1 checked on that. They make no reference at all to registration.

**CHAIRMAN GRAYBILL:** Mr. Berg.

**DELEGATE VERMILLION:** They didn't feel it—

**DELEGATE BERG:** Mr. Chairman, delegates. It would seem to me that North Dakota is the only state yet to employ the poll booth registration, and they, too-and they do not include it within their constitution, as is proposed in the minority. It ought not, then, to be included in ours-in spite of my personal sympathy-not sympathy, but support for the position for the nature of

the privilege and for the method of poll booth voting. Nevertheless, if it has not been included in North Dakota's Constitution, where it is the only state to employ it, it seems to me very risky to undertake it in constitutional reform here.

**CHAIRMAN GRAYBILL:** Mrs. Erdmann.

**DELEGATE ERDMANN:** I rise in support of the majority report. I believe that voting is a privilege, and I think that the whole matter of registration rarely comes up with a citizen who is a good citizen, because they're eligible to vote in election after election if they care enough to come out to the polls; but I will admit I hadn't even heard of this proposal in-1 mean, of this method of registering at the polls in North Dakota, and if it has merit, I think we have ample time to study it and weigh both sides and put it in a statute. I'm certainly against going-putting it [in] the Constitution. But I would like to speak, while I have a chance, in regard to another little matter in this Section 3 of the article. It is the intention, and I certainly go along with the committee, that the Legislature should provide by law for all administration of elections. I wonder if they really mean all elections? I'm referring to my Delegate Proposal 29, in which I asked for the deletion of Section 10 of Article XI of the present Constitution. Now that's under education, and in that article in our present Constitution, this directs the Legislative Assembly to provide that all school elections should be separate from other elections. My proposal asked for the combination, where it was possible, with local elections, and I'm just wondering if your committee, Mr. Etchart or Mr. Brown--may I ask a question of them, Mr. Chairman?

**CHAIRMAN GRAYBILL:** If they'll yield. Mr. Etchart, would you yield to a question?

**DELEGATE ETCHART:** I yield.

**CHAIRMAN GRAYBILL:** Very well, Mrs. Erdmann.

**DELEGATE ERDMANN:** I go along with you completely in that this whole matter should be left up to the Legislature of scheduling all elections, but did your committee make this possible by the deletion of that one Section-10 of Article XI-which says that the Legislature cannot schedule school elections separately?

**DELEGATE ETCHART:** Yes. We felt we left it completely flexible so that the Legislature may allow school elections and municipal elections to be held at the same time. We felt this was a legislative matter and there should be no restraints in the Constitution. We felt your idea had a lot of merit but it shouldn't be written into the Constitution.

**DELEGATE ERDMANN:** I agree wholeheartedly-

**CHAIRMAN GRAYBILL:** Mrs. Erdmann do you have another--would you like to speak further?

**DELEGATE ERDMANN:** I would like again...

**CHAIRMAN GRAYBILL:** Very well.

**DELEGATE ERDMANN:** ...to ask if they deleted this Section 10, Article XI, from the old Constitution?

**CHAIRMAN GRAYBILL:** Mr. Etchart, she's asking you another question.

**DELEGATE ETCHART:** Mr. Brown, would you carry that, please?

**CHAIRMAN GRAYBILL:** Mrs. Erdmann, we'll let Mr. Brown answer you.

**DELEGATE BROWN:** Mrs. Erdmann, that section was not in our committee, but it would be our recommendation to the Education Committee that it be deleted and there be no locked-in elections in the Constitution, but I'd have to yield to a member of the Education Committee and hope they have deleted it.

**DELEGATE ERDMANN:** Thank you. I notice in their proposal that obnoxious paragraph is still there in all its glory, so you'll hear from me again. (Laughter)

**CHAIRMAN GRAYBILL:** Very well. Mr. McNeil.

**DELEGATE McNEIL:** Mr. Chairman, I rise in support of the majority report, and I do not consider that to be in opposition of the minority report. The minority report contains a very fine idea of poll booth registration. However, this is legislative. The majority report specifically permits the Legislature to adopt this method of registration, so I therefore-I support the majority

report. I will vote against the minority report, but I support its proposition of poll booth registration, which can be accomplished by the Legislature, according to the majority report. Thank you.

**CHAIRMAN GRAYBILL:** Mr. Dahood.

**DELEGATE DAHOOD:** Mr. Chairman, I've been listening very carefully to the arguments, simply because, up until yesterday morning, I did not appreciate that this was going to be an issue on the Convention floor. I'm personally not concerned about North Dakota or any other state, nor am I concerned about whether or not that particular idea has been presented to some other constitutional convention and either passed or rejected. If we can be pathfinders towards a new frontier for greater citizen participation; if that creative idea comes to us; if it appeals to intelligence, to political logic, to the social contract between citizen and state, we should not hesitate to adopt it. I'm not at all impressed with the argument this is legislative. We are here to draft a Constitution that sets forth the fundamental rights of the people of the State of Montana. It is not a privilege to vote. It is a fundamental, basic right inherent in the quality of citizenship in a free society. The minority report is placing a limitation upon government, and that is the function of this state Constitution. The minority report is saying to government, to the Legislature, we consider the right to vote so precious and so cherished that you shall not limit it by the artificial barrier of registration. This is a fundamental right—we are obligated to look upon it as a cherished right of citizenship. I'm not concerned about the question of whether or not there is fraud inherent in the particular system proposed by the minority report. Our law, and the wisdom that formed the basis for our law, provides not only judicial thinking but, by statute in this state, that all citizens are presumed to be honest, and we must deal with all of our citizens on the basis that we presume that when they participate in the functions of citizenship, they shall participate in an honest manner and in an honest endeavor. I'm not concerned about the cost or the expense. The cost or the expense of maintaining the basic right of citizenship in a free society should be, at very best, a secondary consideration. If it is going to cost several thousand dollars more in each county to have one more table, to have several more representatives of the citizens there, to function in preparing people to register and actually conducting that registration, that

additional expense should be of very little significance when the biennium budget for running the State of Montana exceeds \$200,000,000. We are here, I think, with the first great challenge to this Constitutional Convention. The people of the State of Montana sent us here to make change. Some of the more conservative minds may say that we are here to study this Constitution, perhaps to stand with the old document and make no change whatever. I do not think that was the sense of the votes that were cast in favor of the Constitutional Convention. In this day and age, when government is expanding and people are becoming more dissatisfied with government, it is up to us to try and give them a document that will insure greater participation in all the processes of government and particularly in the process of electing those that represent them. Registration, if we reason it out logically, is nothing more than just an artificial legislative requirement that has nothing to do with the qualification of the citizen to vote. We close the registration list some 40 days before, not because there's some magic to the fact that we raise the barrier at that time, but we close it because there is a clerical requirement that you've got to post a registration list that is accurate so that the election judges may determine who is qualified to vote. There is no magic in that. We can have an election registration list. We can have that posted. There will be preelection registration, but there are a lot of citizens who, for one reason or another, good people and interested, fail to register within that time that's provided by law for clerical purposes. We have an election that does not stop 40 days from election day. We have a campaign that becomes very intense in the last 40 days. Interest is generated in the public forum. People, perhaps that have forgotten to register or perhaps did not have sufficient interest may, during that last 40-day period, find that they want to participate; and if more people can participate in this particular function of citizenship, then that is the hallmark of a progressive society, for the more people that participate, the lesser the dissatisfaction is with the governmental process. We are faced with the first great challenge of this Convention, and I say we should tell the people of the State of Montana that we are going to expand the right of the citizen to participate in government. We are going to reason together. We are going to take away artificial barriers. We are going to make sure that, on election day, the greater number of our citizens are going to speak out, and we're going to have greater representation insofar as our elected officials are concerned. I

support the minority proposition. Thank you, Mr. Chairman.

**CHAIRMAN GRAYBILL:** Mrs. Bates.

**DELEGATE BATES:** Mr. Chairman, I rise in support of the majority report-the majority proposal. As a person who has registered, I think, more people in Gallatin County than—except the clerk and recorder-than anyone else, I, too, would like to see these registration laws and rules made much easier, but I cannot see we can do this by enacting in our Constitution a North Dakota law, and I feel this is statutory and that the original provision would provide for any type of improvement. And also, as far as the registration forms that we have now-the clerk and recorder uses this, and people come to the clerk and recorder to get this information, and they're using it for social security and for many other things. It's a valuable record and I hope in the future they will maintain this, although cutting down the time of registration and many other things, and I rise in support of the original proposal.

**CHAIRMAN GRAYBILL:** Mr. Harper.

**DELEGATE HARPER:** Mr. Chairman. After Mr. Dahood's eloquent speech, I think this might sound like a lone piccolo after the trumpet section has finished (Laughter)-and I mean that as a compliment for what I think is a very eloquent speech and one with which I agree wholeheartedly. I simply rise to add this little addendum. It seems that everybody is in favor of the idea. The issue seems to be whether we ought to write it in the Constitution or not, and several have risen to say that we ought not write anything that restricts the process-that we should leave it up to the Legislature. I may have missed something, but as we voted on Section 1, we wrote in the idea that all the elections by the people should be by secret ballot. We did not leave that to the Legislature. We wrote into Section 2 that you have to be 18 years or older. We also told the Legislature that they couldn't make that restriction now on 21 or some other age-that they had to comply with that particular thing. All through this section, as my eye falls through it, we give directives for the future, and the issue, I think, as Mr. Dahood and others have put it, is squarely whether this is a right fundamental enough to be written into the Constitution. In view of the many comments that have been made about participatory democracy and about our great need to revitalize and

regenerate our whole elective process, I personally feel that the minority report is important enough, basic enough and vital enough to be written into our state Constitution.

**CHAIRMAN GRAYBILL:** Mrs. Bugbee.

**DELEGATE BUGBEE:** Thank you, Mr. Chairman. I rise to support the minority report. There is increasing and mounting pressure to facilitate our registration laws. The federal government is pushing this, and the people are pushing for this; but I want to bring up one, perhaps minor, point. It might clarify something that Mr. Murray was talking about. If any alternative to poll booth registration will not be adequate for two reasons. Number one: if we merely expand the present system, which we obviously will have to as our population expands, we will have to have more part-time deputy registrars. This is a very difficult system to administer, because we already have, by statute, too many untrained people involved. There are two deputy registrars in each precinct chosen by each party, and there are notary publics at large. There has been, and will continue to be under this system, carelessness in filling out and turning in registration forms. But, number two: by contrast, poll booth registration would be much easier to administer, because these elections would involve trained election judges and clerks. Statute now dictates that they must be trained just before elections. As a result, there would be much better provisions for recordkeeping and less chance for irregularities and errors. Thank you, Mr. President.

**CHAIRMAN GRAYBILL:** Mr. Cate.

**DELEGATE CATE:** Mr. President, fellow delegates. Mr. Harper, I might add to your comment that piccolos do have a right to be heard. There are several things that have been said here that I would like to direct an answer to. First of all, in answer to Mr. Murray's question about additional staff required-in North Dakota, serving on the election staff, are an inspector, two judges-one selected by each of the two major political parties-and two clerks. The inspector is the chief election official at the polling place. In precincts casting over 300 votes, two more clerks may be added to the staff; and in precincts using voting machines, an additional two may be appointed. Even though a maximum of six clerks can be used, all North Dakota cities except Fargo

and Bismarck have been conducting elections with only two clerks. In Yellowstone County, the addition of an inspector for our 80 precincts would cost us \$1,200, which isn't very much money to insure the right to vote. I would also like to point out to those people who are concerned about this being a statutory provision that about 12 of the amendments to the Constitution of the United States have been directed to the question of voting and in that sense might also be said to be statutory. I think that sometimes people that are in our positions in society sometimes tend to forget about the people that are below us. Most of the people here are independently wealthy—(Laughter)—well, I don't see too many poor people around here—except myself, of course. (Laughter) In any event, we're employers of people—this type of thing. We can take an hour off from our work, from our business, and go down and register at the courthouse, but the working man who works from 8:00 in the morning until 5:00 at night, 5 days a week, doesn't have that opportunity that we have to register to vote. He has to be on the job. And all that this provision is asking you to do is to eliminate this 40-day requirement. You'll still have registration. Every voter will have to register. You're simply eliminating the 40-day requirement and opening up the gates for those kind of people to go and vote. And that's a significant number of people. In 1968, the Gallup Poll showed that 10,000,000 people—10,000,000 people—did not vote in the 1968 election because they were either turned away from the polls or had not preregistered and could not vote for that reason. And that's 10,000,000 Americans that are being disenfranchised from the right to vote, and I think that is significant, and I think that Montana ought to try and lead the way in this matter and adopt this poll-booth voter-registration method. Thank you very much.

**CHAIRMAN GRAYBILL:** Mr. Swanberg.

**DELEGATE SWANBERG:** Mr. Chairman—or Mr. President. I must confess that I'm also—am intrigued by the minority report, and this 40-day requirement does seem cumbersome in our present society, and Mr. Cate has added some very valuable observations for all of us. I'm wondering, though, how this would work in a bond issue election where an additional requirement is added—and that is, of course, property ownership. What would be required, for instance, if some requirement of that nature were presented?

**CHAIRMAN GRAYBILL:** Mr. Choate.

**DELEGATE CHOATE:** Mr. Chairman, I think in regards to Mr. Swanberg's question regarding property ownership for the right to vote in a bond election, that's illegal anymore. You can't do it that way. However, I might add this thought. It's been said, of course, that "don't confuse me with the facts, my mind is made up." Well, I don't look at it that way, and I did sign the majority report, along with five of the other of our committee; and as a first example, probably, of the value of open debate, I've changed my mind, and I would side with the minority, and I do feel that the issue has stature enough to belong in the Constitution. I think it's a good thing, and I rise in support of it. Thank you, Mr. Chairman.

**CHAIRMAN GRAYBILL:** Mr. Hanson.

**DELEGATE ROD HANSON:** Mr. President, would Delegate Vermillion yield to a question?

**CHAIRMAN GRAYBILL:** Mr. Vermillion, will you yield?

**DELEGATE VERMILLION:** Yes.

**DELEGATE ROD HANSON:** Bob, I'm concerned with the mobile public that we have. Under your proposal, do you feel that this would give the people that are in the construction business an opportunity to vote—more so than they have under our present laws?

**DELEGATE VERMILLION:** I think, Mr. Hanson, that this might be a problem of residency. Under the present rules, for instance, we have a residency requirement of 1 year in the State of Montana—with the exception of the President and the Vice-President, where it's a 30-day vote. Again, we get back to the idea of the construction workers. Under the present laws—very likely would be unable to vote if they're moving into the state and have only been here for 3 or 4 months, so I don't think they would be allowed to vote under this system unless you change the residency requirements, which I think is what your question would be more addressed to—the residency, rather than this registration.

**CHAIRMAN GRAYBILL:** Mr. Lorello.

**DELEGATE LORELLO:** Mr. Chairman, we keep hearing all the time that—leave it up to

the Legislature. And I find out from my two good friends, Charlie and Paul, that sometimes the Legislature won't do it. (Laughter) I think the word here is "apprehension." I think sometimes we think we try to read something into an issue that's coming up. This is just another way to register, and that's all. Just another way to register. And if you'll look at it that way, I think that you can accept it. I feel that this is important enough to be put into the Constitution, and I urge you to support the minority report.

**CHAIRMAN GRAYBILL:** Mr. Holland.

**DELEGATE HOLLAND:** Like the other members of the Convention, I've been working on the committees assigned to me and more or less made up my mind that unless there was a rare-an apparent reason, I would support the majority report in these matters. I have great respect for Mr. Etchart and Mr. Brown and the other members of the committee, but it seems to me this is one of those, I hope, rare occasions when I will rise to oppose a majority report. Now, when I came over here, I didn't come over to vote for a stronger Judiciary or a unicameral Legislature or an Executive that has more power. I came over here to preserve the rights of the public. The only way you preserve the rights of the public is to preserve their vote, because that's the only power the public has. Now, I submit that Mr. Brown and Mr. Etchart are quite correct when they say that this should be a legislative matter, but I want to point out to you that, under the existing Constitution, the Legislature for 75 years could have passed a registration act where they could vote in the booth and they didn't do so. And I also suggest that it isn't likely that the Legislature will do so in the future. The idea behind the vote is, it's the power of the people, and when you put a restriction on it, that is, a restriction passed by a Legislature—they must register 40 days before or they do not have that right—then you are depriving, artificially, people of their vote, and when you deprive people of their vote, you deprive them of their rights. And I submit that this is not a directive for poll booth registration. This is a directive to the Legislature that you shall not deprive people of their vote because they cannot register 40 days before. I submit it as a right that should be protected, and it should be in the Constitution.

**CHAIRMAN GRAYBILL:** Mr. Skari.

**DELEGATE SKARI:** Mr. Chairman, I rise

in support of the minority report. I'm impressed with the arguments for writing this into the Constitution. I think that the cure for the weaknesses of democracy is simply an overdose of democracy, and I think we should clear away all artificial obstacles to the exercise of our most basic democratic right, and that is the right to vote.

**CHAIRMAN GRAYBILL:** Mr. Scanlin.

**DELEGATE SCANLIN:** Mr. Chairman, the issue has been raised which we're going to hear from almost perpetually in this Convention—namely, the trust or mistrust that we have in the legislative process. Some things can be handed over to this matter of taking a chance with distrust. The right of franchise is one that should not have to run this risk. Thank you.

**CHAIRMAN GRAYBILL:** Mr. Kamhoot.

**DELEGATE KAMHOOT:** Mr. Chairman, I think this Convention will probably last all summer if we take this long to settle each issue, so I am going to limit my appearances quite a bit here, but as I keep hearing this word "right to do this," "right to do that." When are we going to start talking about the duty and the obligation of the citizen? Delegate Erdmann said it was a privilege to vote. I, too, say it's a privilege to vote. That puts a little bit of a duty on a citizen to vote. It's also a duty to find out what they're voting about. Now, we've heard a lot of talk that you must register 40 days before. That is only once, if you just exercise your duty and your right and vote in these elections. You do not have to run back every time and go through this process. Now, I think I'm right in that—been a lot of changes lately, but I don't think that's been changed. I can also see in our districts, we could go out with a vehicle—probably other inducement. We could round up people on election day. We could run in. We could perhaps change the outcome of any election just by doing this. Now, I'm not for that, either. I can also see that someone comes in and is challenged, perhaps, or not challenged and votes. Sure, there could be a penalty, but what are you going to do about the election after it has been decided? Now, we went through a recount of five counties in our district. We found very, very little wrong. We found no fraud of any kind. There were some mistakes due to the instructions as they were received by the people in the polling places. But I just wonder what would happen in a very close election like we had if someone was challenged—they had voted in two different places or

something was wrong-what are you going to do about that election, the outcome of it? So, I therefore would like to support the majority report and leave this to the Legislature where it rightly belongs. Thank you, Mr. Chairman.

**CHAIRMAN GRAYBILL:** Mr. Heliker.

**DELEGATE HELIKER:** Mr. Chairman. I'm happy that not only trumpets and piccolos are allowed to sound off, but that even--excuse my frog in the throat--but even echoes have their chance. I subscribe wholeheartedly to everything that Delegate Dahood said so eloquently, and Delegate Harper took the words right out of my mouth. Ninety percent of everything that you have adopted so far in the Committee of the Whole today is legislative. Ninety percent of what you will adopt from here on out will be legislative. If we are going to begin hiding behind the statement that this is legislative and therefore we can't consider it and we can't put it in the Constitution, we may as well wrap this thing up right now and go home, because we won't be able to represent the people who sent us here to do the job for them.

**CHAIRMAN GRAYBILL:** Mr. Murray.

**DELEGATE HELIKER:** (Inaudible) support the minority.

**CHAIRMAN GRAYBILL:** Mr. Murray.

**DELEGATE MURRAY:** Mr. Chairman, lest anyone think that I be opposed to doing a little legislating from the floor of this Convention, let me clarify myself. I am not opposed to attempting to circumvent the Legislature or the Supreme Court or other matters--bodies of the State of Montana if I see the interest be compelling and if I have studied the problem and know what I am talking about. My questions of Mr. Vermillion, so that there be no misunderstanding in this respect, were to point out that he and the members of the minority, in making this request of this committee, did not even present what I consider to be the basic and fundamental facts necessary for committee inquiry and decision to that committee, and I submit that if we are going to sit in this session and impeach these committees on the basis of some idea, perhaps swayed by eloquence, without any more research or facts than we have had in this particular matter, that we will be here a long time. Thank you.

**CHAIRMAN GRAYBILL:** Mr. Burkhardt.

**DELEGATE BURKHARDT:** Mr. President. I think if members of the majority were not changing their minds as we talk, some of the rest of us would go with you on that, Marshall, but it's kind of apparent that it is a persuasive thing, it is emerging as a fundamental thing. I would speak as one who has not always had a professional job. At one time I went working in the hills as a lumberman and left at 7:00 in the morning and came home at 6:00 or after at night, 6 days a week; and a lot of people do that. It might be something to think about.

**CHAIRMAN GRAYBILL:** Mrs. Eck.

**DELEGATE ECK:** Mr. Chairman, I rise in support of the minority report, also, and wish to speak from a little different tack. Before we came to this Convention, I was under the impression that I would be working with elections and did do some investigation. I had supposed that one of the issues we'd be considering would be the 30-day residency requirement, which you know is going to be on the ballot next time, I guess, no matter what we do to amend our old Constitution, next November, with the 30-day residency requirement. I found in talking with county clerks and others dealing with registration that they thought this was utterly impossible, that they could barely get the work done that they had to do in 40 days--all of the bookwork and the printing and so on. I also found that they felt that some kind of a thorough rethinking of our registration was necessary; that a good many of the requirements put upon them now maybe aren't really necessary. They also felt that the kinds of requirements they were faced with were more expensive than they need be. I believe that they said that just printing the precinct rolls for the general election in Gallatin County cost them \$1,800. I believe that a total rethinking--and this would be necessary by the Legislature--is really in order anyway. The provision in the minority report, in a sense, is not legislative, because it still requires legislative action. It's really a mandate to the Legislature to reconsider this area, to make room for changes to make it more possible to vote, and I would hope that when they do this, that they would do a rather thorough review of our whole process. Elections are one of the most important aspects of our government, but I don't know that they always need to be as costly as they are by being tied to statutory requirements that maybe don't fill the need that they were established for. Thank you.

**CHAIRMAN GRAYBILL:** Mrs. Reichert.

**DELEGATE REICHERT:** Mr. President, I speak in support of the minority proposal, which appears to be no longer a minority proposal. When we look at the-page 18 of our report, we find that of the eight members of this committee, four are now in support of the minority proposal and four are in support of the majority proposal, which is no longer a majority proposal.

**CHAIRMAN GRAYBILL:** Mr. Monroe.

**DELEGATE MONROE:** I rise in support of the minority proposal on some of the same reasons as Dorothy Eck rose. I think that we can certainly save our clerk and recorders of our own counties a lot of time and a lot of money by making it possible for them to do probably in 2 or 3 or possibly 7 days what they're now taking at least 40 and, you know, probably 80 days to do; and they've got a lot of other things to do besides register people to vote. I would just like to see that process simplified, and I think we can do it herein the Constitution. Thank you.

**CHAIRMAN GRAYBILL:** Mr. Campbell.

**DELEGATE CAMPBELL:** Mr. President, I rise in support of the minority position, which has the majority's sympathy-only a question on how it would be implemented. I feel that in the Bill of Rights Committee we have in our rough drafts suggested that certain corresponding responsibilities do exist. I think that when we talk about good citizenship, we do have to consider that there are a lot of good citizens who, because of their occupations, cannot now register 40 days in advance. I don't think that the people that can, because of their occupations, take the time off to go down and to do this should be the privileged class in the State of Montana. I think the person that's working 6 days a week certainly is just as privileged and I don't consider this to be a privilege-I consider it to be a basic right; and certainly, I don't think we should deny this basic right because of these artificial barriers that have been placed before our people before. I feel that, if implemented, Montana could accept this challenge. I think they could implement it, and I think it would be a guiding light for the rest of the nation. I think this is an issue whose time has come and I think this is a proper place to begin, so I fully support the minority position, which apparently has the majority support now. Thank you.

**CHAIRMAN GRAYBILL:** Mr. Martin.

**DELEGATE MARTIN:** I would just like to report a conversation that I had with our county clerk in Park County just a few minutes ago. I called and told her about this thing, and she said "If this passes, would you endeavor to see if you can reduce the age for retirement for county clerks?"

**CHAIRMAN GRAYBILL:** Mr. Kelleher.

**DELEGATE KELLEHER:** Mr. Chairman, for some 2 decades, I have been registering people to vote in Yellowstone County, especially on the south side of Billings, and every year the clerk and recorder tells me he has to take those cards and put them in a closed file. And in our county it is not uncommon for 40,000 to be registered and only 30,000 to vote, and those 10,000 cards--filing them in the first place and putting a red X over each one and removing them from the active file is quite a--a very time-consuming and costly process, much more costly than the system proposed by Mr. Vermillion. Now, regarding the matter of fraud, I can register to vote in all 56 counties in Montana and vote in all those counties under the present system. I'd just have to move a little fast, or I could do it by absentee balloting, and under the present--under the proposed system, at least a live body comes into the voting booth to sign the registration. My grandpappy has been dead for 40 years. He's buried in a cemetery in south Chicago, and I rather suspect for the last 40 years he's still voting a straight Democratic ticket. (Laughter) Under Mr. Vermillion's proposal, of course, this type of fraud is impossible. I support his proposal. Thank you.

**CHAIRMAN GRAYBILL:** Mrs. Speer.

**DELEGATE SPEER:** I rise in support of the minority report. I feel this opens the opportunity to our large minority group, the Indians, who, to a great degree, have not participated in the registration process. Thank you.

**CHAIRMAN GRAYBILL:** Mrs. Bates.

**DELEGATE BATES:** Mr. President. I'd like to ask Mr. Vermillion a question.

**CHAIRMAN GRAYBILL:** Mr. Vermillion, will you yield?

**DELEGATE VERMILLION:** Yes.

**DELEGATE BATES:** What would prevent me from going into Dakota on election day and voting?

**DELEGATE VERMILLION:** You're— Well, if you-first of all, they do require, if they have any suspicion, and I suppose they would ask you a few questions about your residency and whatnot and ask for your affidavit, on pain of perjury. If you are willing to vote-to cast one vote in North Dakota and chance a 3-year term in the North Dakota state penitentiary, then-I couldn't understand it. I just can't understand people facing a 3-year term for one vote.

**CHAIRMAN GRAYBILL:** Mr. Scanlin.

**DELEGATE SCANLIN:** Would Mr. Vermillion-Mr. Chairman, would Mr. Vermillion yield to a question?

**CHAIRMAN GRAYBILL:** Mr. Vermillion?

**DELEGATE VERMILLION:** Yes.

**DELEGATE SCANLIN:** Mr. Vermillion, what would be your objection to removing the second sentence from your proposal?

**DELEGATE VERMILLION:** Well, I'm not-first of all I'm not sure what the reason for removing it is. Now, if there's some question that that sentence in there would prevent prior registration, that is not our intent. We do expect that there will be registration prior to election day, and there's no objection to that. What we say is that it will not be limited only to prior to election day, but that you may register on election day.

**CHAIRMAN GRAYBILL:** Mr. Romney.

**DELEGATE ROMNEY:** Mr. President, may I direct an inquiry to Delegate Vermillion?

**CHAIRMAN GRAYBILL:** Mr. Vermillion, will you yield?

**DELEGATE VERMILLION:** Yes.

**DELEGATE ROMNEY:** As I understand it, then, we would have the same registration process that we do now have, but it would be augmented by a polling booth registration if a person, for one reason or another, was unable to get registered and arrive there on election day.

**DELEGATE VERMILLION:** That's pos-

sible, but actually, I see no reason why the Legislature could not set up any kind of system they want. We give them that freedom. All we say is that you must allow people to register on that final day, but what other system they may decide, that's up to them.

**DELEGATE ROMNEY:** Well, what I want to know is whether or not we maintain the present system and then make it elastic so that you can have polling booth registration as well?

**DELEGATE VERMILLION:** I'm all for that. I'm in favor of that.

**CHAIRMAN GRAYBILL:** Very well. Members of the committee, you now have before you the motion of the minority of the Committee on General Government that when this committee does arise and report, after having under consideration Section Number 3, it recommend that the same-that is, the minority report, be adopted.

All right, Mr. Lorello, I see you up so I'll stop.

**DELEGATE LORELLO:** Mr. Chairman, I'd like to ask for a recorded roll call vote and ask for the necessary seconds.

(Seconds stood)

**CHAIRMAN GRAYBILL:** All right. There are the necessary seconds, and we will take a recorded roll call vote on this matter. We are now prepared to vote on Section 3, and it's on the substitute motion of Mr. Vermillion, which appears on page 13 and which provides for-the first sentence being the same as the majority report and the second two sentences adding poll registration and adding that the Legislature shall provide for the system, have been added.

I will open the ballot, and so many as are in favor of the minority report, please indicate by voting Aye and so many as are opposed, please indicate by voting No. Have all the delegates voted?

(No response)

**CHAIRMAN GRAYBILL:** Does any delegate wish to change his vote?

(No response)

**CHAIRMAN GRAYBILL:** Then the Chair will close the ballot.

Will you record the ballot, Mr. Clerk?

Aasheim ..... Nay  
 Anderson, J. .... Nay  
 Anderson, O. .... Nay  
 Arbanas ..... Aye  
 Arness ..... Aye  
 Aronow ..... Aye  
 Artz ..... Aye  
 Ask ..... Nay  
 Babcock ..... Nay  
 Barnard.. ..... Aye  
 Bates.. ..... Absent  
 Belcher ..... Nay  
 Berg ..... Aye  
 Berthelson ..... Nay  
 Blaylock ..... Nay  
 Blend ..... Nay  
 Bowman ..... Nay  
 Brazier ..... Nay  
 Brown ..... Nay  
 Bugbee ..... Aye  
 Burkhardt ..... Aye  
 Cain ..... Aye  
 Campbell ..... Aye  
 Cate ..... Aye  
 Champoux ..... Aye  
 Choate..... Aye  
 Conover ..... Aye  
 Cross.. ..... Aye  
 Dahood ..... Aye  
 Davis ..... Nay  
 Delaney ..... Nay  
 Driscoll ..... Absent  
 Drum ..... Nay  
 Eck ..... Aye  
 Erdmann ..... Nay  
 Eskildsen ..... Aye  
 Etchart ..... Nay  
 Felt ..... Nay  
 Foster ..... Aye  
 Furlong..... Aye  
 Garlington..... Nay  
 Gysler ..... Nay  
 Habedank ..... Nay  
 Hanson, R.S..... Nay  
 Hanson, R. .... Aye  
 Harbaugh ..... Aye  
 Harlow ..... Aye  
 Harper..... Aye  
 Harrington ..... Aye  
 Heliker ..... Aye  
 Holland..... Aye  
 Jacobsen ..... Aye  
 James ..... Aye  
 Johnson ..... Nay

Joyce ..... Aye  
 Kamhoot ..... Nay  
 Kelleher ..... Aye  
 Leuthold ..... Nay  
 Loendorf..... Aye  
 Lorello ..... Aye  
 Mahoney ..... Nay  
 Mansfield..... Aye  
 Martin ..... Nay  
 McCarvel ..... Aye  
 McDonough..... Aye  
 McKeon ..... Aye  
 McNeil ..... Nay  
 Melvin ..... Nay  
 Monroe ..... Aye  
 Murray ..... Nay  
 Noble ..... Nay  
 Nutting ..... Nay  
 Payne ..... Aye  
 Pemberton ..... Nay  
 Rebal ..... Nay  
 Reichert ..... Aye  
 Robinson ..... Aye  
 Roeder ..... Nay  
 Rollins..... Aye  
 Romney ..... Nay  
 Rygg ..... Nay  
 Scanlin ..... Aye  
 Schiltz ..... Aye  
 Siderius..... Aye  
 Simon ..... Nay  
 Skari ..... Aye  
 Sparks..... Aye  
 Speer ..... Aye  
 Studer ..... Nay  
 Sullivan ..... Aye  
 Swanberg..... Aye  
 Toole ..... Nay  
 Van Buskirk..... Nay  
 Vermillion ..... Aye  
 Wagner ..... Nay  
 Ward ..... Nay  
 Warden ..... Nay  
 Wilson ..... Nay  
 Woodmansey ..... Nay  
 Mr. Chairman ..... Aye

**CLERK HANSON:** Mr. President, 52 delegates voting Aye, 46 voting No, 2 not voting. (Applause)

**CHAIRMAN GRAYBILL:** 52 voting Aye, the substitute amendment-substitute motion does prevail, and Section 3 is as written in the sub-

stitute proposal.

Mr. Clerk, will you read Section 4?

**CLERK HANSON:** (Reading) "Section 4. Any person qualified to vote at general elections and for state officers in this state is eligible to any public office except as otherwise provided in this Constitution, subject to any additional qualifications provided by the Legislature." Mr. President, Section 4.

**CHAIRMAN GRAYBILL:** The members of the committee, you now have before you for your consideration Section Number 4. What is your pleasure?

Mr. Etchart.

**DELEGATE ETCHART:** Mr. Chairman, I move that when this committee does rise and report, after having had under consideration General Government Report Number 1, Section 4, that it recommend the same be adopted. Mr. Chairman.

**CHAIRMAN GRAYBILL:** Mr. Etchart.

**DELEGATE ETCHART:** This is on page 6 of the report, and the rationale is that this section enables any Montana voter to participate as an officeholder in the electoral process. It does not prohibit the Legislature from establishing necessary technical qualifications for specialized jobs-say licensed attorney for the office of Attorney General-but it does stop the Legislature from creating arbitrary age qualifications for certain offices.

**CHAIRMAN GRAYBILL:** Is there discussion of Section 4?

Mrs. Bowman.

**DELEGATE BOWMAN:** Mr. President, I would like to move that Section 4 be amended in line 20 by inserting the words "to be a candidate for any public office."

**CHAIRMAN GRAYBILL:** Would you repeat your amendment?

**DELEGATE BOWMAN: Yes.** On line 20, in Section 4, after the word "to", insert the words "be a candidate for". I'm...

**CHAIRMAN GRAYBILL:** Very well. I understand that the sense of Mrs. Bowman's amendment is to make the sentence read "that any person" et cetera "is eligible to be a candidate

for any public office except as otherwise provided in this Constitution." Is that-Have I correctly stated the sense of your amendment?

All right, that's the proposed amendment. Is there discussion on the amendment?

Mr. Artz.

**DELEGATE ARTZ:** -Mrs. Bowman yield to a question?

**CHAIRMAN GRAYBILL:** Mrs. Bowman, will you yield? Reluctantly?

**DELEGATE BOWMAN:** Right, reluctantly. Yes, I'll yield.

**DELEGATE ARTZ:** The question's real simple. What about appointive offices? Thank YOU.

**DELEGATE BOWMAN:** Admittedly, that precludes appointive offices and probably should be included, but now I have to get the words. Possibly, if it's not amended it would be clearer as to appointive. There's something to me about this "to any public office" which is unclear. However, Mr. Artz's point is well taken, and perhaps if we leave it alone it would be more inclusive.

**CHAIRMAN GRAYBILL:** Mr. Burkhardt.

**DELEGATE BURKHARDT:** Mr. President, would Mrs. Bowman yield to another question?

**CHAIRMAN GRAYBILL:** Mrs. Bowman, will you yield?

**DELEGATE BURKHARDT:** With the simple change of the word to "for any office"—would that make it more acceptable?

**DELEGATE BOWMAN: Yes,** it would.

**CHAIRMAN GRAYBILL:** Well?

**DELEGATE BURKHARDT:** Well, if you wish to make the amendment-it's kind of a stylistic thing, but it would seem to me, in place-1 would make a substitute motion, if that's in order-a substitute amendment-in place of the words that she had, simply change "to" to "for".

**CHAIRMAN GRAYBILL:** Very well. Mr. Burkhardt has made a substitute motion that we change the word "to" at the beginning of line 20 to the word "for", so that it now reads: "Any person

is eligible for any public office."

Mr. Brown.

**DELEGATE BROWN:** Mr. President, I rise in opposition to the motion. I think this would be restrictive. You might have a person who would be eligible for a public office-at the time he filed his candidacy, he may not be eligible at that time, but at the time of the election he would be eligible by reason of residence or otherwise. This is taken from our present Constitution and has worked, and I don't see, really, the purpose of changing it to candidate, so I rise in opposition.

**CHAIRMAN GRAYBILL:** Mr. Campbell.

**DELEGATE CAMPBELL:** Mr. President, I would like to ask a question of Mr. Burkhardt, please.

**CHAIRMAN GRAYBILL:** Mr. Burkhardt, will you yield?

**DELEGATE BURKHARDT:** Yes.

**DELEGATE CAMPBELL:** Would your intent be fulfilled if the wording was "is eligible to hold any public office?"

**DELEGATE BURKHARDT:** I thought I had struck Mrs. Bowman's words "to be a candidate." All I was asking was, "is eligible for any public office-"

**DELEGATE CAMPBELL:** Would—

**DELEGATE BURKHARDT:** -dropping the "candidate" words entirely.

**DELEGATE CAMPBELL:** I see. But would there be less of an ambiguity if it were "to hold any public office," which would include a candidate or an officeholder?

**DELEGATE BURKHARDT:** We really should have let Mrs. Bowman keep this amendment-1 have a feeling. I would be open to that or to the language "for any public office."

**CHAIRMAN GRAYBILL:** All right. The Chair will ask you, Mr. Burkhardt, will you withdraw your substitute motion?

**DELEGATE BURKHARDT:** Yes, I will.

**DELEGATE CAMPBELL:** May I ask Mrs. Bowman a question: Would she yield, please?

**CHAIRMAN GRAYBILL:** Wait a minute,

Mrs. Bowman, do you want to withdraw or change your original amendment?

**DELEGATE BOWMAN:** Mr. President, I'm happier with Mr. Burkhardt's substitute amendment than I am with my amendment, so if he's going to withdraw his, then I suppose I would make my amendment to read-strike the word "to" and insert the word "for."

**CHAIRMAN GRAYBILL:** All right, so you're willing to withdraw your original amendment?

All right. Mrs. Bowman's original amendment is withdrawn, Mr. Burkhardt's is withdrawn, but now, Mrs. Bowman, you're going to make your amendment to change "to" to "for?"

**DELEGATE CAMPBELL:** Mr. President.

**CHAIRMAN GRAYBILL:** Now, Mr. Campbell.

**DELEGATE CAMPBELL:** Would Mrs. Bowman yield to a question. please'?

**DELEGATE BOWMAN:** Yes.

**DELEGATE CAMPBELL:** I wonder if you still don't have an ambiguity there when you say "eligible for." Wouldn't the word "hold" between "to" and "any" clear this up?

**DELEGATE BOWMAN:** -to hold—

**DELEGATE CAMPBELL:** --eligible to hold any public office."

**DELEGATE BOWMAN:** And your intent would be to include appointive as well as elective?

**DELEGATE CAMPBELL:** Yes.

**DELEGATE BOWMAN:** Holding would—yes, I think possibly it would.

**DELEGATE CAMPBELL:** Thank you,

**CHAIRMAN GRAYBILL:** Mr. Campbell, are you going to make a substitute motion for us so we can do what you—

**DELEGATE CAMPBELL:** Yes, I'll make a substitute motion that we simply insert the word "hold" after "to," which would cover both candidate and officeholder.

**CHAIRMAN GRAYBILL:** All right. Now we're on Mr. Campbell's substitute motion on line

20, to put in between the word "to" and "any" the word "hold"--so that it reads that "Any person is eligible to hold any public office."

Mr. Schiltz.

**DELEGATE SCHILTZ:** Mr. Chairman, I would like to remind this Convention, this committee, that we have a perfectly good committee composed of 10 or 11 superb hair-splitters who will be perfectly willing to split all these hairs and take care of it when we send it back here tomorrow. We have previously put "for" in there--and if you want to put "to hold," why we probably will fool with that, but this is wasting an awful lot of time on something that we can do just as well.

**CHAIRMAN GRAYBILL:** I think Mr. Schiltz's point is well taken, that some of these style things could be corrected in Style and Drafting if you want to call them to their attention. But, we will go ahead and take care of them if you bring them up. At the moment we are on the substitute motion to add the word "hold." Mr. McNeil.

**DELEGATE MCNEIL:** Mr. Chairman, I'd like to remind the Convention of one statement that Mr. Brown made, and that is that the language "eligible to any office" is contained in our present Constitution, it has been interpreted by the Supreme Court, and I think we ought not to simply make style changes from our present Constitution to make it sound better. Thank you.

**CHAIRMAN GRAYBILL:** Is there other discussion?  
(No response)

**CHAIRMAN GRAYBILL:** All in favor, then, of the substitute motion of Mr. Campbell to put the word "hold" between "to" and "any," so that it reads "that any person is eligible to hold any public office"--all in favor of that substitute motion, say Aye.

**DELEGATES:** Aye.

**CHAIRMAN GRAYBILL:** Opposed, No.

**DELEGATES:** No.

**CHAIRMAN GRAYBILL:** The Noes have it, and so ordered. Is there other discussion of Section 4?

Mr. Barnard.

**DELEGATE BARNARD:** Mr. President, I just have a couple of questions to anyone who cares to answer them. I noticed the word "as otherwise provided in this Constitution." I'd like to ask what is otherwise provided in the Constitution?

**CHAIRMAN GRAYBILL:** Does anyone-- Mr. Brown.

**DELEGATE BROWN:** Yes, sir. The reason for that provision--the old Constitution made certain age requirements and such to hold various offices such as Governor, Senator or Representative, and we didn't want to conflict with any--and I don't know what they'll come out with, but if there is another provision in the Constitution, we don't want to conflict with it.

**CHAIRMAN GRAYBILL:** Mr. Barnard.

**DELEGATE BARNARD:** I think that answers one question. I still have one more. As I understand the interpretation of the language in Section 4, "subject to any additional qualifications provided by the Legislature," these are going to be qualifications as to, say, whether you would be a lawyer or a teacher or so forth. Is that the intent of that language?

**CHAIRMAN GRAYBILL:** Mr. Brown, will you yield?

**DELEGATE BROWN:** I yield to the question, and that is correct.

**DELEGATE BARNARD:** Thank you, Mr. Chairman.

**CHAIRMAN GRAYBILL:** Is there further discussion of Section 4?  
(No response)

**CHAIRMAN GRAYBILL:** Well, members of the committee, you now have before you the motion of the Chairman of the Committee on General Government that when this committee does arise and report, after having under consideration Section 4, that it recommend the same be adopted. As many as are in favor of the motion, signify by saying Aye.

**DELEGATES:** Aye.

**CHAIRMAN GRAYBILL:** Opposed, No.

**DELEGATES:** No.

**CHAIRMAN GRAYBILL:** Section 4 is adopted. Mr. Clerk, will you read Section 5.

**CLERK HANSON:** (Reading) "Section 5. In all elections held by the people under this Constitution, the person or persons receiving the highest number of legal votes is elected." Section 5, Mr. President.

**CHAIRMAN GRAYBILL:** Mr. Etchart.

**DELEGATE ETCHART:** Mr. Chairman, I move that when this committee does rise and report, after having had under consideration General Government Report Number 1, Section 5, that it recommend the same be adopted.

Mr. Chairman.

**CHAIRMAN GRAYBILL:** Mr. Etchart.

**DELEGATE ETCHART:** This is on—rationale is on page 7 of the report, and this section is identical to Article IX, Section 13, of the present Constitution and merely guarantees the tradition of majority rule. The committee feels its retention is necessary as both a statement of principle and practical directive. As can be seen in Appendix A, the proposed Suffrage and Elections article deletes several provisions contained in the present Constitution of Article IX. These sections—Section 3, 4, 5, 6, 7, 10 and 12—have either been superseded by judicial review or federal action or do not have enough redeeming value to be left in the Constitution. Discussion, by section, of these sections of the present Constitution follows. Section 3, which I will leave the language out if you have the yellow book you can refer to that—but Section 3, in the discussion, does not limit anyone from establishing residency in Montana if the person is otherwise eligible, if that person can show an honest intent to do so. This section is ineffectual and is covered in the proposed Section 3 of our proposal—the committee proposal. Section 4—I will leave the language out of the present Constitution but comment on Section 4—are—given all of its exceptions, is of little value and can be implemented just as effectively by legislation. There is no comparable section in the proposed committee proposal. Section 5 serves no real function and is probably not enforceable. Consequently, there is no comparable section in the proposed article. Section 6 suffers from the same limitations as Section 3 and is redundant with that section. It, too, has no comparable section in the proposed article, though its basic intent is covered in our proposed Section 3.

Sections 7 and 10 are of parallel intent with Section 11 of the present Constitution and as such are revised by Section 4 of the proposed article. Section 12 is nationally unconstitutional on two counts—property qualifications for voting and implied disenfranchisement on a sexual basis. There is no comparable section in our proposed article. All of the other sections of Article IX of the present Constitution have been incorporated or revised in the proposed article.

**CHAIRMAN GRAYBILL:** Very well. What is your pleasure?  
Mr. Murray.

**DELEGATE MURRAY:** Mr. Chairman, I don't particularly enjoy playing the role of the devil's advocate, but I would like to make an inquiry of Mr. Etchart, if he will yield to a question or two.

**CHAIRMAN GRAYBILL:** Mr. Etchart, will you yield to a question?

**DELEGATE ETCHART:** I yield.

**DELEGATE MURRAY:** My good friend, Mark, you indicate that Section Number 5, that we have under discussion, is identical to Article IX, Section 13, and I find it is not. The last provision of Section 13 says "shall be declared elected." Do you now say "is elected?" Is there some reason for that change?

**DELEGATE ETCHART:** Well, my thinking is that—in the form, in the intention—that we intend it to be the same. It was probably a minor change in grammar on the part of the committee, Marshall.

**DELEGATE MURRAY:** I'm wondering if, since my understanding of the elective process is that there is a board of canvassers that canvasses every election and then makes a declaration that a person is elected, if you are now doing away with the board of canvassers?

**DELEGATE ETCHART:** I—

**CHAIRMAN GRAYBILL:** Mr. Etchart, do you want to yield to that second question?

**DELEGATE ETCHART:** I would refer to our counsel, Mr. Brown.

**CHAIRMAN GRAYBILL:** Mr. Brown, Mr. Etchart won't yield. Mr. Brown, will you yield for that second question?

**DELEGATE BROWN:** I will yield, and I would have no objection to changing it according to Mr. Murray's inquiry.

**CHAIRMAN GRAYBILL:** Mr. Murray.

**DELEGATE MURRAY:** Mr. President. There—I don't know. I'm inquiring as to what the effect of this change might be, and since the committee has indicated now that perhaps they wouldn't resist such an amendment, I move that Section 5 be amended in line 25 by deleting the word "is" and by inserting the words "shall be declared"—and that's after the word "votes," in Section 25—line 25, Section 5.

**CHAIRMAN GRAYBILL:** Very well. Mr. Murray's amendment to Section 5 is on line 25, the second to last word—the word "is" is dropped and we put in there "shall be declared," so that the last sentence reads "the highest number of legal votes shall be declared elected." Is there further discussion on Mr. Murray's proposed amendment?

(No response)

**CHAIRMAN GRAYBILL:** If not, all in favor, please say Aye.

**DELEGATES:** Aye.

**CHAIRMAN GRAYBILL:** Opposed, No.

**DELEGATES:** No.

**CHAIRMAN GRAYBILL:** The Ayes have it, and the amendment is allowed. Is there other discussion on proposed Section 5, as amended?  
Mr. Choate.

**DELEGATE CHOATE:** Mr. Chairman, I have no further discussion on this section. I only rise to clear the record and make it known that the minority report in all respects is the same as the majority report except for Section 3 as adopted.

**CHAIRMAN GRAYBILL:** Mr. Leuthold.

**DELEGATE LEUTHOLD:** I don't know just how inclusive this Section 5 is, but I do have concern about the old Section 4 from the present Constitution. And if I understand right, why—Chairman Etchart, as he explained Section 5 was all-inclusive of all these sections that have been dropped, and if so, I would like to have some consideration of retaining Section 4 of the present Constitution, and if it takes an amendment to do that, why, I'd be prepared to present an amendment and open it for discussion. I feel that we've

had considerable discussion on the voting rights and on the necessity of them, and here in one section—why, we're knocking out a section that gives some protection to the individual as he goes to the polls to vote. Now, most of us are quite casual about our voting. We know we'll be permitted to go, and we have lots of protection—but that may not always be true, and I think it is a question as to whether we—at this time, we should make an exception in Section 4. So, Mr. Chairman—

**CHAIRMAN GRAYBILL:** Mr. Leuthold, may I speak to you a moment? I think the Chair is going to rule you out of order unless you want to add it as part of Section 5. The Chair will, however, recognize you after we've finished with Section 5, if there are no other amendments, to make an amendment to add a Section 6, which would be your point. In other words, it seems to me it should not be a part of Section 5 unless you want to so make it a part of Section 5.

**DELEGATE LEUTHOLD:** No, I would just as soon make it another Section 6. I—

**CHAIRMAN GRAYBILL:** All right.

**DELEGATE LEUTHOLD:** As I stated, I was not sure just how inclusive Section 5 was, but—

**CHAIRMAN GRAYBILL:** We'll come back to you and pick this proposed amendment up, and we can use the language that's already in the book, but let's do it after we finish with Section 5 since you don't really propose changing the language in Section 5.

**DELEGATE LEUTHOLD:** Thank you, Mr. Chairman.

**CHAIRMAN GRAYBILL:** Mr. McNeil.

**DELEGATE MCNEIL:** Mr. Chairman, since Mr. Murray has already indicated one minor style change from our present Article XIII—Article IX, Section 13, I believe we probably ought to make the entire section to conform precisely with the existing language. I'm referring to the last word in the sentence on line 24—"receiving." The existing Constitution says "who shall receive." Since the comment to the majority report states that it is their intent that it be identical, I move that Section 5 be identical to our present Article IX, Section 13, and I might add that I prefer to refer to it as our present Constitution,

rather than the old one, since the voters have not yet ratified our work.

CHAIRMAN GRAYBILL: Section— What's the section number? Section 13 of Article IX?

Mr. McNeil has moved that Section 5 be made identical with the present Constitution, Article IX, Section 13, which apparently has the effect of changing the word "receiving" to "has received." Is that correct?

DELEGATE MCNEIL: . . . "who shall receive".

CHAIRMAN GRAYBILL: Allright, "who shall receive". Is there any discussion on this amendment?

(No response)

CHAIRMAN GRAYBILL: All in favor, please say Aye.

DELEGATES: Aye.

CHAIRMAN GRAYBILL: Opposed, No.

DELEGATES: No.

CHAIRMAN GRAYBILL: The Chair is in doubt. We'll use the voting machines, but we'll not record the vote. All those in favor, say Aye, and those opposed, vote No on the voting machine. Has every delegate voted?

(No response)

CHAIRMAN GRAYBILL: Does any delegate wish to change his vote?

(No response)

CHAIRMAN GRAYBILL: The Chair will now close the vote. The vote is 50 No, 40 Aye. The amendment fails.

CLERK HANSON: 48 Aye.

CHAIRMAN GRAYBILL: All right, 48 Aye-50 to 48. The amendment fails. Is there further discussion of Section 5?

(No response)

CHAIRMAN GRAYBILL: Members of the committee, you have now before you the motion of the Chairman of the Committee on General Government that when this committee does arise and report after having under consideration Section 5, it recommend the same be

adopted. As many as are in favor of the motion, please signify by saying Aye; contrary—

DELEGATES: Aye.

CHAIRMAN GRAYBILL: And the contrary, No.

DELEGATES: No.

CHAIRMAN GRAYBILL: The Ayes have it, and Section 5 is adopted. Now, the Chair will recognize Mr. Leuthold for an amendment.

DELEGATE LEUTHOLD: Mr. Chairman, I move that when this committee does rise and report, after having had under consideration this section on Suffrage and Elections, that they add a new Section-6-and include in this new Section 6, Section 4 from the present Constitution.

CHAIRMAN GRAYBILL: You mean Section 4 of Article IX?

DELEGATE LEUTHOLD: Section 4 of Article IX from the present Constitution.

CHAIRMAN GRAYBILL: Very well. The amendment proposed by Mr. Leuthold is to add, as Section 6, to the General Government Suffrage and Elections Article, a new Section to be known as Section 6, which would be identical with the present Section 4 of Article IX in the present Constitution.

Mr. Leuthold.

DELEGATE LEUTHOLD: Mr. Chairman, as I stated earlier, I feel that this is an important protection to the electors, and while it probably doesn't affect many of us individually at this time, it could have a very important effect in some future time. And since we're presenting this to the Legislature and, while we like to trust the Legislature, it is not absolutely certain what type of legislation they may pass, and I think that this is a good protection to the electors and I think it should be retained.

CHAIRMAN GRAYBILL: The Chair would like to point out that the language of Section 4 is on page 8, about a third of the way down, line 10, in the committee report-committee proposal. Mr. Kelleher.

DELEGATE KELLEHER: Mr. Chairman, I rise in support of Mr. Leuthold's motion. Last November, I was late getting to that noncaucus

caucus that some of us of Group A had at Jorgenson's, and I was stopped by a member of the local police force for exceeding the speed limit (Laughter), and I thought that I was going to have to call upon my immunity, which I don't think I necessarily had at that time to that noncaucus caucus. (Laughter) And I do think, though, that it is important that the elector, when he's going to and from the voting place, as all of us when we come to this chamber and leave it each day, are immune, except for serious crimes, such as felonies and treason.

**CHAIRMAN GRAYBILL:** Is there further discussion?

Mr. Brown.

**DELEGATE BROWN:** Mr. President, I rise in opposition to the amendment. Our reason for deleting it—the Constitution Revision Subcommittee compared many constitutions. The provision is not in there. The Legislative Council took no action on it. We've compared other constitutions ourselves, it's not in there. It's a legislative matter, and we don't think it's necessary to put these types of matters in the Constitution.

**CHAIRMAN GRAYBILL:** Further discussion?

Mr. Kamhoot.

**DELEGATE KAMHOOT:** Mr. Chairman, I rise in support of this motion. I can certainly see many cases in a close election, like we have in our counties sometimes, that someone is a little late to get down there to vote, hurrying down there, may be kept from voting. Now, we discussed at quite length earlier people's rights to be able to vote, and I certainly think this right would be violated if someone such as Delegate Kelleher was prevented from getting to his noncaucus caucus. Thank you Mr. Chairman.

**CHAIRMAN GRAYBILL:** Mr. Davis.

**DELEGATE DAVIS:** Mr. President, it may be particularly significant now that we have everyone on parole voting, too. (Laughter)

**CHAIRMAN GRAYBILL:** Mr. Melvin.

**DELEGATE MELVIN:** Mr. Chairman, I think that this is a vital thing to put in the Constitution, and I support the position of Mr. Leuthold, as a former law enforcement officer.

**CHAIRMAN GRAYBILL:** Mr. Harlow.

**DELEGATE HARLOW:** Mr. President, does Mr.-Delegate Kelleher realize that if this constitutional article remains there, he was still disturbing the peace, speeding down the highway, and he was still subject to arrest?

**CHAIRMAN GRAYBILL:** Is there other debate?

(No response)

**CHAIRMAN GRAYBILL:** Very well, members of the committee, you now have before you, on the motion of Mr. Leuthold, that when this committee does arise and report, after having under consideration proposed Section 6 of the General Government Article on Suffrage, that it recommend the same be adopted. As many as are in favor of the proposed Section 6, say Aye.

**DELEGATES:** Aye.

**CHAIRMAN GRAYBILL:** As many as are opposed, say No.

**DELEGATES:** No.

**CHAIRMAN GRAYBILL:** The Chair is in doubt. We'll use the voting machines without recording the vote. All those delegates in favor of the proposed Section 6, granting immunities to persons on the way—

**DELEGATE KELLEHER:** (Inaudible) call vote, please?

**CHAIRMAN GRAYBILL:** Mr. Kelleher has called for a roll call vote. (Inaudible) five seconds.

**DELEGATE KELLEHER:** And could I have some seconds, please?

(Seconds stood)

**CHAIRMAN GRAYBILL:** Very well. The vote will be recorded, and the vote is on Mr. Leuthold's proposal that a Section 6 be added, identical to Section 4 of the present Article IX of the Constitution, which gives electors privilege from arrest during attendance and going to and coming from election, except in serious cases. So many of the delegates as are in favor, please vote Aye on the voting machines, and those against, vote NO on the voting machines. Have all the delegates voted?

(No response)

**CHAIRMAN GRAYBILL:** Does any delegate wish to change his vote?  
(No response)

**CHAIRMAN GRAYBILL:** The Chair will now close the ballot. Will you please record the vote?

Aasheim .....	Aye
Anderson, J. ....	Aye
Anderson, O. ....	Nay
Arbanas.. .....	..Aye
Arness .....	Aye
Aronow .....	Aye
Artz .....	..Aye
Ask .....	Nay
Babcock .....	..Aye
Barnard.. .....	..Aye
Bates.. .....	..Aye
Belcher .....	Nay
Berg .....	Nay
Berthelson .....	Nay
Blaylock .....	Aye
Blend .....	Nay
Bowman .....	Aye
Brazier .....	Nay
Brown .....	Nay
Bugbee .....	Nay
Burkhardt .....	Nay
Cain .....	Aye
Campbell .....	Nay
Cate .....	Nay
Champoux .....	Nay
Choate .....	Nay
Conover .....	Nay
Cross.. .....	..Aye
Dahood .....	Aye
Davis .....	Nay
Delaney .....	Nay
Driscoll .....	Nay
Drum .....	Nay
Eck .....	Nay
Erdmann .....	..Aye
Eskildsen .....	Aye
Etchart .....	Nay
Felt .....	Nay
Foster .....	..Aye
Furlong. ....	Nay
Garlington.....	Aye
Gysler .....	..Aye
Habedank .....	Nay
Hanson, R.S.....	Aye
Hanson, R. ....	Nay
Harbaugh .....	Nay
Harlow .....	Nay

Harper.....	Aye
Harrington .....	..Aye
Heliker .....	Nay
Holland .....	Nay
Jacobsen .....	..Aye
James .....	..Aye
Johnson .....	Aye
Joyce .....	Aye
Kamhoot .....	..Aye
Kelleher .....	Aye
Leuthold .....	Aye
Loendorf, .....	Nay
Lorello .....	Nay
Mahoney .....	Aye
Mansfield. ....	Aye
Martin .....	Nay
McCarvel .....	Aye
McDonough.....	Nay
McKeon .....	..Absent
McNeil .....	..Aye
Melvin.....	Aye
Monroe.. .....	..Aye
Murray .....	Absent
Noble .....	Aye
Nutting .....	Aye
Payne .....	..Aye
Pemberton .....	Aye
Rebal .....	Nay
Reichert .....	Aye
Robinson .....	..Aye
Roeder .....	Aye
Rollins, .....	Aye
Romney .....	..Aye
Rygg .....	..Aye
Scanlin .....	Nay
Schiltz .....	Nay
Siderius.....	Aye
Simon .....	Aye
Skari .....	Nay
Sparks .....	Nay
Speer .....	Nay
Studer .....	Nay
Sullivan .....	Nay
Swanberg .....	Nay
Toole .....	Nay
Van Buskirk .....	Nay
Vermillion .....	Nay
Wagner .....	Aye
Ward .....	Nay
Warden .....	Nay
Wilson .....	Aye
Woodmansey .....	Aye
Mr. Chairman .....	Nay

**CLERK HANSON:** Mr. President—

**CHAIRMAN GRAYBILL:** Will you please announce the vote?

**CLERK HANSON:** —50 delegates voting Aye, 48 voting No, 2 not voting.

**CHAIRMAN GRAYBILL:** The proposal has therefore passed, and a Section 6 will be added. For the information of the Chamber, I would like to say that in recording that vote, the voting machine recorded the votes in four spaces above the names, but it's obvious that all of them are there, and I think it's easy to count them. They are not-in sequence, they're not perfectly across from each other, but it's not difficult to find out, and rather than take an oral vote, I am making the decision that we can understand what the voting machine meant. Now, if anybody wants to challenge that after lunch-or after looking at it, you can let me know, but it's easy to see how you voted. It's just not across from your name.

Very well. Are there other proposed amendments to General Government's Suffrage and Elections Article?

(No response)

**CHAIRMAN GRAYBILL:** If not, the Chair will recognize Mr. Eskildsen.

**DELEGATE ESKILDSEN:** Mr. Chairman, I move the committee rise and report and beg leave to sit again.

**CHAIRMAN GRAYBILL:** Mr. Eskildsen. All right, all in favor of Mr. Eskildsen's motion, which is that the Committee of the Whole will rise and report and then sit again, please indicate by saying Aye.

**DELEGATES:** Aye.

**CHAIRMAN GRAYBILL:** Opposed, No.  
(No response)

**PRESIDENT GRAYBILL:** The motion carries. The Convention will be in order. We are now on Order of Business Number 10, and so you'll understand what happens, the Committee of the Whole report must be prepared, and then the Chairman must sign it, and now the clerk will read it.

**CLERK HANSON:** (Reading) "Mr. President. We, your Committee of the Whole, having had under consideration business on General Orders, recommend as follows: That Section 1 be

adopted. That Blaylock amend to Section 2, as amended by Joyce, be adopted as follows: strike the following words in line 11, page 2, of the printed committee report: "of the state and political subdivision" and insert in lieu thereof "as provided by law." At this time Delegate Pemberton was recognized as present. Section 2, as amended, be adopted by the following vote: Ayes, 74; Noes, 70—26. Roll call vote requested by Romney with sufficient seconds. That Section 3 of the minority report, on roll call vote requested by Delegate Lore110 with sufficient seconds, be adopted by the following vote: Ayes, 52; Noes, 46; Absent, 2. That Section 4 be adopted. That Section 5 be amended in line 25 by striking the word "is" and inserting in lieu thereof "shall be declared" and as amended be adopted. Amended by Murray. Leuthold amendment, Section 6 be added in the language of Section 4, Article IX of the present Constitution, which reads: "electors shall in all cases, except treason, felony or breach of the peace be privileged from arrest during their attendance at elections and in going to and returning therefrom." On roll call vote requested by Kelleher with sufficient seconds, Section 6 was adopted by the following vote: Ayes, 50; No, 48. That the committee rise and report and beg leave to sit again. Signed: Graybill, Chairman."

**PRESIDENT GRAYBILL:** Mr. Eskildsen.

**DELEGATE ESKILDSEN:** Mr. President, I move the adoption of the Committee of the Whole report.

**PRESIDENT GRAYBILL:** Very well. Mr. Eskildsen has moved the adoption of the Committee of the Whole report by the Convention. Now, you've just had the report read, and for your information and for further reference, the journal clerk is printing all of the amendments that passed. She is also printing all the amendments on which roll call votes are taken, whether they pass or fail. She is not printing all of the amendments which do not pass and on which no roll call is requested. Now, that's the nature of the report here, and Mr. Eskildsen has now moved that the report be adopted, and if you do so, you will have adopted the Article on Suffrage and Elections of the General Government Committee. Is there any discussion?

(No response)

**PRESIDENT GRAYBILL:** Very well. All in favor of the motion—

**DELEGATE MAHONEY:** (Inaudible) got to be a roll call vote.

**PRESIDENT GRAYBILL:** I think you're right, Mr. Mahoney, We'll open the ballot. Well, all right, we can't open the ballot; but we will take a roll call vote. The clerk will call the roll. Those in favor, answer Aye. Those opposed, answer Nay. Now, don't start it-a minute until—

**CLERK HANSON:** (Inaudible) reset up.

**PRESIDENT GRAYBILL:** Is it all right?

**CLERK HANSON:** Yes.

**PRESIDENT GRAYBILL:** Very well. We're now informed that the voting machine is all right, so we will use the voting machine on this recorded roll call vote.

Mr. Murray, do you have a point?

**DELEGATE MURRAY:** Mr. President, I'd like to ask of Mr. Mahoney what rule provides for a roll call vote in Committee of the Whole?

**DELEGATE MAHONEY:** My understanding-Mr. President, it's my understanding that anything moved along in this Convention-it was going to be by roll call, and this is certainly it-you have stated on your statement up there that this is adopting of the report that came out in this one part. And this is what you've said, and this is why the roll call; and if you don't want it, I'll ask for it, and I think I can get the seconds on it.

**PRESIDENT GRAYBILL:** Well, we'll settle it by reading Rule 55. We're back in the Convention as a whole. "The secretary shall call the roll at the opening of each session. Vote by machine may be taken whenever a roll call or a vote by Ayes and Yays [Naes] is directed or is in accordance with these rules." So, I think, perhaps, Mr. Murray is right, Mr. Mahoney, that you have to call for it. Do you wish to call for a roll call vote?

**DELEGATE MAHONEY:** (Inaudible) call for a roll call.

(Seconds stood)

**PRESIDENT GRAYBILL:** Very well. Five seconds having stood, we will take a roll call vote, and we'll try to take it on the machine. So the

Chair will open the machine, and those in favor of adopting the Suffrage and Elections report—proposal of the General Government commission—that's proposal Number 1, as amended in the Committee of the Whole and as adopted on the Committee of the Whole report here, please indicate by voting Aye. And those that do not want to do that, please vote No. Have all the delegates voted?

(No response)

**PRESIDENT GRAYBILL:** Does any delegate wish to change his vote?

(No response)

**PRESIDENT GRAYBILL:** Very well. The vote is—does any delegate wish to change his vote?

(No response)

**PRESIDENT GRAYBILL:** The vote is now closed. Will you please record the vote.

Aasheim .....	Aye
Anderson, J. ....	Aye
Anderson, O. ....	Aye
Arbanas.. .....	..Aye
Arness .....	Aye
Aronow .....	Aye
Artz .....	..Aye
Ask .....	Aye
Babcock .....	..Aye
Barnard .....	..Aye
Bates.. .....	..Aye
Belcher .....	Aye
Berg .....	Aye
Berthelson .....	Aye
Blaylock .....	..Aye
Blend .....	Aye
Bowman .....	Nay
Brazier .....	Nay
Brown. ....	Nay
Bugbee .....	Aye
Burkhardt .....	..Aye
c am.....	..Aye
Campbell .....	Aye
Cate .....	Aye
Champoux .....	Aye
Choate.....	Aye
Conover .....	Aye
Cross.. .....	..Aye
Dahood .....	..Aye
Davis .....	Nay
Delaney .....	Nay
Driscoll .....	Aye
Drum .....	Nay

Eck .....	Aye
Erdmann.. .....	.. Aye
Eskildsen .....	Aye
Etchart .....	.. Aye
Felt .....	Nay
Foster .....	.. Aye
Furlong .....	Aye
Garlington .....	Aye
Graybill .....	Aye
Gysler .....	.. Aye
Habedank .....	.. Aye
Hanson, R.S .....	Nay
Hanson, R. ....	Aye
Harbaugh .....	.. Aye
Harlow .....	Aye
Harper .....	Aye
Harrington .....	.. Aye
Heliker .....	.. Aye
Holland. ....	Aye
Jacobsen .....	.. Aye
James .....	.. Aye
Johnson .....	Nay
Joyce .....	Aye
Kamhoot .....	.. Aye
Kelleher .....	Aye
Leuthold .....	Aye
Loendorf .....	Aye
Lorello .....	Aye
Mahoney .....	Nay
Mansfield .....	Aye
Martin .....	Aye
McCarvel .....	Aye
McDonough .....	.. Aye
McKeon .....	.. Aye
McNeil .....	.. Aye
Melvin .....	Aye
Monroe.. .....	.. Aye
Murray .....	Nay
Noble .....	Nay
Nutting .....	Nay
Payne .....	.. Aye
Pemberton .....	.. Aye
Rebal .....	Nay
Reichert .....	Aye
Robinson .....	Aye
Roeder .....	Aye
Rollins .....	Aye
Romney .....	.. Aye
Rygg .....	.. Aye
Scanlin .....	Aye
Schiltz .....	.. Aye
Siderius .....	Aye
Simon .....	.. Aye
Skari .....	.. Aye
Sparks .....	Aye

Speer .....	Aye
Studer .....	.. Aye
Sullivan .....	Aye
Swanberg .....	Aye
Toole .....	.. Aye
Van Buskirk .....	Aye
Vermillion .....	Aye
Wagner .....	Aye
Ward .....	Nay
warden .....	Nay
Wilson .....	Nay
Woodmansey .....	Nay

**CLERK HANSON:** Mr. President, 82 delegates voting Aye, 18 voting No.

**PRESIDENT GRAYBILL:** 82 delegates having voted Aye and 18 having voted No, the General Government proposal on Suffrage and Elections, as amended, is passed and is now sent to the Style and Drafting Committee.

Mr. Eskildsen.

**DELEGATE ESKILDSEN:** I move that—may we be in business order—Order of Business Number 11?

**PRESIDENT GRAYBILL:** Order of Business Number 11. Hearing no objection, we're on Order of Business Number 11.

**DELEGATE ESKILDSEN:** I move that we stand in recess until 1 o'clock this afternoon.

**PRESIDENT GRAYBILL:** The motion is to recess for 1 hour, until 1 o'clock.

For what purpose do you rise, Mr. Anderson?

**DELEGATE OSCAR ANDERSON:** Point of order.

**PRESIDENT GRAYBILL:** Point of order. What is it?

**DELEGATE OSCAR ANDERSON:** Would I be out of order to tell the Local Government Committee to meet in 437 immediately?

**PRESIDENT GRAYBILL:** Mr. Furlong, for what purpose do you rise?

**DELEGATE FURLONG:** Mr. President, I hope it's a point of personal privilege.

**PRESIDENT GRAYBILL:** Very well. What—let's state your point.

**DELEGATE FURLONG:** It has to do with your announcement this morning concerning the printing and distribution of the reports, which I'm for, because of the savings in money that we'll probably have. But I have before me a report that's short two pages, and I now find that there are no more reports available. I think this is cutting it awfully close, and I would hope (Laughter) that someone would give reconsideration to the number of these that are going to be printed and saved for the use of the delegates.

**PRESIDENT GRAYBILL:** Which report and which pages, Mr. Furlong, and I'll see that you get them.

**DELEGATE FURLONG:** General Government on Suffrage and Elections, Report Number 1; and I'm short pages 8 and 9. Thank you, Mr. President.

**PRESIDENT GRAYBILL:** Very well. Mrs. Mansfield, for what purpose do you rise?

**DELEGATE MANSFIELD:** I rise for the same purpose as Mr. Furlong. I do not--someone must have picked my copy of Suffrage and Elections. Don Rebal has the same complaint, Mr. President.

**PRESIDENT GRAYBILL:** Very well, now, we'll get those to you delegates, but I hope you'll all start writing your names on them and holding them in your hands. We're now on Mr. Eskildsen's motion to adjourn--or to recess, rather, until 1:00 p.m. All in favor, say Aye.

**DELEGATES:** Aye.

**PRESIDENT GRAYBILL:** Opposed, Nay.  
(No response)

**PRESIDENT GRAYBILL:** The Ayes have it, and we're recessed.

(Convention recessed at 12:03 p.m.--reconvened at 1:18 p.m.)

**PRESIDENT GRAYBILL:** The Convention will be in order, and unless there is objection, we will be on Order of Business Number 8 to finish up a matter--to discuss a matter with you that I want to finish up. Now, the problem has arisen, and I'd like you all to listen carefully to this because you're going to have to make a decision here. The problem has arisen as to whether or not Suffrage and Elections can be reconsidered. Rule

Number 26 provides that the Committee of the Whole can rise and report progress, or can rise and report. We didn't do quite either. We arose and reported and begged leave to sit again. Now, whether that means that we rose and reported and since we said beg to leave to sit again, we were only reporting progress; or whether that means that we rose and report on 1 and begged leave to sit again so we consider Number 2 this afternoon is a good question. And, if we arose and reported, then, having signed the report and you having adopted it, Number 1 is long gone to Style and Drafting. But if we should have reported only progress, then Number 1 is here to be reconsidered. Now, upon the advice of the members of the Rules Committee, the Chair is going to rule that when Mr. Eskildsen said rise and report and beg leave to sit again, he in fact meant to sit again this afternoon and not conclude any of the General Government parts, and so Number 1 is still before us and what I did in sending it to Style and Drafting was wrong. Now, having ruled that way, which I'll do, then I invite a challenge of the Chair from anyone on the floor and we can have a vote and you can either sustain me or reject me, and if you sustain me, Number 1 is long gone, and if you reject me, Number 1 is before you and you can then talk about reconsideration. All right, now, so that we understand each other, the Chair now rules--well, I may have stated that wrong, but in any event I'll state it again. The Chair is now going to rule that when we rose and begged leave to sit again, we in fact rose and reported progress and that the action of the Chair in putting the matter finally to you and sending it to Style and Drafting was out of order. Now, I've ruled that. Does anyone care to challenge the Chair, and if you do, we'll then vote as to whether or not to sustain what I did this morning or else to do what I just said. In other words, do you want to challenge that decision of the Chair?

**DELEGATE DAHOOD:** (Inaudible) that decision because this is a move, of course, to reopen what was voted on this morning.

**PRESIDENT GRAYBILL:** That's right.

**DELEGATE DAHOOD:** I understood the Chair to say the matter was closed, and if we're going to establish that precedent now, we may be here through 1973. I challenge the Chair.

**PRESIDENT GRAYBILL:** Very well. The Chair has been challenged on its ruling, and

we will now vote by majority vote as to whether or not the Chair is correct.

Mr. Felt.

**DELEGATE FELT:** Mr. President, do you see this as a nondebatable proposition at this time as to the challenge of the Chair, or would some discussion be in order?

**PRESIDENT GRAYBILL:** My clerk tells me it's debatable, and I think it is. We can look it up in the rules here. Go ahead. We'll debate it.

**DELEGATE FELT:** Yes, Mr. President. In no way, I'm quite sure, is anyone the least bit critical of any of the rulings that have been made, and certainly if anyone had felt that any mistake was being made, they had the opportunity and would have exercised that opportunity to speak up before we recessed. But upon having opportunities during the recess period to review particularly Rule 26, and in the interest of developing our familiarity with our rules, which we have really not had any opportunity to use previous to today since this is our first period in Committee of the Whole, I would disagree with the challenge which has been made and support the position which the Chair has taken, which he states is upon consultation with members of the Rules Committee. Rule 26, for the members who have their rules available, is on page 11 of this blue-colored book and includes in part the words "and provided further when the Committee of the Whole again sits," the subject under consideration prior to the motion to rise and report progress shall again be resumed. So that, based upon that provision of our rules, I feel that the Chair has now correctly ruled. We also had distributed a brief list of the motions which are in order and motions which are not in order while we are in the Committee of the Whole. Among the motions which are in order is one, Number 5, reading "to rise and finally report." and I believe Number 6, to the one I believe which was essentially made, is to rise and report progress and ask leave to sit again. And that is the motion to which Rule 26 then applies. Now, as regards-if anyone believes that this is some sort of parliamentary ruse in order to obtain the opportunity to reconsider actions taken, I think it is quite possible that a motion to reconsider actions may be made, as will occur under our rules, I'm quite sure, on a number of things that occur before we're done here. I would like to point out that it is not necessary, however, for anyone desiring to get reconsideration to be sustained or for the ruling of the Chair now to be sustained,

because if the proposal of the committee has gone to the Committee on Style and Drafting, any member, no matter how they have voted, has the opportunity to move that that proposal be taken from the Committee on Style and Drafting and be referred again to the Committee of the Whole, and if they're successful, for whatever reasons they give for making that motion, it would then be possible, by motions made by a person who had voted on the prevailing side to move to reconsider-so that, in any event, if the majority of the delegates did, in fact, wish to reconsider any of the actions taken at the morning session, it's still possible-so that it does not depend upon the decision we make right now upon this ruling of the Chair. But I do feel that the ruling of the Chair is in accordance with our rules and that it's a fine thing for us to have had some of this practice and to become conversant with our rules and it is very important that we follow them or else amend them.

**PRESIDENT GRAYBILL:** Mr. Aasheim.

**DELEGATE AASHEIM:** Mr. President and delegates. I, too, concur with the ruling of the Chair. I hope that we'll consider ourselves a unicameral body today, and certainly the action we did this morning was of a unicameral nature. We deliberated quite lengthily and emotionally at times, and I think that this should indicate that maybe some have maybe reconsidered their action, their thinking, and would like to look again at a very controversial and very earthshaking decision that was made. And whether or not that is the purpose of the motion is not here or there. According to our rules, I agree that this was out of order entirely because we should be still in Committee of the Whole according to the motion to recess.

**PRESIDENT GRAYBILL:** Mr. Dahood.

**DELEGATE DAHOOD:** Mr. President, I've conferred with the Chairman of the Rules Committee, whom I hold in highest esteem, and he tells me that the challenge to the Chair under our rules-to the ruling of the Chair—probably is not well founded since apparently the motion should have been stated different this morning, and for that reason, I'm going to withdraw my challenge to the Chair's ruling.

**PRESIDENT GRAYBILL:** Well, all right, you may withdraw your challenge. The Chair was in error in accepting the motion because its nature was ambivalent. That means it could be either

way, I guess, but the Chair still-what the Chair is doing now is deciding it one way, and I am perfectly willing that you challenge me if you want to and change it to the other way. And the way I'm deciding it is that we're not through with Number 1, so if you don't like that, anyone else may challenge it. He's withdrawn his.

Mr. Eskildsen.

**DELEGATE ESKILDSEN:** In making the motion this morning, I did it with the full intent of saying "progress," and I inadvertently left the word off. To me, the motion would be to report final progress-let's see-to beg leave and-to report progress and beg leave to sit again. That's what the motion should have been. And the motion would be to report final progress. Now, had I said "final progress," yes, it would have been all. But I didn't do that, and the reason I didn't do it is because the votes today were very close, and being this was the first session we had, I felt it was important that everybody kind of get in the mood of things and get the feel before we actually started passing them in the final form here, and that was the reason that I begged leave to sit again.

**PRESIDENT GRAYBILL:** Mr. Lorello.

**DELEGATE LORELLO:** Mr. Chairman, if I knew what was going on here (Laughter) before-this is my first experience with something like this-I would have been another Charley Mahoney. I would have been questioning some of these rules. Now, I wanted to go along with Mr. Dahood's challenge of this thing, and whoever has the right wording for this thing, I wish they'd stand up and challenge your decision, because I really feel that this is just a move to get this part 3 back onto the floor. I've already heard that 52 irresponsible people voted this thing in, and if I could do something to keep this thing from coming back up to discussion again-I hope someone more learned than me would bring it out and do it.

**PRESIDENT GRAYBILL:** Well, Mr. Lorello, please understand I only rule because I have to rule one way or another and I'm rather sympathetic with you, and the way for you to do it is to say "I challenge the Chair's ruling." Now, if you'll say that, we're back in business.

**DELEGATE LORELLO:** Thank you, Mr. Chairman. (Laughter)-Chairman. I challenge the Chair's ruling.

**PRESIDENT GRAYBILL:** All right, now. Mr. Lorello has challenged the Chair's ruling, and you may discuss it, but the point is that if you sustain Mr. Lorello, then Number 1 will have been gone to Style and Drafting, but if you sustain the rule I made, then Number 1 will be open for reconsideration.

Now, Mr. Cate.

**DELEGATE CATE:** Mr. Chairman, I'd like to challenge the record and have read back to us the exact motion that was made that was voted on by the entire committee.

**PRESIDENT GRAYBILL:** Very well, we'll be in-the exact motion was that the committee rise and report and beg leave to sit again, and that's ambivalent in the sense that it doesn't say rise and report final action and it doesn't say rise and report progress. It says rise and report and beg leave to sit again, and I should not have accepted the motion in that form.

**DELEGATE CATE:** Mr. Chairman, was that the motion that we voted on?

**PRESIDENT GRAYBILL:** We voted on that motion and we voted in favor of that motion which put us back-which accepted the work of the Committee of the Whole this morning, that the committee rise and report and beg leave to sit again. It should have said that the committee rise and report progress, or it should have said that the committee rise and report finally.

**DELEGATE CATE:** My understanding of the intent of that was that we rise and report finally.

**PRESIDENT GRAYBILL:** Well, that's what I thought this morning but I've been-my memory has been jogged, and I now have ruled the other way; and if you want to vote against that, that's what we're going to give you a chance to do.

**DELEGATE CATE:** Thank you.

**PRESIDENT GRAYBILL:** I don't think that's too complicated. Everyone understand now?

Mrs. Eck.

**DELEGATE ECK:** I think it's true, though, that we also voted to refer it to Style, did we not; or did-that was just a ruling?

**PRESIDENT GRAYBILL:** No, that's just a ruling.

**DELEGATE ECK:** That's just a ruling.

**PRESIDENT GRAYBILL:** If, in fact, we adopted this, then the Chair does refer it automatically under the rules to Style.

**DELEGATE ECK:** Thank you, Mr. Chairman.

**PRESIDENT GRAYBILL:** All right, are you ready? If so, the rules require that I say-Rule Number 75 requires that I put the question "Shall the appeal be sustained?"--and I am allowed to explain my vote and I certainly-or my position; I certainly have explained it to you. I just want to get a ruling from you. So, I shall now say, "Shall the appeal be sustained?"-Mr. Lorello's appeal of the Chair's decision. That means, if you sustain his appeal, we'll do what we did this morning. If you sustain me, we will not do what we did this morning. So, I'm going to use the voting machines for an unrecorded vote. All those in favor of sustaining the appeal, vote Aye-that's Mr. Lorello's motion. Who's on the Floor? All those in favor of sustaining the appeal, vote Aye—

And all those in favor-No, on the voting machines, for an unrecorded vote. And all those in favor of not sustaining the appeal, vote No. Have all the delegates voted?

(No response)

**PRESIDENT GRAYBILL:** Does any delegate wish to change his vote?

**DELEGATE BATES:** (Inaudible) what we're voting on?

**PRESIDENT GRAYBILL:** Yes. Mr. Lorello. Let's put it this way. The Chair ruled that the Chair was in error this morning when I accepted Suffrage and Election and finally sent it to Style and Drafting. I ruled I was in error. Therefore, we will not have accepted it, and when we go back into the Committee of the Whole, it will still be open for reconsideration, if you sustain the Chair. To that, Mr. Lorello objected, and he has appealed from the Chair's ruling. So, if you're in favor of Mr. Lorello's appeal of the Chair's ruling, you vote Yes, and if you're in favor of the Chair's ruling, you vote No. Now, does any delegate wish to change his vote?

(No response)

**PRESIDENT GRAYBILL:** Very well, the vote is closed. The vote is 36 Aye, 63 No, and so the Chair is sustained.

Mr. Eskildsen, would you like to take us back into Committee of the Whole? We'll move to Order of Business Number 10.

Mr. Eskildsen.

**DELEGATE ESKILDSEN:** I move the Convention resolve itself into Committee of the Whole for the purpose of handling business under general orders.

**PRESIDENT GRAYBILL:** You've heard the motion to move the Convention into Committee of the Whole. All in favor, say Aye.

**DELEGATES:** Aye.

**PRESIDENT GRAYBILL:** Opposed, No. (No response)

(Chair assumed by Mr. Graybill)

**CHAIRMAN GRAYBILL:** Very well. We're in Committee of the Whole, and we have under consideration Suffrage and Election, Number 1, and we have ready to consider Constitutional Revision, Number 2. Is there a motion on Suffrage and Election, Number 1?

Mr. Ask.

**DELEGATE ASK:** Mr. Chairman, I rise and move that the Committee of the Whole reconsider the Article on Suffrage and Election that was voted on this morning, and in particular, Section 3 thereof.

**CHAIRMAN GRAYBILL:** Very well. Mr. Ask's motion is to reconsider Section 3 of Proposal 1 on Suffrage and Elections.

**DELEGATE ASK:** Yeah.

**CHAIRMAN GRAYBILL:** Mr. Ask, did you vote on the prevailing side this morning?

**DELEGATE ASK:** On the article, yes; but not on the Section 3. On the entire article, I voted—

**CHAIRMAN GRAYBILL:** You have to be voting on the prevailing side to make a motion to reconsider.

**DELEGATE ASK:** For each particular section?

**CHAIRMAN GRAYBILL:** Where-the article-the whole article is still before us. I have reversed that and we've-

**DELEGATE ASK:** Have you reversed the vote on the whole article?

**CHAIRMAN GRAYBILL:** Well, I don't know whether you're trying to—we haven't voted on the whole article. We've voted on it article by article.

**DELEGATE ASK:** Well, I understood we voted on the entire article when we finished.

**CHAIRMAN GRAYBILL:** That's what I reversed. That's what I said I was in error in accepting.

**DELEGATE ASK:** Oh, excuse me then. I was not on the prevailing side on Section 3.

**CHAIRMAN GRAYBILL:** All right, if you're not on the prevailing side you're not prepared—

Mr. Aasheim.

**DELEGATE AASHEIM:** Having voted on the prevailing side to accept Report Number 1, I move to reconsider Report Number 1.

**CHAIRMAN GRAYBILL:** Section 3 or—

**DELEGATE AASHEIM:** The whole report.

**CHAIRMAN GRAYBILL:** All right. Well, now, Mr. Aasheim, we didn't vote on the whole report. We voted on it section by section. We don't vote—we voted on the whole report only after the error, and that's been erased. Now, if you voted on the prevailing side on Section 3, you may raise the issue.

**DELEGATE AASHEIM:** I did not.

**CHAIRMAN GRAYBILL:** All right.  
Mr. Artz.

**DELEGATE ARTZ:** Mr. President, having voted on the prevailing side, I move to reconsider our action to accept Section 3 of Report Number 1.

**CHAIRMAN GRAYBILL:** You're talking about the prevailing side on the issue on Section 3?

**DELEGATE ARTZ:** That is correct.

**CHAIRMAN GRAYBILL:** Very well. Mr. Artz, having voted on the prevailing side on Section 3 this morning—that's when we adopted the minority report section—he has now moved to reconsider Section 3 of Proposal 1, Suffrage and Elections, of General Government.

Mr. Artz.

**DELEGATE ARTZ:** The reason I am moving to reconsider: I believe in the spirit of fair play, and apparently there has been some confusion, and I certainly would hate to see the first day start out that we don't give everybody a fair chance, and that's the major reason I'm moving. Thank you.

**CHAIRMAN GRAYBILL:** Mr. Aasheim.

**DELEGATE AASHEIM:** I wish to speak on Number 3. The minority report was well thought out, and I agree with it wholeheartedly. I think it's a tremendous move to make democracy more responsible. It's a tremendous move to make people more responsible, and any time we can make our elective process closer to the people, we certainly should do so. I understand Minnesota uses poll booth registration, and I guess we're familiar now with North Dakota. I think it's tremendous, and I think that we should also consider very seriously the matter of absentee voters, particularly as it applies to college students, as it applies to our servicemen abroad or wherever they are. There's so much rigamarole, so much red tape to go through, that they are disenfranchised, and I think we should—someone should—do something to correct these inequities. Maybe it's a matter of lack of education. Maybe our educational system is at fault. I don't know what it is, but I do not believe that this matter belongs in our Constitution. I think it's legislative, and you can criticize this body up and down for passing the buck onto the Legislature, but the Legislature is the people. The Legislature is the people, and if you're going to tie this into the Constitution, if we find it inoperative, if we find it being abused, we're going to be tied down and we're going to have to amend the Constitution again. And no matter what we say about the image, how are you going to explain this to the people that anyone can just go to the polls and vote. I beseech you people to reconsider your thinking here. I'm with you in the idea, but I can—again, let me reiterate, it does not belong in the Constitution.

**CHAIRMAN GRAYBILL:** Mrs. Warden.

**DELEGATE WARDEN:** Mr. President. I would like to agree very much with Mr. Aasheim. We have checked with the Cascade County Clerk and Recorder. Special improvement districts, fire districts and irrigation districts still need to have taxpayers vote on them. Is there any way that I, who have been an election clerk for several years,

can determine where people live, whether they should be voting on these things, because I have had people coming in that really don't know where they live or what they are going to be voting on. I don't mean that facetiously. I will say that maybe they registered in Great Falls 15 or 18 years ago, and they do not know if they are registered in a certain precinct, or what. Now, how do you determine that by just coming into the polls? I feel that I would not be representing the people who sent me here if I were to make a mockery of our election laws by making voting not a privilege but an emotional right. We are here to do an evaluated job, not an emotional one, and I hope you will reconsider your vote on this question.

**CHAIRMAN GRAYBILL:** Mr. Harper.

**DELEGATE HARPER:** Mr. Chairman. Two things in answer to what has just been said. I presume they have these same districts in a state like North Dakota, and there's no record that they've had any trouble with that particular thing. I would like to see us vote more on the principle of the thing rather than on whether or not it's going to be a little trouble to change some of our particular county procedures or precinct procedures as of now. I rise mostly to say that every one of us, I think, was here this morning. We almost all of us made speeches. I would hate to see us go through all of that again, but if it's going to come to that, I'll be willing to make another speech on it, though I shall not at this time.

**CHAIRMAN GRAYBILL:** Mrs. Pemberton.

**DELEGATE PEMBERTON:** Mr. Chairman, I didn't talk this morning. I will only say now I rise in support of the majority proposal.

**CHAIRMAN GRAYBILL:** Mr. Ask.

**DELEGATE ASK:** Mr. Chairman, I did not speak this morning, but I rise in support of this motion to reconsider. I think it was considered too hasty this morning, and even some committee members changed their mind on the floor. And I feel that even with this one item that--we've only covered one article--I feel that we could lose a large segment of the voters back home in approval of the ultimate document that we come up [with] here, and I think we should reconsider this section again.

**CHAIRMAN GRAYBILL:** Mr. Monroe:

**DELEGATE MONROE:** Mr. President, would Catherine Pemberton yield to a question?

**CHAIRMAN GRAYBILL:** Mrs. Pemberton, will you yield to a question?

**DELEGATE PEMBERTON:** Yes, sir.

**DELEGATE MONROE:** In the deliberations this morning, we saw two members of the General Government Committee change their minds as we went through the deliberations, and as I understand it, there really wasn't a majority report--that as it turned up, it was four and four, so I was wondering, what majority report were you referring to?

**DELEGATE PEMBERTON:** Thank you for your correction. I am referring to Section 3 of whatever you would like to term it, whether it's the past majority report or not, but it's Section 3 on page 2. Thank you.

**CHAIRMAN GRAYBILL:** Mr. Monroe.

**DELEGATE MONROE:** Okay. Mr. Chairman, I rise in support of Bob Vermillion's what at one time was considered the minority report. And it seems to me, at least my observation is, that I think that there are some sore losers from this morning and that they're trying to hide some time at this time, and in fact they have bided time and have tried to work on some of their people during this time, tried to influence their votes as it was so close, and are trying to make it go in favor of what was at one time the majority report.

**CHAIRMAN GRAYBILL:** Now the Chair wants to point out that we're debating the motion to reconsider. We're not debating Section 3. I've been fairly liberal on that, but I think everyone understands we're only debating the motion to reconsider, and when we vote we're going to vote whether to reconsider it or not, not whether to change it or not--whether to reconsider it.

Mr. Choate.

**DELEGATE CHOATE:** Mr. Chairman, I am one of the sore winners this morning in changing my vote from the majority report, and I'd like to state that, if allowed to do so through reconsideration, I would rejoin our majority opinion. Thank you. (Applause)

**CHAIRMAN GRAYBILL:** Now, the Chair will also say in this first day of debate that I'm going to discourage demonstrations. I don't

mind your being happy, but if we start doing this throughout the session, we'll all end up clapping for each other's speeches, and that will only lengthen the journal, so please hold your applause until after we adjourn. Is there other discussion on the motion to reconsider?

(No response)

**CHAIRMAN GRAYBILL:** Very well. All in favor of Mr. Artz's motion to reconsider Section 3 of Proposal 1 from the General Government Committee, please say Aye.

**DELEGATES:** Aye.

**CHAIRMAN GRAYBILL:** Opposed, No.

**DELEGATES:** No.

**CHAIRMAN GRAYBILL:** The Chair is in doubt. We'll use an unrecorded vote. All in favor of reconsidering, vote Aye. All opposed to reconsidering, vote No.

Have all the delegates voted?

(No response)

**CHAIRMAN GRAYBILL:** Does any delegate wish to change his vote?

(No response)

**CHAIRMAN GRAYBILL:** If not, we'll close the vote. The vote is 58 Aye, 40 No, so we will reconsider it.

Mr. Kelleher.

**DELEGATE KELLEHER:** Mr. Chairman, I move to amend the second sentence of Section 3 to add the following words, immediately after the words "absentee voting," "for servicemen and students only."

**CHAIRMAN GRAYBILL:** Just a minute. Which line are you on, Mr. Kelleher?

**DELEGATE KELLEHER:** Second line, Mr. Chairman.

**CHAIRMAN GRAYBILL:** No.

**DELEGATE KELLEHER:** The second line of Section 3, or do you want the line number and page number?

**CHAIRMAN GRAYBILL:** Line 16? Yes.

**DELEGATE KELLEHER:** Line. Yes, sir. Line 16—the last two words—immediately after the last two words of Section 3, line 16, page 2, add

the following words: "for servicemen and students only." May I speak to my motion?

**CHAIRMAN GRAYBILL:** In a moment. Do I understand the sense of your motion to be that the Legislature would provide by law the requirements for residency, registration, absentee voting for servicemen and students only, and administration of elections?

**DELEGATE KELLEHER:** That is correct.

**CHAIRMAN GRAYBILL:** Very well, that's your proposed amendment.

**DELEGATE KELLEHER:** May I speak to the motion?

**CHAIRMAN GRAYBILL:** Mr. Kelleher.

**DELEGATE KELLEHER:** As long as we're going to legislate here—I am opposed to the wealthy in the County of Yellowstone, Mr. Chairman, moving to the State of Arizona or the State of New Mexico and voting for sales taxes and other types of taxes to be paid by citizens of the State of Montana who live in Montana and they do not even live here any more. Now, as far as servicemen and students, of course, who are away from home, it is all right to vote to have absentee voting for them. But those wealthy residents who have left the state and gone to warmer climes and who do not even live here and who do not make purchases here, I do not feel that they should have the right to vote in this state. If they've changed their residence, they should vote in the state of their choosing—the state they have decided to retire in. Thank you.

**CHAIRMAN GRAYBILL:** Mr. Davis.

**DELEGATE DAVIS:** Mr. President, may I ask Mr. Kelleher if he'll yield to a question?

**CHAIRMAN GRAYBILL:** Mr. Kelleher, will you yield?

**DELEGATE KELLEHER:** Yes, sir.

**DELEGATE DAVIS:** Mr. Kelleher, is it your wish to, in addition to disenfranchising the wealthy, those who might be away working to support that child at school on a construction job. In other words, to throw the baby out with the bath water?

DELEGATE KELLEHER: These people -there is a long time, Mr. Davis, that we have to vote before election day. If you're going to be out of town-if the voting, as we've heard this said before this morning on the floor-if voting is such a dear privilege that we will get ourselves-hie ourselves down to the courthouse to sign up for registration, I think we can get down to the courthouse to vote before election day if we're not going to be in town on election day.

CHAIRMAN GRAYBILL: Mr. Gysler.

DELEGATE GYSLER: Mr. Chairman, would Mr. Kelleher yield to a question?

CHAIRMAN GRAYBILL: Mr. Kelleher?

DELEGATE GYSLER: Mr. Kelleher, is it your intention to disenfranchise the Representatives and the Senators we have representing us in Washington? (Laughter)

DELEGATE KELLEHER: They get back here. They could come back and vote just like anybody else, and they do come back and vote. They always-they have an opportunity to get back here. That's no problem.

CHAIRMAN GRAYBILL: Mr. McCarvel.

DELEGATE McCARVEL: Mr. President, would Mr. Kelleher yield to a question?

CHAIRMAN GRAYBILL: Mr. Kelleher yield for a question?

DELEGATE KELLEHER: Yes, sir.

DELEGATE McCARVEL: Bob, would this disenfranchise the sick and infirm?

DELEGATE KELLEHER: We have a provision, Joe, in the statutes now that the clerk and recorder can go to the home of the blind and those that are sick and disabled and vote them in their own home. They're residents. They live in the state, and there's no problem there. They can be voted in their own home by a deputy.

DELEGATE McCARVEL: Well, don't they also consider that in the statutes to take care of the—

CHAIRMAN GRAYBILL: Mr. McCarvel, I'll let you ask another question. Do you want to ask another question?

DELEGATE McCARVEL: Yes.

CHAIRMAN GRAYBILL: Very well, Mr. -

DELEGATE McCARVEL: Doesn't the statutes already take care of soldiers and those that are away?

DELEGATE KELLEHER: By absentee ballot.

DELEGATE McCARVEL: By absentee ballot?

DELEGATE KELLEHER: That's right. You're right.

CHAIRMAN GRAYBILL: Very well. Is there other discussion?

Mr. Brown.

DELEGATE BROWN: Mr. President, I believe that a discriminatory addition like this would probably violate the United States Constitution.

CHAIRMAN GRAYBILL: Is there other discussion?

Mr. Harper.

DELEGATE HARPER: Mr. Chairman, may I ask this question? Do we need, in order to discuss what was the majority this morning—that is, substituting Section 3 from page 13 for Section 3 of the original report—do we now need to move that again?

CHAIRMAN GRAYBILL: Mr. Harper, you've raised a point that's worrying me, but I thought we'd proceed with Mr. Kelleher's amendment, which I really think is to Section 3 of the minority report, but it happens to have the same language in it, but I don't—let's just get rid of this—no, let's just vote on this (Laughter) amendment—then we'll get another—we'll straighten it out. Pardon me, Mr. Kelleher. I did not mean to let my sentiments show. (Laughter) Is there further discussion?

Mr. Simon.

DELEGATE SIMON: Mr. President, I wonder if I may ask Mr. Kelleher a question. Would you—

CHAIRMAN GRAYBILL: Mr. Kelleher, will you yield?

DELEGATE KELLEHER: Yes, sir.

**DELEGATE SIMON:** At what point would you say in your proposal that you would limit the age of a student. I've found that in my experience, I know of some people who are still going to school at 39, and you're a student of constitutional government and things of that kind—at what point would you say that we might consider you a student?

**DELEGATE KELLEHER:** Well, Mr. Wilson, I am 48 years old, and to the day I die, I hope I'll still consider myself a student, because as I get older, I realize I know less and less. In fact, when I was 23 years old, I had moral certitude about the fact that I knew everything, and now that I'm 48 years old, I have moral certitude about only one thing—that I know very, very little.

**DELEGATE SIMON:** What I was trying to say—I would like very much—

**CHAIRMAN GRAYBILL:** Mr. Simon—

**DELEGATE SIMON:** I wonder if there was any possibility that we have any intention of dividing our people as to their way of voting? I doubt whether you could do such a thing with any continuity.

**CHAIRMAN GRAYBILL:** Is there other discussion?

(No response)

**CHAIRMAN GRAYBILL:** Very well. All those in favor of Mr. Kelleher's amendment, which would say that absentee voting would be for servicemen and students only, please say Aye.

(No response)

**CHAIRMAN GRAYBILL:** Opposed, No.

**DELEGATES:** No.

**CHAIRMAN GRAYBILL:** The Noes have it.

Now, we're back on the basic proposition, and the Chair will recognize Mr. Vermillion. Mr. Vermillion, there has been a motion to reconsider your section. Do you want to make a motion that your section be sustained, and then we'll debate it?

**DELEGATE VERMILLION:** Yes, I do, Mr. Chairman. I would urge that the Committee of the Whole accept the minority proposal on Section 3.

**CHAIRMAN GRAYBILL:** Mr. Aasheim.

**DELEGATE AASHEIM:** As a substitute motion, I move we adopt Section 3 of the majority proposal. Mr. President, may I speak on the subject?

**CHAIRMAN GRAYBILL:** Just a moment.

Mr. Aasheim.

**DELEGATE AASHEIM:** Mr. President.

**CHAIRMAN GRAYBILL:** The Chair was in doubt as to whether there is a section that you can't reconsider more than once, and I had thought that it might say we couldn't reconsider the same language, but apparently we can once, so your motion is in order. You may discuss it.

**DELEGATE AASHEIM:** Just a few brief words, Mr. President and members of the assembly. In regards to that comment that we're soreheads, we're not. We're trying to draw up the best Constitution we possibly can. I'm not sore if I lose. I'm not going to be exuberantly happy if I win. But I would like to start right now, and let's eliminate these things that don't belong in the Constitution. Let's put them as legislative. That's all I'm going to say.

**CHAIRMAN GRAYBILL:** Mr. Anderson

**DELEGATE OSCAR ANDERSON:** Will Mr. Vermillion yield to a question?

**CHAIRMAN GRAYBILL:** Mr. Vermillion?

**DELEGATE VERMILLION:** Yes.

**DELEGATE OSCAR ANDERSON:** Since I live just a very few miles from the North Dakota border and I'm unfamiliar with this point, I would like to have you clarify this. North Dakota has just recently concluded a proposed revision of their Constitution. Could you advise me and this body if they have thought that this matter was of such import that it had to be guaranteed in the Constitution, when they originally developed it legislatively, and if their new draft includes this provision in their Constitution?

**DELEGATE VERMILLION:** Mr. Anderson, I take the approach we're talking about a basic right here, and if you take a look at the Bill of Rights in the federal Constitution and in the old-Constitution now and the proposed new Bill of Rights—when you talk about rights and put them in a Constitution, generally you are putting

them in because of some abuse. People don't put in the Bill of Rights unless they find that there's some abuse, then they react to it. I suggest-the people of North Dakota, the Constitution, they made no mention at all of registration, as I pointed out earlier this morning. But that's because their voters were not being abused by being prevented from voting-many of them being prevented from voting, by registration laws that were too restrictive. I think their current registration laws are too restrictive. They are preventing people from their right of franchise; therefore, I think that we, in the Constitution, have an obligation to protect that right.

**CHAIRMAN GRAYBILL:** Mr. Anderson.

**DELEGATE OSCAR ANDERSON:** Would Mr. Vermillion answer, if it's possible for him to do so, whether North Dakota has included this provision in their new proposed constitution? That was the point I needed clarification on, Mr. Vermillion.

**CHAIRMAN GRAYBILL:** Mr. Anderson-he said this morning that it was not in the new Constitution.

**DELEGATE VERMILLION:** And, I'm sorry if I did not mention that in my comments now. I meant to. That it is not. And then my point was that we are reacting to what I feel is an abuse. We have had a right infringed, and we must react to it in the Constitution much as the other items, in, say, the Bill of Rights, react to prior abuses.

**CHAIRMAN GRAYBILL:** Mr. Scanlin.

**DELEGATE SCANLIN:** Mr. Chairman, would Mr. Aasheim yield to a question?

**DELEGATE AASHEIM:** I yield.

**DELEGATE SCANLIN:** Mr. Aasheim, what chances do you feel the next session of the Legislature has of adopting poll booth registration?

**DELEGATE AASHEIM:** Mr. Scanlin, I don't know, but I feel this-if the pressure is great enough, if certain groups that have been operating around here continue their pressure, they will get poll booth voting, and, again, I think this should come from the Legislature because the Legislature is the people, and I think this is where it should come from, and I think that [if] the Legislature gets the pressure, they'll adopt it.

**CHAIRMAN GRAYBILL:** Mr. Scanlin.

**DELEGATE SCANLIN:** Would Mr. Aasheim yield to another question?

**CHAIRMAN GRAYBILL:** Mr. Aasheim?

**DELEGATE AASHEIM:** I will.

**DELEGATE SCANLIN:** Mr. Aasheim, will you help put on the pressure?

**DELEGATE AASHEIM:** I certainly will because I think it's a very good feature.

**DELEGATE SCANLIN:** Thank you (Inaudible).

**DELEGATE AASHEIM:** I really do.

**CHAIRMAN GRAYBILL:** Mr. Dahood.

**DELEGATE DAHOOD:** Mr. Chairman, I'm going to rise to speak in opposition to the amendment. I do not intend to speak again on this issue. I thought it was fully debated this morning. I am somewhat puzzled and confused at how delegates can stand and say that the idea has merit, that it is as highly responsible as some have contended, and when they say that it is merit-is something we should have, and why, nevertheless, in the same breath they insist that the Legislature should take care of it. It seems to me that if the Constitutional delegation decides to chart a course for more government responsibility and greater citizen participation, that we are fulfilling our obligation and our responsibility and our duty here. One delegate made the comment he would hate to see us go back to our constituents with this particular proposal that was passed this morning and lose a large segment of their support for our Constitution. I'm puzzled as to how I could go back to my community and say that I helped provide a greater opportunity for the citizens of my district to participate in the noble exercise of electing their governmental officials and lose support for our Constitution. Several have announced that they have called the clerks of court-or the clerk and recorders' offices, and they have promptly responded, after perhaps 2 or 3 minutes' contemplation by long distance telephone, that they don't like the system. I remember more than 10 years ago, and my colleagues at the bar will recall it, when Montana had a rather difficult and long fight to adopt a new Code of Civil Procedure, and the older lawyers, as some of the officeholders have apparently responded here, didn't like any change in the system because they had become

adapted to the old system, and I recall when, finally, the new rules prevailed, the older lawyers walked around the State of Montana to some extent and saying "Well now, they've repealed everything I ever knew about the law." But they adapted, and the system became better, and those that had the courage to push it to the front developed for all of us a better system of procedure and a better system of justice in Montana. I think we have a responsibility to try and find a better way for citizen participation, and there is nothing irresponsible about our action. One delegate commented to me along the corridor that we have a lot of laws that may be affected. I don't think that's our concern. We're here to start with a new Constitution and to start with a system of law that we think is more in accord with the demands of Montana in the 1970's and the decades to come, and it certainly seems to me that if the Legislature has the ability and the wisdom that some of the delegates ascribe to it, they'll well be able to make the changes necessary in the election laws within their province to conform with the supreme law of this state-the will of the people expressed through the Constitution, the fundamental law of the state. Thank you very much, and I do oppose the amendment proposed.

**CHAIRMAN GRAYBILL:** Mr. Harper.

**DELEGATE HARPER:** Mr. Chairman. I am in a good deal of sympathy with the idea of keeping too much stuff out of the Constitution, but we can go to the opposite extreme. I would simply like to punch one more point which I think needs to be made. Since the opposition to our majority vote of this morning seems to be not to the idea but to the fact that this is legislative rather than constitutional-as I read the whole article on Suffrage and Elections, I do not see a single item that could not be left to the Legislature. In fact, there is no real reason to have an article on Suffrage and Election. I mean, the same thing could be said about any one of these points that is now being said about Section Number 3. In fact, if we took out of the Constitution everything that might be left to the Legislature, we could print the whole Constitution on a postcard.

**CHAIRMAN GRAYBILL:** Mr. Murray.

**DELEGATE MURRAY:** Mr. Chairman. As I indicated this morning--a couple of times, I guess-I don't have any problem with this matter being legislative in nature. I have a problem within my own mind. I have to wrestle with the

fact that when I face the responsibility of amending or proposing a new Constitution for the State of Montana, and when I move from a known existing position to another, that I know where I land and the results of the action that I take for that move. And that's the reason that I asked the questions that I did this morning. I wanted to know what had happened in North Dakota. I wanted to know what the costs might be. I wanted to know the laws that we might be affecting by making this change. I don't think anybody here knows those answers. Nobody gave them this morning, and I challenge anybody now to help me with my problem. Personally, I am not going to cast a vote to change from one position to another without knowing why and the ramifications of that move, and I resist any effort by this assembly to do that.

**CHAIRMAN GRAYBILL:** Mrs. Bates.

**DELEGATE BATES:** Thank you, Mr. Chairman. I concur with the original motion of the majority report. Just a few minutes ago I called a man that has lived in Dakota for many years. He said it has worked well there, but don't put it in your Constitution; and in looking over this body this morning and thinking of our distrust of the Legislature not doing the will of the people, and I wonder about our own constituents-they have a distrust of this body. We, too, were elected officials. We are here trying to enact a better Constitution, a fundamental Constitution without statutes. Leave this to the Legislature. In our article on the Legislature, we are also trying to give the legislators more power and more authority and more responsibility and I think-I can and I hope you will concur with the original proposal.

**CHAIRMAN GRAYBILL:** Mr. Drum.

**DELEGATE DRUM:** Mr. President. I, too, would like to rise in support of the committee report. And I would like to second some of the comments made by Mr. Murray, some of the concerns. I sat this morning and was quite moved with what were really very good arguments and some very eloquent speeches. I think the discussion that Mr. Dahood presented this morning was one of the finer speeches I've heard in these chambers in several years of coming and going. The fact that the State of Montana would be the first state to lock this wording into our Constitution and the fact that only one other state is now engaged in the use of this wording, the use of this law, give me a good deal of concern that the old

words of the—maybe it was an old Irish philosopher that said “Be not the first on who the new is tried, nor yet the last to cast the old aside”—something in those words. The fact that we are putting it in a Constitution is—it could become a real mistake at some point in the future if the thing just doesn’t work. And the second thing that concerns me is that I think, probably, I was elected by more of the conservative-type people than some of you other folks here, and I think tomorrow, when the newspapers come out, the people who read about this are not going to have the benefit of some of these good arguments, and I believe I was somewhat swayed by many of these arguments that philosophically the idea is good, but the people who read the newspapers in this state read about the headlines, and most of them don’t get much further than that, and I kind of think that the impression around the state is going to be; on the first issue they voted on, they kind of opened the door and have kind of set a tone for the entire Convention. And this may be right and it may be wrong, and it is undoubtedly something that shouldn’t determine your vote, but it is something that I think we all are concerned with is that when we do go home, the first question we are asked is going to be a prejudiced question that people ask who have not had the benefit of some of these discussions that we’ve heard this morning, and it’s going to be something that may be hard to overcome at a point down the road. Now, many other debates are going to take place in this body and I, for one, am very hopeful that our product does become the new Constitution of the State of Montana; but, again, it does concern me that we may jeopardize the acceptance of the rest of our product by taking what may be considered a radical step at this time in the eyes of many of the people in Montana.

**CHAIRMAN GRAYBILL:** Mr. McKeon.

**DELEGATE McKEON:** Mr. Chairman, I have one thing to say. I think this morning we discussed—

**CHAIRMAN GRAYBILL:** Just a moment, Mr. McKeon. Would you start over?

**DELEGATE McKEON:** Yes, Mr. Chairman. I have one thing to say. I think this morning we discussed the merits of something. I enlightened the question whether it is good for the people, I think. Now we are discussing whether or not something is politically expedient, and I resent that, Mr. Chairman.

**CHAIRMAN GRAYBILL:** Mr. Ask.

**DELEGATE ASK:** Mr. Chairman. I rise in support of the majority report this morning on the Section 3. And my colleague, an attorney, mentioned the lawyers switching from the old Rules of Civil Procedure to the new rules, and I had a little experience under the old rules, and in certain instances, I liked part of the old rules, but the fact is, if we don’t like the rules and want a change, we can change them right now without going through an amendment of the Constitution. And we’re experimenting here with a new idea, and if we don’t like it or the people don’t like it, we have to go through the whole process of amending the Constitution to take it out. And I therefore submit that the old section—or the Section 3 of the majority report should be adopted; and if they want to experiment, the Legislature can do this, and if they don’t like it, they can vote it down at the next session or repeal it. Thank you.

**DELEGATE GARLINGTON:** Mr. President, I want to suggest that there is a real practical problem presented by this matter. The middle sentence says, “Voter registration prior to election day shall not be a condition for voting.” Now, there are 200,000 or more registered voters in Montana. If this is adopted, then there is no need and there is no way the Legislature could ever hereafter compel any registration by any voter in Montana again. And we would, it seems to me, expose ourselves to the prospect that all 200,000 people would show up at the polls to vote to follow whatever procedure is established here at the third sentence, and I suggest that this creates a very large, practical problem that might have the adverse effect of so clogging the polls that many more would be unable to exercise their right to vote.

**CHAIRMAN GRAYBILL:** We’ll stand at ease for about a minute.  
(Convention at ease)

**CHAIRMAN GRAYBILL:** Mr. Foster.

**DELEGATE FOSTER:** Mr. Chairman, I think that we’ve lost sight of the forest in looking at all the trees. The basic question is whether we will provide restrictions upon the right of voting, and I think that we all have to weigh this question very heavily. If we want to make voting a right, then we cannot provide restrictions for that right. If we want to make voting a privilege, then we should provide restrictions. It is my feeling that—

in this country and in this state that voting is a right, that it is not a privilege-that from the fact that we live in this state, from the fact that we're residents here, that therefore we have the right to vote. And I submit that in this day and age, with the tools that are available to us, the artificial restrictions of 40 days prior to election are unnecessary restrictions. We've already heard that it's impractical to decrease this number of days from our own county clerks; that, in fact, we either go to a full right of voting at the time of election or we stick with the unnecessary restrictions that we presently have. We're boxed into this particular position. I don't know about the rest of you, but during the course of my campaign, the question that was asked me most often was, "Isn't there something you can do to make it easier so that I can vote?" A number of people that I talked to in the course of my campaign told me, "I'm very much interested in the Constitutional Convention, I would very much like to vote, but I'm not registered." Now, I think that, whether we realize it or not, in this day and age, politics is not an all-the-time thing, and people are not involved in the decisions, they're not involved in what goes on in politics until there comes something up to be concerned about. And that, generally, is 2 or 3 weeks prior to an election. And the restrictions that we presently have on voting are unnecessary, in my opinion; and I feel that if we're going to look upon self-government as anything more than a "pie in the sky," that we have to give the right of voting to the citizens. If we don't want to give the right of voting to citizens, fine; but I feel personally--and I want to go on record in favor of giving the citizens and the residents of the State of Montana the right to vote. Thank you, Mr. Chairman.

**CHAIRMAN GRAYBILL:** Mr. Johnson.

**DELEGATE JOHNSON:** Torrey Johnson standing here in support of Mr. Aasheim's motion. I think that the people of Montana who are interested in everyone voting can accept the responsibility to drag their neighbors in 40 days, or whatever it is, ahead of time and see that they vote-or that truckload that Mr. Kamhoot was talking about this morning. Thank you.

**CHAIRMAN GRAYBILL:** Mrs. Robinson.

**DELEGATE ROBINSON:** After all is said and done, much has been said and little has been done. I think that we should re-address

ourselves to one question-whether or not we are trying to make democracy hard or whether or not we are trying to make it easy. I believe that we should do everything in our power to make it easy for people to become involved in their government-not make it hard. That's the problem today with voter apathy, an inability to participate. We make it too hard. I would support the minority proposal of the General Government Committee in the belief that it makes it easier for the average citizen to participate in government.

**CHAIRMAN GRAYBILL:** Mr. Choate.

**DELEGATE CHOATE:** Mr. Chairman, I really believe that through all of our deliberations on this subject, that we've already accomplished the intent and purpose of the minority report, because the question is the difference between whether the Legislature shall have the right to adopt something like poll booth registration or whether we direct them to do so, and I think that they'll take enough note of these debates today so that they'll take it as a clear mandate that they better do something about it. I'm sure they will. Thank you.

**CHAIRMAN GRAYBILL:** Mr. Joyce.

**DELEGATE JOYCE:** Mr. Chairman. A confession-I voted on the prevailing side this morning, and I knew during the recess that as a person who purports to know, who's trying to convince people that he knows something about constitutional law, I've already destroyed my credibility because I did that, because, actually, what we're trying to do in the Constitution is set up certain guidelines. We're not supposed to write our own ideas into the Constitution. If this were the Legislature, I'm sure that I voted right. If I ever come back to the Legislature, I'll vote for poll booth registration, but we have to permit flexibility if we're going to have a Constitution, and I think that the majority report, on reflection, is the only way-thing that we should do. It's the right thing to do to get a better Constitution for Montana. I'll be up on the Floor perhaps several times urging this same proposition because I believe in it so thoroughly. That's what happens in constitutions when you write in the idea that seems so great at the moment. It turns out to be a bugaboo later on, and let's avoid that; and I confess my error and if confession is good for the soul, why, you've had it.

CHAIRMAN GRAYBILL: Now, the Chair has a matter that, by prearrangement--I must interrupt, for a moment. We have today a distinguished guest that I want to introduce. He must visit with the Governor in just a moment. At this time I'd ask Mr. Toole to bring David Ben Dov, who is the Counsel General of Israel, from San Francisco, California, forward. (Applause)

(Mr. David Ben Dov escorted to the rostrum by Vice-President Toole)

CHAIRMAN GRAYBILL: Mr. Ben Dov was born in Israel, and he's the Educational Attache of Israel--he has been from 1964 to 1968. He's been in the foreign ministry, and since 1968 he's been the Counsel General for Israel in San Francisco. How are you today, sir? And we're glad to have you visit us.

MR. BEN DOV: Thank you very much, Mr. Graybill, and thanks for giving me a few moments to talk to your members of the Constitutional Convention of the State of Montana. On behalf of my government and my people, I would like to present you, sir, as the President of this Convention, a small memento, and album of pictures and photographs from my country. Please.

CHAIRMAN GRAYBILL: Thank you very much.

MR. BEN DOV: And may I just say a few words on this occasion before I go on to my other meetings with the Chief Executive. Montana, in size, is, of course, much larger than Israel, although the population of Israel is somewhat larger than Montana. But the American Ambassador to the State of Israel said a few days ago that, even though there is a great disparity, of course, between the dimensions of the United States and its friendly ally, Israel, there is a lot of harmony and unanimity in terms of ideals and values--faith to democracy, to freedom, to open society, to the dignity of man; and this was reflected to some extent in the statement, the world message, of the President of the United States on February 9th when he referred to a great meeting of the minds between the government of the United States of America and the government of Israel on questions of peaceful settlements of conflicts, especially in view of the fact that the Soviet Union has challenged the West in the Mediterranean and in the Middle East. Mr. Graybill, once again, thank you very much for receiving me here in this Convention and for receiving this on behalf of my people. Thank you.

CHAIRMAN GRAYBILL: Thank you very much. (Applause)

CHAIRMAN GRAYBILL: This presentation was prearranged, and so I had to stop so that he could get to the Governor's office on time.

Very well, we'll continue with the debate. Mrs. Eck.

DELEGATE ECK: Mr. Chairman, I'd like to direct a question to Mr. Joyce.

CHAIRMAN GRAYBILL: Mr. Joyce.

DELEGATE ECK: From a fellow purist, you know, who campaigned as one--and I do have problems with some of these things--but would you be satisfied in the minority proposal if the addition were only voter registration prior to election day shall not be a condition for voting?

DELEGATE JOYCE: Well--that's the heart of the matter, it seems to me--that if we write that into the Constitution that there can't be any registration prior to voting, therefore the Legislature couldn't enact such a law. If they do enact the law that we were advocating here this morning, whereby you could have poll booth voting, and if it turned out that it created many practical problems in the administration of our elections, you couldn't correct it unless you had a constitutional amendment. And so, if you leave it to the Legislature, they can do precisely the very thing that I wanted to do when I voted in favor of it this morning, and if it works well, it'll surely be the law of the land for a long time. But it still gives a little flexibility there to adjust for problems that I personally can't think of right now. And that's the whole thing about constitutions. If you make them too rigid, you can't correct the thing you didn't think about, and that's why I would not vote for the thing even with the proposed amendment, Mrs. Eck.

DELEGATE ECK: Mr. Chairman, I'd like to go on and speak--

CHAIRMAN GRAYBILL: Mrs. Eck.

DELEGATE ECK: --in favor of the minority report. I think that any of you who are opposed to the minority report solely on the grounds that it is a statutory provision could make it non-statutory, really, by just saying "voter registration prior to election day shall not be a condition for voting." That is not statutory. That is really expressing the right of the people. As a matter of

fact, I can see this as a very appropriate kind of a right to be included in the Bill of Rights, and in my reading of constitutional theory, one of the prime purposes of a constitution-and maybe more especially of the Bill of Rights-is really to assure the people that they are afforded their full rights, and most of the statements that are in our Constitution, and especially in the Bill of Rights, are statements which really seek to protect the people from present or possible abuses of the government. For this reason, I believe that this is a very appropriate item. I would be willing to delete the last two and a half lines there, the last sentence. However, I think that the whole proposition is easier to understand with that last sentence included. Thank you, Mr. Chairman.

**CHAIRMAN GRAYBILL:** Mr. Harrington.

**DELEGATE HARRINGTON:** I would like to speak in favor of the minority report. I'm just going to say one thing. I think that actually we've told people time and time again that the way to "pen the system, that the way to work within the system is to vote. We've done something here to give them the right to vote and I think we-and now, we're turning around and taking this away, is what I see. Thank you.

**CHAIRMAN GRAYBILL:** Mr. Belcher.

**DELEGATE BELCHER:** I have not spoken on this article or anything else, Mr. Chairman, in this house. I'd like at this time to commend Delegate Artz and Choate and Joyce for giving us a chance, as a delegation, to reconsider this. I think this morning many people did vote on impulse which, in my thinking, is exactly what could happen with poll vote registration. I am speaking in behalf of the majority report coming out of committee, because my name is on the bottom of it, and I so wholeheartedly support it.

**CHAIRMAN GRAYBILL:** Mr. Champoux.

**DELEGATE CHAMPOUX:** Mr. President, fellow delegates. A little while back someone in the back of the hall-I believe it was Mr. Studer-said he needed some eagles. He wanted some eagles. Now, I don't look like an eagle. (Laughter) I look more like a squat little young ugly duckling. But this morning, this duck learned to fly. I'm not yet an eagle, but as long as I vote for the people in this Constitution, by the end, I think

I will be an eagle. This morning I voted for the people. This morning the people won. I am still flying. I will still vote for the people. I will still vote for the Vermillion amendment, the minority report as proposed by Mr. Vermillion—and I hope the people will win again.

**CHAIRMAN GRAYBILL:** Mr. Heliker.

**DELEGATE HELIKER:** Mr. Chairman, I decided to run for the office of delegate to this Convention because I felt in my district a rising discontent, even distrust, of state government; and I think that's why the people voted to have this Convention is because they wanted the state government opened up and some of this distrust, the basis for it, removed. When I campaigned for this office, I went out and I talked to hundreds of people in my district. A certain percentage of them informed me, "You needn't talk to me; I can't vote because I forgot to register, or I'm not registered." And they expressed this position of theirs with a good deal of resentment. They felt that they had somehow been fraudulently deprived of their right to exercise their franchise, and I agree with them. And I said to them, "When I go to this Convention, I'll see if there isn't something that can be done in the Constitution," because it seems to me this is a constitutional matter to insure that people have the right to vote. If there is any question more basic than the right to vote, I don't know what it is. Thank you.

**CHAIRMAN GRAYBILL:** Mr. Harlow.

**DELEGATE HARLOW:** Mr. Chairman, will Delegate Garlington submit to a question?

**CHAIRMAN GRAYBILL:** Mr. Garlington, will you yield?

**DELEGATE GARLINGTON:** I certainly will.

**DELEGATE HARLOW:** Mr. Garlington, in your remarks opposing the minority report, you brought out very strongly the sentence "Voter registration prior to election shall not be a condition for voting." You objected very strongly to that sentence. If we take that sentence out, what would be your reaction to the minority report?

**DELEGATE GARLINGTON:** It would, I think, eliminate the basic problem with this minority report section because it would do what the-I mean, it would let the Legislature do what it can do otherwise. It would simply be a waive of

freedom to go ahead and do this, and I think you must all understand that the majority report does not restrict the Legislature in this respect at all. The heart of the whole thing is in this middle sentence, because it says there that voter registration in advance shall not be a condition for voting. This simply means that no registration law would any longer be valid, and we would then have the situation of all 250,000 voters in Montana, as no more registered, showing up at the polls at the last minute, all to get in line and go through the process. And I think it would be absolutely maddening and we would find from experience and practice that it simply was not a workable plan. If it is—if you take that out, so that the Legislature has its flexibility to provide for this, as it would anyway, you cure the evil.

**CHAIRMAN GRAYBILL:** Mr. Harlow.

**DELEGATE HARLOW:** Will Mr. Garlington yield to another question?

**CHAIRMAN GRAYBILL:** Mr. Garlington?

**DELEGATE HARLOW:** With that sentence out, then, would you be in support of the minority report?

**DELEGATE GARLINGTON:** Yes.

**DELEGATE HARLOW:** Thank you.

**CHAIRMAN GRAYBILL:** Mr. Harlow.

**DELEGATE HARLOW:** Mr. Chairman, I would like to let's see, the last motion on the floor—

**CHAIRMAN GRAYBILL:** We're on Mr. Aasheim's substitute motion that Number 3, the original Number 3 of the majority, be the proposal.

**DELEGATE HARLOW:** All right. Well, I would like to move to amend the motion that the majority report on Section 3 be amended by adding the last sentence in the minority report on page 13.

**CHAIRMAN GRAYBILL:** Very well. Mr. Harlow's amendment to Mr. Aasheim's substitute is to add the last sentence of the Section 3 shown on page 13 so that the section on which we would be voting would then read as follows: "The Legislature shall provide by law requirements for residence, absentee voting and administration of

elections. The Legislature shall provide for a system of poll registration, insure the purity of elections and guard against the abuses of the electoral process." Is that correct, Mr. Harlow?

**DELEGATE HARLOW:** That's correct; yes, sir.

**CHAIRMAN GRAYBILL:** Mr. Harlow.

**DELEGATE HARLOW:** I wish—

**CHAIRMAN GRAYBILL:** Are you finished, Mr. Harlow?

**DELEGATE HARLOW:** No. I wish to speak shortly on the—or just briefly on this amendment. The hangup seemed to be, this morning and this afternoon, in regards to that middle sentence. Most everyone said they were in support of the Legislature going for putting on poll booth registration. I do not believe that we have lessened our cause nor lessened our ability to have poll booth registration. I feel here that we are merely directing the Legislature in the same manner that we have directed the Legislature in the first sentence of that section. I hope you will accept this and stand up to what you said in regards to poll booth registration. Thank you.

**CHAIRMAN GRAYBILL:** Mr. Aronow.

**DELEGATE ARONOW:** Mr. Chairman, perhaps I misunderstood Mr. Harlow, but I thought his motion was to add the last sentence appearing in the minority report on page 13 to the majority Section 3 appearing on page 2.

**CHAIRMAN GRAYBILL:** That's right, Mr. Aronow.

**DELEGATE ARONOW:** But then, when you read it, Mr. Chairman, you read the whole article on page—you read the portion on 13. You should read the first two sections of—on page 2, and then add the other sentence.

**CHAIRMAN GRAYBILL:** Well, Mr. Aronow, the Section 3 on page 2 is identical with the first sentence of Section 3 on page 13.

**DELEGATE ARONOW:** No, it isn't.

**CHAIRMAN GRAYBILL:** It is not?

**DELEGATE ARONOW:** No, it isn't.

**CHAIRMAN GRAYBILL:** Well, I've just checked it again, and I think it is.

DELEGATE ARONOW: (Inaudible) "registration" is out.

CHAIRMAN GRAYBILL: All right, the Chair will stand corrected. Mr. Harlow, the sentence in the minority Section 3 leaves out the word "registration." So the amendment that we're voting on now, then, and this is the sense of your amendment, Mr. Harlow, unless you change it: "The Legislature shall provide by law the requirements for residency, registration, absentee voting and administration of elections" and then add the sentence "The Legislature shall provide for a system of poll booth registration, insure the purity of elections and guard against the abuses of the electoral process." Mr. Aronow, I thank you for calling my error to our attention. Mr. Harlow, is that the intent of your amendment?

DELEGATE HARLOW: That is the intent and I see nothing wrong with it except some of you might figure that we shouldn't use the word "registration" twice.

CHAIRMAN GRAYBILL: Very well. We're now on Mr. Harlow's amendment, which would put the last sentence of the minority report with the majority report Section 3. Is there further discussion?

Mr. Vermillion.

DELEGATE VERMILLION: Mr. Chairman. Mr. Harlow is a man of considerable experience in these matters, and I certainly defer to his judgment, and I think that he's on the right track, and I hope he's cleared up some of the difficulties that I apparently had not foreseen, and I will defer to Mr. Harlow on this, and I will certainly support him in this amendment.

CHAIRMAN GRAYBILL: Mr. Dahood.

DELEGATE DAHOOD: Mr. Chairman. I certainly have a lot of respect for the people of greater experience that have told us that we need legislative guidelines. I, too, would like to join in that amendment, and I should think that would be the compromise that's going to satisfy all the arguments, both pro and con. I support the amendment.

CHAIRMAN GRAYBILL: Mr. McKeon.

DELEGATE McKEON: Mr. Chairman, I, too, support the amendment made by Mr. Harlow.

CHAIRMAN GRAYBILL: Mr. Etchart.

DELEGATE ETCHART: Mr. Chairman, would Mr. Harlow yield to a question?

CHAIRMAN GRAYBILL: Mr. Harlow?

DELEGATE HARLOW: I will yield.

DELEGATE ETCHART: Mr. Harlow, would you consider changing the word "shall" to "may" in that last sentence?

DELEGATE HARLOW: If you will take the word out—"shall"—in the first sentence.

CHAIRMAN GRAYBILL: Well, now, gentlemen, we're not going to ask each other questions. (Laughter) I think maybe he's answered your question, Mr. Etchart. Have you another matter?

Mr. Holland.

DELEGATE HOLLAND: Yes. Will Mr. Dahood yield, to a question?

CHAIRMAN GRAYBILL: Mr. Dahood, would you yield?

DELEGATE DAHOOD: Yes, I yield.

DELEGATE HOLLAND: Mr. Dahood, in your opinion, would the amendments proposed by Mr. Harlow leave the matter in the hands of the Legislature except it would be directive to the Legislature to provide for registration at the polls?

DELEGATE DAHOOD: Yes. They could provide the mechanics and the guidelines that everybody seems to be somewhat fearful about. They would have time to contemplate it, to consider it, and carry out the principle to make sure that everybody does have a full franchise to vote.

DELEGATE HOLLAND: Will Mr. Dahood yield for one more question?

DELEGATE DAHOOD: I will yield for one more question, Mr. Chairman.

CHAIRMAN GRAYBILL: Very well, go ahead.

DELEGATE HOLLAND: Do you think this would remove the stigma of making this legislation and make it merely a directive to the Legislature to implement the set forth—the principle set forth by Mr. Harlow.

**DELEGATE DAHOOD:** Yes, I have faith in the Legislature. I think they will carry out the will of the people to this Convention. They will see to it that we have proper legislative guidelines to carry it forward.

**CHAIRMAN GRAYBILL:** Mrs. Reichert.

**DELEGATE REICHERT:** Mr. Chairman, I would like to speak in support of Mr. Harlow's amendment. On our lunch hour I called my 19-year-old son to give him the news of our action this morning. He was elated and surprised, and for awhile I thought I'd have to call him back and tell him that this had been changed. I hope now, with Mr. Harlow's amendment, that our great unicameral body will have reached a satisfactory compromise. (Laughter)

**CHAIRMAN GRAYBILL:** Mr. Burkhardt.

**DELEGATE BURKHARDT:** I Wonder if Mr. Dahood would clarify a question for me—yield to a question?

**CHAIRMAN GRAYBILL:** Mr. Dahood?

**DELEGATE DAHOOD:** (Inaudible) will, Mr. Chairman.

**DELEGATE BURKHARDT:** What if the Legislature were to set up a system by which you registered at the poll but you didn't vote till the next election?

**DELEGATE DAHOOD:** I should think the Legislature would probably say as long as you have registered and that registration card is made out under oath so that you have all the qualifications necessary to vote, that they would place you on the registration list so that you could vote at the next election without an additional registration. I should think they would be that wise.

**DELEGATE BURKHARDT:** Would you yield to another question?

**DELEGATE DAHOOD:** I will.

**DELEGATE BURKHARDT:** Do you feel this accomplishes that as it's now stated?

**DELEGATE DAHOOD:** Yes, I do feel that.

**DELEGATE BURKHARDT:** The intent is clear?

**DELEGATE DAHOOD:** I absolutely feel the intent is clear.

**DELEGATE BURKHARDT:** Thank you.

**CHAIRMAN GRAYBILL:** Mr. Aasheim.

**DELEGATE AASHEIM:** Members of the assembly. Again let me admonish you—let's not get emotional. Pretty soon we'll drag in some veteran from Vietnam without any legs and without any arms, and his mother weeping by his side, and he will say "I was denied the right to vote because of the processes that we have at present." Let's be reasonable. Let's be logical. We came here to draw up a Constitution which was supposed to be flexible. That was our mandate, and with this implication, you are making it rigid, absolutely against what the people asked. And many people said, "let's not change it too much," and we're sure not listening to that mandate. I oppose this motion to amend.

**CHAIRMAN GRAYBILL:** (Whispering) Just a minute—Mr. Arness.

**DELEGATE ARNESS:** Would Mr. Dahood yield to another question?

**CHAIRMAN GRAYBILL:** Mr. Arness?

**DELEGATE ARNESS:** Yes, would Mr. Dahood yield to another question?

**CHAIRMAN GRAYBILL:** Mr. Dahood, will you yield to another question?

**DELEGATE DAHOOD:** Yes, I will yield to another question.

**CHAIRMAN GRAYBILL:** Very well.

**DELEGATE DAHOOD:** I'd like the opportunity to present a question to Mr.—

**CHAIRMAN GRAYBILL:** Well, it's not your turn, Mr. Dahood, to ask. (Laughter) It's just your turn to answer. Mr. Arness, you may ask.

**DELEGATE ARNESS:** Thank you, Mr. President. I'm wondering when the Legislature would take this action that we are, I assume, urging upon them. Would it be during this century, do you think?

**DELEGATE DAHOOD:** I would hope they would do it. I would hope that they would respond to the will of the people, as declared in this

Constitution, and take reasonable steps to do it within a reasonable time.

**DELEGATE ARNESS:** And then, Mr. President, I wonder if—

**CHAIRMAN GRAYBILL:** Mr. Arness.

**DELEGATE ARNESS:** Yes. I wonder if Delegate Harlow would yield to a question?

**CHAIRMAN GRAYBILL:** Mr. Harlow, will you yield?

**DELEGATE HARLOW:** I will yield.

**DELEGATE ARNESS:** Mr. Harlow, would there be any objection to changing the language in your amendments to provide that the Legislature shall provide for this system of poll booth registration by January 1st, 1980, otherwise these provisions would become self-executing?

**DELEGATE HARLOW:** No objection, particularly-only I do not see the necessity for that any more than you would in the first sentence of that section, which stipulates that the Legislature shall make our elections good, and all this second sentence does is continue that requirement.

**DELEGATE ARNESS:** Aren't we just hoping—

**CHAIRMAN GRAYBILL:** Mr. Arness.

**DELEGATE ARNESS:** Excuse me.

**CHAIRMAN GRAYBILL:** You've got the Floor.

**DELEGATE ARNESS:** Yes.

**CHAIRMAN GRAYBILL:** Unless you want to ask a question.

**DELEGATE ARNESS:** Yes, I would like to ask another question to Delegate Harlow.

**CHAIRMAN GRAYBILL:** Mr. Harlow, will you yield to another question?

**DELEGATE HARLOW:** Yes.

**DELEGATE ARNESS:** Aren't we just asking them if they won't do something, and if they won't do it, we haven't compelled them to do anything here, have we? Do you think this is going to work?

**CHAIRMAN GRAYBILL:** Mr. Harlow.

**DELEGATE HARLOW:** I think it will, yes. All through the Constitution we will be asking the Legislature to do various things to carry out the ideas and the thoughts put forth in the Constitution, so I see no reason why they shouldn't carry out those thoughts here. I can understand your worry about the Legislature, but it will be much more responsive, I hope, after this Convention.

**CHAIRMAN GRAYBILL:** Mr. Dahood.

**DELEGATE DAHOOD:** Mr. Chairman. I believed Delegate Aasheim and his supporters when they said they thought the idea was good and meritorious and it certainly fit within the framework of citizen participation in our government. I'd like to ask if Delegate Aasheim will yield to a question?

**CHAIRMAN GRAYBILL:** Mr. Aasheim?

**DELEGATE AASHEIM:** Yes, I will.

**DELEGATE DAHOOD:** Now, Mr. Aasheim, do you still submit to us that the idea does have merit and that it is good for the people of the State of Montana?

**DELEGATE AASHEIM:** I believe that the idea has merit in the legislative process, not in the Constitution.

**DELEGATE DAHOOD:** Mr. Aasheim—well, pardon me—

**CHAIRMAN GRAYBILL:** You may ask—

**DELEGATE DAHOOD:** —I must follow procedure and protocol. Mr. Chairman, will Mr. Aasheim yield to another question?

**CHAIRMAN GRAYBILL:** Mr. Aasheim?

**DELEGATE AASHEIM:** I will.

**DELEGATE DAHOOD:** Now, Mr. Aasheim, doesn't this leave it up to the Legislature to set down the standards and the guidelines that you seem to think should be set and chartered by the Legislature of the State of Montana?

**DELEGATE AASHEIM:** I certainly believe that the guidelines set down in the majority proposal is adequate for any Legislature to draw up the kind of voting requirements that you are asking for.

**CHAIRMAN GRAYBILL:** Mr. Dahood.

**DELEGATE DAHOOD:** Mr. Chairman, I submit that the stratagem of those that were opposed to the idea is now in danger, is passing over troubled waters, and now they're backing away from their commitment to us that if we made changes that would allow the Legislature to set up an orderly system, that they would go along with it. I submit that they should not be allowed to back away from that commitment, and I submit the compromise is one that should be accepted.

**CHAIRMAN GRAYBILL:** Mr. Brown.

**DELEGATE BROWN:** Mr. Chairman, I talk in opposition to this amendment of Delegate Harlow. All this does is make it mandatory that we will have poll booth registration. The Legislature will have no discretion, and if poll booth registration is bad, it's in the Constitution. I honestly don't know if it's good or bad because I haven't had the opportunity to study the matter, and I think it's a legislative matter and this doesn't change the minority one bit as far as I can see.

**CHAIRMAN GRAYBILL:** Mr. Lorello.

**DELEGATE LORELLO:** (Inaudible) support Delegate Harlow in this, and I would think that we have another vote on this thing that we're going to win by a very large majority if we have a bunch of truthful delegates, because this morning the only objection we had to this thing, that it was going to be a Constitutional item, and now we're saying that the Legislature can handle it. I support Delegate Harlow.

**CHAIRMAN GRAYBILL:** Mrs. Van Buskirk.

**DELEGATE VAN BUSKIRK:** I don't have a crystal ball where I can look into the future and foresee what is going to happen, but it looks like I was in favor of the majority report this morning and I still am this afternoon from the idea that I believe the Constitution should be as flexible as we are able to have it. When the Constitution was written in 1889, some things were written or implied in there, like when the polls are open, the judge clerks have to go out and say "Hear ye, hear ye, the polls are now open." Well, we don't need that in this day and age. And also with posting election notices. I know when I was serving as an election judge, there wasn't any place to post these because we have steel posts now instead of wooden posts; so I would say, in lieu of

that-that of putting something into the Constitution that maybe a few years from now that we don't have to worry about, so I am for a flexible Constitution.

**CHAIRMAN GRAYBILL:** Mr. Cate.

**DELEGATE CATE:** Mr. Chairman, fellow delegates. I think, by Mr. Harlow's amendment, we have eliminated one of the real objections to this provision. Under the proposed amendment of Mr. Harlow, the Legislature could really place any limitation on poll booth registration. They could, if they saw fit—if it was not a workable situation—they could see fit to place requirements on it which were impossible for the voter to meet, so the protection that apparently the opponents of this have is provided for by that amendment. Secondly, I'm very impressed by the puritan arguments regarding statutory material being included in the Constitution. And I'm keeping a list of those people who argue that this matter is statutory, because when the 4 percent limitation livestock commission levy comes up and when the highway antidiversion amendment comes up and when the gambling provision comes up, I'm going to ask those people who say that this is statutory, if those items are likewise statutory and if they would be consistent in their presentation and in their voting process here at this Convention. Thank you very much.

**CHAIRMAN GRAYBILL:** Mr. Eskildsen.

**DELEGATE ESKILDSEN:** Mr. President, members of the assembly. I'm not rising to speak on either side of this. I'd merely like to remind each of you as you're speaking to keep your microphone at the right place. Let's help our neighbor out, because the lady that's taking this down—it's impossible for her to do it if we're going to get it up here and do it like that.

**CHAIRMAN GRAYBILL:** Mr. Ask.

**DELEGATE ASK:** Mr. Chairman, would Mr. Dahood answer a question—yield to a question?

**DELEGATE DAHOOD:** I will yield, Mr. Chairman.

**DELEGATE ASK:** Under this proposed amendment by Mr. Harlow, say a voter appeared at the polling place and was not registered, say, by the statutory requirement the Legislature set up.

Would he just be allowed to register at the polling place or would he register and then vote-your interpretation of that amendment?

**DELEGATE DAHOOD:** He would register at the polling place. He would fill out a card, as I understand your question, Mr. Ask, and he would sign that card under penalties of perjury, or perhaps there would be a penalty with respect to election fraud that would incarcerate him in the event it turned out to be untrue.

**CHAIRMAN GRAYBILL:** Mr. Ask.

**DELEGATE ASK:** Mr. Chairman, would he then be entitled to—

**CHAIRMAN GRAYBILL:** Mr. Ask, do you want to ask another question?

**DELEGATE ASK:** Yes, Mr. Chairman. Could I ask—

**CHAIRMAN GRAYBILL:** Of whom?

**DELEGATE ASK:** Mr. Dahood.

**CHAIRMAN GRAYBILL:** Oh, very well. Mr. Dahood, would you yield to another question?

**DELEGATE DAHOOD:** I do yield, Mr. Chairman.

**CHAIRMAN GRAYBILL:** Very well.

**DELEGATE ASK:** Would this voter then be entitled to vote at that particular election?

**DELEGATE DAHOOD:** If he is qualified and meets all of the requirements that are set forth in the registration card that he signs, yes, I should think he would be qualified.

**DELEGATE ASK:** So this would--would you yield to another question'?

**DELEGATE DAHOOD:** Yes, I do yield.

**DELEGATE ASK:** So if the-in other words, even if he wasn't registered before or if he came and registered that day, he could then vote at that particular election?

**DELEGATE DAHOOD:** The idea is to expand the ability of the citizen to participate in the election. For those who have not registered at the clerk and recorder's office, they could register at the poll booth location.

**CHAIRMAN GRAYBILL:** Mr. Campbell.

**DELEGATE CAMPBELL:** Mr. Chairman, certainly Mr. Aasheim is concerned about certain areas that should be left to the Legislature. However, in the Bill of Rights, we've been working with a number of areas which we consider sacred, areas that need definite protection, and certainly freedoms of the press, speech and religion are three of those areas. As been pointed out earlier, the right to vote is certainly the most sacred right of them all, and I feel that protecting this right is just as important as any of the others we considered in the Bill of Rights, and I feel that giving the Legislature the guidelines that we would under the Harlow compromise would be the best for all the people of the State of Montana, and I certainly support him in that very wise move. Thank you very much, Mr. Chairman.

**CHAIRMAN GRAYBILL:** Mr. Kamhoot.

**DELEGATE KAMHOOT:** Mr. Chairman. This being amateur day, and I am one of the amateurs, I am mindful of some of the advice that was given to me before I came up here--was that for the first 3 of 4 days, you're going to have a pretty wild scene because there's going to be people that want to change the Constitution completely and do it in the first 3 days. I've been seeing it trying to be done in the past 4 weeks. Now, one of the prior speakers here said that in his district he found many people who didn't like the government of Montana, and he said that he did not like the government of Montana. This was the reason that he ran. This is the reason that I ran, too, because I was afraid of the government that we might have in Montana if some of us that were not too interested in politics and running for office did not get up and say something. Now, I think that this amateur day will probably be over, as Senator Manning and several of the old heads told me when I come up here, so I want to get a little bit said along with the rest of the amateurs now, but I do hope that this amateur day does end in at least the next 2, 3 days and I'm certainly going to not take up as much time as I have today. Thank you, Mr. President.

**CHAIRMAN GRAYBILL:** Mr. Conover.

**DELEGATE CONOVER:** This is my first attempt to stand up and say something. Mr. Harlow made an amendment, and I would like to have something cleared for me. Would Mr. Dahood answer a question for me?

**CHAIRMAN GRAYBILL:** Mr. Dahood.

DELEGATE DAHOOD: I yield, Mr. Chairman.

DELEGATE CONOVER: Mr. Dahood, in the event of this last question, say if it didn't work out in a year or two, would the Legislature be able to amend in this in some way?

DELEGATE DAHOOD: In answer to that question: the Legislature most certainly would have a right to amend any law that it may have passed to implement this particular directive. They could find different ways to make it work. For example, if they found that perhaps there was a better way to set it up so there wouldn't be congestion at the polls, they could do that. You could have a separate table so they wouldn't interfere with those who've preregistered. I think the vast majority of citizens are always going to preregister, so they don't have to stand in this additional line. This would do nothing more than just expand the right of the citizen to participate, and when you are doing that, it has to be good, it can't be bad.

DELEGATE CONOVER: Thank you, Mr. Dahood. Thank you, Mr. President.

CHAIRMAN GRAYBILL: Mr. Romney.

DELEGATE ROMNEY: Mr. Chairman. I had not intended to speak on this matter, but it appears to me that my friend, Delegate Harlow, has led the camel up to the tent and poked its nose under the tent and given it a kick in the rump, and we are right back at the place where we started. This is simply whether you're going to have polling place registration. There are a lot of people who are in favor of it. It has merit, I suppose, from pure distilled democracy. But I think there are some other considerations, among which is whether or not a voter who has to be led by a halter to the polling booth where he can register before he votes is the right kind of a voter in the first place. I think anybody who wants to vote has adequate opportunity to register and vote under the present situation. I don't think it's very good idea to register people against their will. It has been my observation, over a good many years watching these registration drives, that people are registered-as one delegate pointed out this morning, a great deal of work is carried out in getting them to sign the registration cards, and then they don't vote. A large number of those people who don't take the-make the effort to vote never do vote, and I think that if you are going to lead people to

the polls, get them to sign up there-why, you're not going to accomplish much for the country. Now, as I understood Delegate Vermillion's response to an interrogatory that I made this morning, the present registration laws would continue to prevail. That would mean, I assume, that people would continue to go to the courthouse or to a deputy registrar or a notary public or someone of that character and register; and those who were derelict in their duty would have to be led to the polls, and they would sign a oath that they were a citizen or something, and they would be permitted to vote. If we carry this sort of pampered registration to its logical conclusion, we're going to get to the point where we will send a double postcard to everybody, whether they're voters or not, and say, "Please vote this, and be sure to return it; you don't have to put a postage stamp on it, it's already there," and you could have your elections by mail. I don't think that's the kind of election system that we should have. I remember the Literary Digest and the postcard votes they had in 1936.

CHAIRMAN GRAYBILL: Mr. Harlow.

DELEGATE HARLOW: I am amazed at my fellow delegate, Miles Romney. As he said, we are generally on the same side of the fence, working for the same thing, but I'm astounded at his idea that if we put this in the Constitution somebody is going to make somebody else come to the polls and register. I have read that amendment of mine over and over and over again, and I can't see anywhere in it that it says anyone has to come to the polls or that it allows anyone to vote because he come to the polls and doesn't qualify under the requirements set up by the Legislature. I was not amazed, I was just amused by the manipulation of our legal talent when Delegate Ask maneuvered his questions back and forth and brought out the idea that you came to the polls and you had the right to vote. If any of the great legal minds here, including some of the great legislative minds, can bring forth the thought in that last sentence that anyone is given the right to vote or that the Legislature is required to make it possible for anyone to vote when they come to the polls-all the sentence says is that the Legislature shall make it possible to have voter poll registration. Now this is up to the Legislature, that great body of wisdom that Montana has, to devise the laws which will make that sentence workable.

CHAIRMAN GRAYBILL: Mrs. Speer.

**DELEGATE SPEER:** I do not believe that anyone has mentioned Section 5 of Article III. It has been said several times today that the right to vote is a guaranteed right. Section 5 says that all elections shall be free and open, and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage. I maintain that minority report simply opens further the free exercise of the right of suffrage. I support the minority report.

**CHAIRMAN GRAYBILL:** Mr. McNeil.

**DELEGATE MCNEIL:** Mr. Chairman, I must take exception with some of the statements that have been made that this is a compromise measure. Without being emotional, Delegate Harlow's amendment is the minority report. It locks into the Constitution poll booth registration. I would like to repeat the same comment I made this morning for the benefit of Delegate Lorello. A vote against this amendment is not a vote against poll booth registration, as the majority report permits the Legislature to enact poll booth registration if it deems advisable. For the list that Mr. Cate is keeping, my objection is not that it is legislative here, but rather that it can be accomplished by legislation if this is advisable. However, if it is mandated, if it's directed in the Constitution that poll booth registration be required and then it turn out to be a bad decision, it would be ill-advised to resort to the suggestion that Mr. Cate made that the Legislature could impose requirements that would make it such a burden that it would be impractical. So, I therefore still support the majority report. I still support the idea of poll booth registration. However, it ought not to be locked into the Constitution and ought to be left up to the Legislature because it is more flexible.

**CHAIRMAN GRAYBILL:** Mr. Blaylock.

**DELEGATE BLAYLOCK:** Mr. President, we cannot move the previous question in the Committee of the Whole, but I'd like to ask my fellow delegates, can't we vote?

**CHAIRMAN GRAYBILL:** Is there further discussion?

Mr. Kelleher.

**DELEGATE KELLEHER:** John Adams and other independent monarchists, 200 years ago, that saddled us with the present form of government, wanted people to-voters to own

property. In Maryland you had to own 1,000 pounds in order to be able to vote, I believe, for the Senate. In North Carolina you had to own 50 acres in order to be able to vote for a candidate for the state Senate in North Carolina. You had to own 100 acres of land to vote-to be a candidate for the Legislature-the lower house, the House of Representatives. You had to own 300 acres of land to be a candidate for the state Senate. The Supreme Court of the United States and ourselves, various legislatures over the years, have struck down these limitations on the right to vote. The last remaining vestige that some of us are not really born equal is this demand for preregistration before election day, and I say it is high time that we struck it down. I'm with Bob Vermillion.

**CHAIRMAN GRAY BILL:** Mr. Vermillion.

**DELEGATE VERMILLION:** Mr. Chairman, I was just going to make one comment here, and that is that if the Committee of the Whole decides to go along with the minority report, there is another decision that could be made later on in this Convention, and that is, this could be put as a separate issue on the ballot to give the people an opportunity to make this decision.

**CHAIRMAN GRAYBILL:** Mr. Johnson.

**DELEGATE JOHNSON:** Mr. Chairman, I'm here in opposition to Mr. Harlow's amendment. My endeavors in this body to help write a Constitution for the State of Montana, I have a little prayer that's with me all the time, that I just don't go stumbling blindly into a deadfall. Mr. Harlow has set a trap. Beware. (Laughter)

**CHAIRMAN GRAYBILL:** Mr. Wilson.

**DELEGATE WILSON:** Mr. Chairman, I rise in opposition to the amendment of Mr. Harlow. I think the majority provision in Number 3 provides the Legislature with the methods whereby they can set up the most practical, sensible way that people can vote if the majority of the people want it done that way. I have some question about some of the delegates who have said that there was no way they wanted their delegates to come to this Convention and make some change whereby these people could vote easier. I think this Committee on Local Government has done this. They have made a provision whereby the Legislature can set up any method that is deemed the most feasible, the most

workable and the most practicable for responsible voting of the people. I can see many ramifications in poll booth registration, and I don't think at this time, if we actually assess our own minds, that what we can see many ramifications that could creep into this. And I came up here, sent here by my people, to exercise the best responsibility and the best common sense that I could possibly use. I urge the rest of you fellow delegates to use good common sense in looking at this proposal.

**CHAIRMAN GRAYBILL:** Mrs. Mansfield.

**DELEGATE MANSFIELD:** Mr. President. I would like to say that in the last election there were 18-year-olds that did not know that they could register and after the polls-the time of registration had closed, they found that they could not vote, and many people are-have been in automobile accidents or they have had serious illnesses that have prevented them from registering and therefore they could not participate. Thank you.

**CHAIRMAN GRAYBILL:** Mrs. Babcock.

**DELEGATE BABCOCK:** Mr. President, may I ask Mrs. Mansfield a question, please?

**CHAIRMAN GRAYBILL:** Mrs. Mansfield, will you yield?

**DELEGATE MANSFIELD:** Yes, I will.

**DELEGATE BABCOCK:** If these 18-year-olds didn't know that they could register, I wonder if they knew-if they had of been able to vote, if they would have known who they were voting for.

**DELEGATE MANSFIELD:** Yes, they did, because you see the Legislature in Montana had made it 19, but because of the federal law superseding it, making it 18, they did not know this applied to them.

**DELEGATE BABCOCK:** Thank you. I'd just like to ask our fellow delegates that when they decide how everyone should register, I hope they'll still leave enough Constitutional officers in the Constitution for the people to vote for. (Laughter)

**CHAIRMAN GRAYBILL:** Mr. Vermillion.

**DELEGATE VERMILLION:** Mr. Chairman, can we call for the question now?

**CHAIRMAN GRAYBILL:** Is there any further discussion?

(No response)

**CHAIRMAN GRAYBILL:** Members of the committee, you now have before you the motion by Delegate Harlow on Section 3, as amended by him, which I'll read in a moment, that when this committee does arise and report, after having under consideration the said Section 3, that it recommend that the same be adopted. Now, Section 3, as amended-what you're going to vote on is this-Section 3 of Article on Suffrage and Elections: "The Legislature shall provide by law the requirements for residency, registration, absentee voting and administration of elections. The Legislature shall provide for a system of poll booth registration, insure the purity of the election and guard against the abuses of the electoral process." All those in favor of the amendment as proposed by Mr. Harlow, say Aye.

**DELEGATES:** Aye.

**CHAIRMAN GRAYBILL:** Opposed, No.

**DELEGATES:** No.

**CHAIRMAN GRAYBILL:** The Chair is in doubt. We'll have an unrecorded roll call vote,

**DELEGATE FOSTER:** Mr. President, could we have a roll call vote?

**CHAIRMAN GRAYBILL:** All right, now. We'll have a roll call, but when I pause like that, that's your key. Don't-you know-don't let us get into the vote next time. The time to call for a roll call is when I put the question, and I don't like to do it after we've halfway done it, but we will this time go ahead and have a roll call vote since five seconds stood. It's Mr. Foster's roll call vote. Right. Very well, the Chair will open the ballot on a roll call vote. Those in favor of Mr. Harlow's amendment to Section 3 as I read it, vote Aye. Those opposed, vote No.

Has every delegate voted?

(No response)

**CHAIRMAN GRAYBILL:** Does any delegate wish to change his vote?

(No response)

**CHAIRMAN GRAYBILL:** The Chair will close the ballot. Will you please take the vote?

Aasheim ..	..	..	..	..	Nay
Anderson,		J.			Nay

Anderson, O.....	Nay
Arbanas, H. ....	Aye
Arness.....	Aye
Aronow.....	Nay
Artz.....	Aye
Ask.....	Nay
Babcock.....	Nay
Barnard.....	Nay
Bates.....	Nay
Belcher.....	Nay
Berg.....	Aye
Berthelson.....	Nay
Blaylock.....	Nay
Blend.....	Nay
Bowman.....	Nay
Brazier.....	Nay
Brown.....	Nay
Bugbee.....	Aye
Burkhardt.....	Aye
Cain.....	Aye
Campbell.....	Aye
Cate.....	Aye
Champoux.....	Aye
Choate.....	Nay
Conover.....	Nay
Cross.....	Aye
Dahood.....	Aye
Davis.....	Nay
Delaney.....	Nay
Driscoll.....	Aye
Drum.....	Nay
Eck.....	Aye
Erdmann.....	Nay
Eskildsen.....	Nay
Etchart.....	Nay
Felt.....	Nay
Foster.....	Aye
Furlong.....	Aye
Garlington.....	Aye
Graybill-President.....	Aye
Gysler.....	Nay
Habedank.....	Nay
Hanson, R.S.....	Nay
Hanson, R. ....	Aye
Harbaugh.....	Aye
Harlow.....	Aye
Harper.....	Aye
Harrington.....	Aye
Heliker.....	Aye
Holland.....	Aye
Jacobsen.....	Aye
James.....	Aye
Johnson.....	Nay
Joyce.....	Aye
Kamhoot.....	Nay

Kelleher.....	Aye
Leuthold.....	Nay
Loendorf.....	Aye
Lorello.....	Aye
Mahoney.....	Nay
Mansfield.....	Aye
Martin.....	Nay
McCarvel.....	Aye
McDonough.....	Aye
McKeon.....	Aye
McNeil.....	Nay
Melvin.....	Nay
Monroe.....	Aye
Murray.....	Nay
Noble.....	Nay
Nutting.....	Nay
Payne.....	Aye
Pemberton.....	Nay
Rebal.....	Nay
Reichert.....	Aye
Robinson.....	Aye
Roeder.....	Nay
Rollins.....	Aye
Romney.....	Nay
Rygg.....	Nay
Scanlin.....	Aye
Schiltz.....	Aye
Siderius.....	Aye
Simon.....	Nay
Skari.....	Aye
Sparks.....	Aye
Speer.....	Aye
Studer.....	Nay
Sullivan.....	Aye
Swanberg.....	Nay
Toole.....	Aye
Van Buskirk.....	Nay
Vermillion.....	Aye
Wagner.....	Nay
Ward.....	Nay
Warden.....	Nay
Wilson.....	Nay
Woodmansey.....	Nay

**CHAIRMAN GRAYBILL:** Clerk, announce the vote, please.

**CLERK HANSON:** Mr. Chairman, 49 delegates voting Aye, 51 voting No.

**CHAIRMAN GRAYBILL:** 51 having voted No and 41 having voted Aye, the amendment fails. We are on Mr. Aasheim's substitute motion. The substitute motion is that Section 3 of Suffrage and Election read as follows: "The Legislature shall provide by law the requirements

for residency, registration, absentee voting and administration of elections."

**DELEGATE AASHEIM:** Mr. President.

**CHAIRMAN GRAYBILL:** Mr. Aasheim.

**DELEGATE AASHEIM:** May I close on the motion?

**CHAIRMAN GRAYBILL:** No, we're going to have debate on it, if anyone wants to debate it. Anyone care to debate Mr. Aasheim's motion?

Mr. Aronow.

**DELEGATE ARONOW:** Mr. Chairman, I'd like to offer an amendment to the language "the Legislature shall provide for a system of poll booth" and so on. Change the word "shall," after "Legislature," to "may" and then insert the word "registration" "and shall insure the purity."

**CHAIRMAN GRAYBILL:** Now, I understand you've changed the word "the Legislature may"—

**DELEGATE ARONOW:** That is correct.

**CHAIRMAN GRAYBILL:** And where is the other one?

**DELEGATE ARONOW:** And after the word "poll booth registration,"—

**CHAIRMAN GRAYBILL:** And—

**DELEGATE ARONOW:** -insert the words "and shall" so it'll read: "and shall insure the purity of elections and guard against abuses" and add the sentence as amended to the majority report.

**CHAIRMAN GRAYBILL:** All right. Mr. Aronow has proposed an amendment to the substitute amendment of Mr. Aasheim's which would make the section read as the section reads in the majority report, plus the sentence: "The Legislature may provide for a system of poll booth registration and shall insure the purity of elections and guard against abuses of the electoral process."

Mr. Aronow.

**DELEGATE ARONOW:** Mr. Chairman, I take it to be the sense of a great many people at this Convention that we do want to liberalize the registration process, but on the other hand, we don't want to lock in a system into the Constitu-

tion and this will give to the Legislature the consensus of this Convention and it will also make it not mandatory for the Legislature. In other words, if the Legislature provides for a system of poll booth registration, they're not locked in, because the word "shall" has been removed to the permissive word "may," but the Legislature is mandated, also, that they shall insure the purity of elections, and I think with that language, we've avoided the objectionable parts of the minority report, still give the people the idea that we are for liberalization of the voting procedure and make it workable.

**CHAIRMAN GRAYBILL:** Is there debate on Mr. Aronow's amendment?

Mr. Vermillion.

**DELEGATE VERMILLION:** Mr. Chairman, I think there is a good deal of merit to what Mr. Aronow says. After following the last scores on the board and whatnot, and I think that perhaps with this-this is not a permanent directive but perhaps a very strong suggestion to the Legislature--and since it will be, hopefully, in the new Constitution, I am hopeful that with this language as suggested by Mr. Aronow, that it will lead the Legislature to certainly look into this very strongly and perhaps adopt this poll booth registration, which I do feel very strongly about. And I think it would work in Montana.

**CHAIRMAN GRAYBILL:** Mr. Aasheim.

**DELEGATE AASHEIM:** Mr. President, will Mr. Vermillion yield to a question?

**CHAIRMAN GRAYBILL:** Mr. Vermillion, will you yield?

**DELEGATE AASHEIM:** I think you're very gracious, Bob, in accepting this. Will you explain, Bob, what is meant by "insure the purity of an election?"

**DELEGATE VERMILLION:** This is very broad language which would leave the Legislature the power to pass whatever statutes it deems necessary, much as it has in the election laws now, to make sure that there are no frauds perpetrated upon the people of Montana in elections. It is purposely kept broad to give the Legislature power to keep the elections free of fraud.

**DELEGATE AASHEIM:** Mr. President.

**CHAIRMAN GRAYBILL:** Mr. Aasheim.

**DELEGATE AASHEIM:** I'm glad that we are coming to a meeting of the minds. I believe that this will express the wishes of many of us here in the hall, and except for this verbose last phrase, I think maybe it is all right.

**CHAIRMAN GRAYBILL:** Mr. Johnson.

**DELEGATE JOHNSON:** Mr. Chairman, I'm a little bit in the dark. I wonder if you'd answer a question-if the-is it Section 3 of the majority proposal or the minority proposal that Mr. Aronow is amending?

**CHAIRMAN GRAYBILL:** I'll restate it, but it's the majority proposal with the last sentence of the minority proposal remodeled, and I'll restate it before we vote. Members of the committee, you now have before you the motion of Delegate Aronow that when this committee does arise and report, after having under consideration Section 3, as amended, that it recommend the same be adopted. Now, Section 3, as amended, reads, as the first sentence from the majority report: "The Legislature shall provide by law the requirements for residency, registration, absentee voting and administration of elections." The second sentence from the minority report, amended as follows: "The Legislature may provide for a system of poll booth registration and shall insure the purity of elections and guard against abuses of the electoral process." We're voting on Mr. Aronow's amendment to Mr. Aasheim's substitute motion.

Mr. Davis, for what purpose do you arise?

**DELEGATE DAVIS:** A question. Now, what-am I in order to ask a question of Mr. Vermillion on this purity of election?

**CHAIRMAN GRAYBILL:** Well, I've already put the question. If you want me to open it, I'll reopen it.

**DELEGATE DAVIS:** All right, I'll withdraw it.

**CHAIRMAN GRAYBILL:** Mr. McNeil, for what purpose do you rise?

**DELEGATE McNEIL:** I ask for a roll call vote and ask for the necessary seconds.

**CHAIRMAN GRAYBILL:** Very well. Mr. McNeil has asked for a roll call vote and the necessary seconds. Therefore, the Chair will open the ballot. All those in favor of Mr. Aronow's

amendment to Mr. Aasheim's substitute motion, which is the first sentence of the majority report, the last sentence of the minority report, as amended to make it "may" instead of "shall," except that the Legislature shall guarantee the purity of elections. All those in favor of that, please vote Aye. And those opposed, please vote NO.

Have all the delegates voted?

(No response)

**CHAIRMAN GRAYBILL:** Any delegate wish to change his vote?

(No response)

**CHAIRMAN GRAYBILL:** The ballot is closed. Will the clerk take the ballot.

Aasheim.....	Aye
Anderson, J.....	..Aye
Anderson, O.....	Aye
Arbanas.....	..Aye
Arness.....	Aye
Aronow.....	Aye
Artz.....	..Aye
Ask.....	Nay
Babcock.....	Nay
Barnard.....	..Aye
Bates.....	..Aye
Belcher.....	Aye
Berg.....	Aye
Berthelson.....	Nay
Blaylock.....	Aye
Blend.....	..Aye
Bowman.....	Nay
Brazier.....	..Absent
Brown.....	..Aye
Bugbee.....	..Aye
Burkhardt.....	..Aye
Cain.....	Aye
Campbell.....	..Aye
Cate.....	Nay
Champoux.....	Aye
Choate.....	Aye
Conover.....	..Aye
Cross.....	..Absent
Dahood.....	Aye
Davis.....	Aye
Delaney.....	..Aye
Driscoll.....	Aye
Drum.....	Aye
Eck.....	Aye
Erdmann.....	Nay
Eskildsen.....	Aye
Etchart.....	Aye
Felt.....	Aye

Foster .....	Nay
Furlong .....	Aye
Garlington .....	Aye
Graybill-President .....	Aye
Gysler .....	..Aye
Habedank .....	..Aye
Hanson, R.S.....	..Aye
Hanson, R. ....	..Aye
Harbaugh .....	..Aye
Harlow .....	..Aye
Harper .....	Aye
Harrington.....	Aye
Heliker .....	..Aye
Holland.....	Aye
Jacobsen .....	..Aye
James .....	..Aye
Johnson .....	Nay
Joyce .....	Aye
Kamhoot .....	Nay
Kelleher .....	Aye
Leuthold.....	Aye
Loendorf.....	Aye
Lorello .....	Aye
Mahoney .....	Aye
Mansfield .....	..Aye
Martin .....	Nay
McCarvel .....	Aye
McDonough.....	..Aye
McKeon .....	..Aye
McNeil .....	..Aye
Melvin. ....	Aye
Monroe.. ....	..Aye
Murray .....	Aye
Noble.....	Aye
Nutting .....	Nay
Payne .....	Nay
Pemberton .....	Nay
Rebal .....	Nay
Reichert .....	..Aye
Robinson .....	..Aye
Roeder.....	Aye
Rollins.....	Aye
Romney .....	..Aye
Rygg .....	Nay
Scanlin.. ....	..Aye
Schiltz .....	Aye
Sterius.....	Aye
Simon .....	Nay
Skari .....	..Aye
Sparks.....	Aye
Speer .....	..Aye
Studer .....	Nay
Sullivan .....	Aye
Swanberg.....	Aye
Toole .....	..Aye

Van Buskirk .....	Aye
Vermillion .....	Aye
Wagner .....	Nay
Ward .....	Nay
Warden .....	Nay
Wilson.....	Nay
Woodmansey .....	Nay

**CHAIRMAN GRAYBILL:** Mr. Clerk, read the vote, please.

**CLERK HANSON:** Mr. Chairman, 76 delegates voting Aye, 22 voting No, 2 not voting.

**CHAIRMAN GRAYBILL:** Very well, the amendment to the substitute motion has prevailed, and Section 3 is as amended, unless there are further amendments. Are there further amendments to Section 3?

Mr. Aasheim.

**DELEGATE AASHEIM:** May I close on the motion to adopt Section 3?

**CHAIRMAN GRAYBILL:** All right. No other debate on Section 3?  
(No response)

**CHAIRMAN GRAYBILL:** Very well, we're ready for Mr. Aasheim to close.

**DELEGATE AASHEIM:** I have closed.

**CHAIRMAN GRAYBILL:** Very well. Members of the committee, you now have before you the motion of Mr. Aasheim that when the committee does rise and report, after having under consideration Section 3, that it recommend that the same be adopted. Section 3 is now as I read it; that is, the first sentence of the majority report, the last sentence of the minority report, with the word "may" replacing the word "shall" and the words "and shall insure the purity" added in. That's what we're voting on. All those in favor of the motion, say Aye.

**DELEGATES:** Aye.

**CHAIRMAN GRAYBILL:** All opposed, NO.

**DELEGATES:** No.

**CHAIRMAN GRAYBILL:** The Ayes have it, and the Section 3 is now passed. Are there other amendments to Section 1 on Suffrage and Election?

(No response)

**CHAIRMAN GRAYBILL:** If not, the Chair would recognize Mr. Eskildsen.

**DELEGATE ESKILDSEN:** Mr. Chairman, I move that Committee of the Whole stand in recess until 15 minutes to 4.

**CHAIRMAN GRAYBILL:** There's a motion that the Committee of the Whole stand in recess till a quarter of 4. Before you vote on that, so you'll understand what's happening, unless there are further complications, at a quarter of 4 we'll take up General Government Proposal Number 2 on constitutional revision. I am asking Mr. Eskildsen to assume the Chair for that, and I'm asking Mr. Toole to assume the Chair for the rest of the afternoon in the event you ever get out of Committee of the Whole. All those in favor of the motion for recess, say Aye.

**DELEGATES:** Aye.

**CHAIRMAN GRAYBILL:** Opposed?

**DELEGATES:** No.

**CHAIRMAN GRAYBILL:** Recess for 15 minutes.

(Recess at 3:30 p.m.)

(Delegate Eskildsen assumes Chairmanship of Committee of the Whole at 3:45 p.m.)

**CHAIRMAN ESKILDSEN:** Pages, would you notify them that we're now in session. Committee of the Whole House shall please be in order. Members of the committee, it has been brought to my attention that, in handling our mikes, we should use some precaution in how hard we slam them down. Don't let our emotions get us carried away, because they do bang and click and taking them down over here, it-hard on the eardrums. So, if we would give a little consideration, it would help quite a bit. Members of the committee, you have before you for your consideration Committee Proposal Number 2-the General Government Committee. What is your pleasure?

**CLERK HANSON:** I'll read the title—

**CHAIRMAN ESKILDSEN:** Clerk will read the title.

**CLERK HANSON:** (Reading) "General Government and Constitutional Amendment Committee Proposal on Constitutional Revision,

Number 2; reported February 12, 1972; Etchart, Chairman. Be it proposed by the General Government and Constitutional Amendment Committee: that there be a new article on constitutional revision to read as follows." Mr. Chairman, title of Proposal Number 2.

**CHAIRMAN ESKILDSEN:** Clerk will read Section 1. Are there any amendments to the title?

(No response)

**CHAIRMAN ESKILDSEN:** The clerk will read Section 1. Go ahead and read Section 1. Mr. Habedank.

**DELEGATE HABEDANK:** Mr. Chairman, I would like to ask a question. The fact that you are reading Section 1 of Proposal 2, does that preclude any further reconsideration of any other portion of Proposal 1? Is it your opinion that Number 1 is all through?

**CHAIRMAN ESKILDSEN:** Well, it isn't all through, no. If you want to do more work on it, why, you can still reconsider it. However, we have reconsidered Section 3.

**DELEGATE HABEDANK:** There was another section under that that I think our Chairman wished to have reconsidered.

**CHAIRMAN ESKILDSEN:** Mr. Etchart.

**DELEGATE ETCHART:** Mr. Chairman and members. We have several committee amendments that we would like to have incorporated before we get into consideration of the proposal by sections, and with the permission of the body, we have spread the committee amendments on your desk, and I would like to go through the proposals which you have on your desk so that we may correct those proposals to what the committee decided. Now, on page 2, Section 1, line 9, towards the end of the sentence on line 9, after the word "members", insert the word "thereof" comma, "whether one or more bodies". Now, in subsection 2, line 13, the last word in that line, "request the legislative assembly", delete that language—

**CHAIRMAN ESKILDSEN:** Mark, are you in subsection 2, or where are you at?

**DELEGATE ETCHART:** Subsection 2 of Section 1.

**CHAIRMAN ESKILDSEN:** Okay.

**DELEGATE ETCHART:** It's line 13, subsection 2, Section 1, page 2. Page 2, line 13, you strike "request the legislative assembly" and insert thereof the words "direct the secretary of state". Now, in subsection 4, on page 3, in line 6, strike the word "continued" and insert thereof the word "to continue". Now, advance to page 5, on line 10, and after the word "of the first part of that line insert the word "all" and then strike the words "of such legislative assembly" on the same line. And after the word "members", insert the word "thereof comma. Are the members following this? Am I going too fast? Now, on the same page, page 5, on line 12, middle of the line, after the word "unless", insert the words "prior thereto". Now, on page 6, on line 13, following the word "of", strike the word "the" and insert the word "any", and after the word "petitioned", insert the words "provided for in this article". And if you'll stand at ease for just a moment, we have one more amendment here.

Mr. Chairman.

**CHAIRMAN ESKILDSEN:** Mr. Etchart.

**DELEGATE ETCHART:** This other amendment didn't apply to Proposal Number 2, so if you would care to go ahead and move it-1 will move Section 1 of Proposal Number 2.

**CHAIRMAN ESKILDSEN:** All right, Section 1, as amended.

**CLERK HANSON:** (Reading) "Section 1. Constitutional Convention. (1) The legislature, by affirmative vote of two-thirds of all the members thereof, whether one or more bodies, may at any time submit to the electors of the state the question of whether there shall be an unlimited convention to revise, alter, or amend this Constitution. Subsection 2: The people may by initiative petition direct the secretary of state to submit to the voters of the state the question of whether there shall be an unlimited convention to revise, alter, or amend this Constitution. The petition must be signed at least by 10 percent of the legal voters of the state, which shall include at least 10 percent of the legal voters in the two-fifths of the legislative representative districts of the state. The petition shall be filed with the secretary of state, who shall certify the filing thereof to the legislative assembly and cause the question to be submitted to the voters at the general election immediately following the legislative session receiving notice of the filing and of said petition. Subsection 3: If the question of holding a convention is not otherwise submitted

to the people at the same time during any period of 20 years, it shall be submitted at the general election in the 20th year following the last submission of such question. Subsection 4: The legislature, prior to the popular vote on the holding of a convention, shall provide for a preparatory commission to assemble information on constitutional questions, to assist the voters, and, if a convention is authorized, to continue for the assistance of the delegates. Subsection 5: If a majority of those voting on the question shall declare in favor of such convention, the legislative assembly shall at its next session provide for the calling thereof. The number of members of the convention shall be the same as the largest body of the legislative assembly. The legislature may determine whether the delegates shall be elected after nomination by political parties or on a nonpartisan basis, but they shall be elected at the same time, the same places and in the same districts as the legislative body determining the number of delegates. Subsection 6: The legislative assembly shall, in the act calling the convention, designate the day, hour and place of its meeting, fix the pay of its members and officers, and provide for the payment of the same, together with the necessary expenses of the convention. Subsection 7: Before proceeding, the members shall take the oath otherwise provided in this Constitution. The qualifications of members shall be the same as the highest qualifications required for membership in the legislature. Vacancies occurring shall be filled in the manner provided for filling vacancies in the legislative assembly, or as otherwise provided by law. Subsection 8: The convention shall meet within 3 months after the election of the delegates and prepare for such revisions, alterations or amendments to the Constitution as may be deemed necessary, which shall be submitted to the electors for their ratification or rejection as a whole or in separate articles or amendments as determined by the convention and at an election appointed by the convention for that purpose, or at the next general election, but not less than 2 months after adjournment thereof. Unless so submitted and approved by a majority of the electors voting thereon, no such revision, alteration or amendment shall take effect. Subsection 9: Unless otherwise provided, any revision becomes effective on the first day of July after the certification of the election returns by the secretary of state."

Mr. Chairman, Section Number 1.

**CHAIRMAN ESKILDSEN:** Members of

the committee, you now have before you Section 1. What is your pleasure?

Mr. Etchart.

**DELEGATE ETCHART:** Mr. Chairman, I move that when this committee does arise and report, after having had under consideration General Government Proposal Number 1, Section 1, it recommend the same be adopted.

Mr. Chairman.

**CHAIRMAN ESKILDSEN:** Mr. Etchart.

**DELEGATE ETCHART:** If you will turn to Delegate Proposal Number 2, on page 10, starting with line 8, you will have the language which we have in our proposal and which says: "The legislature, by an affirmative vote of two-thirds of all the members thereof, whether one or more bodies, may at any time submit to the electors of the state the question of whether there shall be an unlimited convention to revise, alter, or amend this Constitution." Our rationale here—this subsection is identical in the first part of Article XIX, Section 8, of the present Constitution. The committee feels that, given the additional provisions of the proposed article on constitutional revision, this portion of the proposed article is adequate. Now, on line 20, Section 1, subsection Z—well, let's revert back. Incidentally, in our language we took care of the possibility of a unicameral Legislature, and also we're providing that two-thirds of all of the members of the Legislature may be able to do this. So, this isn't just two-thirds of each body, but it's two-thirds of the total number of Legislators, House and Senate combined. Now, back to line 20, Section 1, subsection 2, the language we have in our proposal is—

**CHAIRMAN ESKILDSEN:** Mr. Etchart.

**DELEGATE ETCHART:** Yes?

**CHAIRMAN ESKILDSEN:** I wonder if we should take it subsection at a time, in order, of the whole section, because we may get to amending them back and forth. I wonder if we wouldn't be better off to take the first subsection and see if there's any more discussion on it?

**DELEGATE ETCHART:** This would be fine.

**CHAIRMAN ESKILDSEN:** Is there any more discussion on subsection 1?

Mr. Schiltz.

**DELEGATE SCHILTZ:** Mr. Chairman, will the gentleman yield to a question?

Mr. Etchart.

**CHAIRMAN ESKILDSEN:** Will you yield, Mr. Etchart?

**DELEGATE ETCHART:** I yield.

**DELEGATE SCHILTZ:** Mr. Etchart, as I read Section 1, it seems to me that you could get as few as 20 votes, say in the House, if we had a bicameral Legislature, and if you got sufficient number of votes in the Senate say, to make two-thirds of the total of both bodies, you're going to pass this Constitutional Convention. Is that your intent? Or is it your intent that each house must carry by two-thirds?

**DELEGATE ETCHART:** No, our intention was, that it is a total of both houses, so your example is correct. And the idea there was twofold: one was to cover the eventuality of a unicameral Legislature, and the other was to make it harder for one body to kill the other body's constitutional amendment.

**DELEGATE SCHILTZ:** I just wanted to be sure that was your intent. Thank you.

**CHAIRMAN ESKILDSEN:** Any more discussion on Section 1?

**CLERK HANSON:** Subsection 1.

**CHAIRMAN ESKILDSEN:** -subsection 1?

(No response)

**CHAIRMAN ESKILDSEN:** Now, we'll go to subsection 2. Any amendments?

**DELEGATE ETCHART:** Mr. Chairman, on subsection 2, page 10, line 20, the wording we have in our proposal is: "The people may by initiative petition direct the secretary of state to submit to the voters of the state the question of whether there shall be an unlimited convention to revise, alter, or amend this Constitution. The petition must be signed by at least 10 percent of the legal voters of the state, which shall include at least 10 percent of the legal voters in two-fifths of the legislative representative districts of the state. The petition shall be filed with the secretary of state, who shall certify the filing thereof to the legislative assembly and cause the question to be submitted to the voters at the general election immediately following the legislative session

receiving notice of the filing of said petition," Now, the rationale is that the people of Montana do not now have the power to call a constitutional convention by the initiative. The committee feels that this is a basic political right of the people under a government like Montana's. The committee set the petition qualifications at 10 percent of the legal voters of the state, with the additional qualification that at least 10 percent of the legal voters of the state in two-fifths of the legislative representative districts of the state be included in that percentage, because it feels such a number is high enough to prevent frivolous attempts at constitutional change and yet low enough to insure citizen constitutional control. The division of the percentage of petitioners by legislative representative districts helps insure a somewhat diversified body of petitioners on a successful petition without violating the principle of one man, one vote. It should be noted that this provision, and all subsequent provisions, in its phrase "legislative assembly" allows the provision to keep its intent and internal integrity in either a bicameral or unicameral situation.

**CHAIRMAN ESKILDSEN:** Are there any amendments to Section 2, subsection 2?

**CLERK HANSON:** (Reading) "Mr. Chairman. I move to amend Section 1, subsection 2, page 2, lines 22 and 23, of the General Government Committee Proposal Number 2 by deleting the words 'to the legislative assembly' and Section 1, subsection 2, page 2, line 24, by inserting the word 'next' between the words 'the general' and by placing a period after the word 'election' and deleting the remainder of that subsection. Signed: Mae Nan Robinson."

**CHAIRMAN ESKILDSEN:** Mrs. Robinson.

**DELEGATE ROBINSON:** Mr. Chairman, may I speak to that amendment? The purpose of this amendment is to delete any requirement that the petition calling for a constitutional convention be submitted to the Legislature. My first objection to this article was met by the committee's amendment in Section—in the first sentence of subsection 2 whereby they stated the people may by initiative direct the Secretary of State to submit to the voters. I can see no need for this initiative to have to go through the legislative assembly. Referendum petitions and initiative petitions do not have to go through the legislative assembly, nor should an initiative

calling for a constitutional convention. One of my primary concerns is the length of time that would be involved if you had to go through this process. A petition for calling a convention could be initiated over a period of, say, 1971-72, couldn't be presented to the Legislature until 1973. According to this provision, in line 24 and 25, it would be at the general election immediately following the legislative session. Well, if the session is over in '73, there's not a general election till '74, you may have tied up this initiative process for a period of 4 years. I can see no point in doing this. The Legislature has no authority to deal with an initiative petition of the people once it's submitted to them. I, therefore—my amendment would cause this section to read as the subsection 2, the first paragraph, was already stated. The second paragraph would read: "The petition shall be filed with the Secretary of State, who shall certify the filing thereof and cause the question to be submitted to the voters at the next general election."

**CHAIRMAN ESKILDSEN:** Mr. Habedank.

**DELEGATE HABEDANK:** Mr. Chairman. Ms. Robinson has a very good point which was called to our attention by a lot of people. However, I would like to explain the rationale of the committee in this. All of these things have to be taken in connection with Section 4, which you will find on page 3, which read: "The legislature, prior to a popular vote on the holding of a convention, shall provide for a preparatory commission to assemble information on constitutional questions, to assist the voters, and if a question is authorized, to continue for the assistance of the delegates." It was the feeling of our committee that without the constitutional revision commissions which existed prior to the election on this question, the people of the State of Montana would not have been adequately informed on the need for a constitutional convention. It was not the job of the Constitutional Revision Commission to sell a constitutional convention. It was their job to investigate and determine what methods could be followed to effect constitutional reform, and it was the feeling of the committee that whether the Legislature referred it by referendum to the people, whether it came by initiative petition to the people, or whether it came automatically every 20 years, as is provided in the next section—of great importance to the people of Montana is the appointment of a committee by the Legislature to study this

question and make a report, as provided in subsection 4. And that is the reason why, and the only reason why, the Secretary of State certifies the filing of this petition to the legislative assembly, so that the legislative assembly is then directed by the Constitution to appoint this commission and set it up. And I would, therefore, very strongly oppose the amendment because I feel this revision commission is extremely important to any judgment that the voters might make.

**CHAIRMAN ESKILDSEN:** Mr. Arbanas.

**DELEGATE ARBANAS:** I wonder if Mr. Habedank would yield to a question.

It's a matter of language, I think, that bothers me with that same part. I read it as if the legislative assembly is going to authorize—you know, in reaction to the referendum. There seemed to be a great deal of difference between—as you do in the later paragraphs, directing the legislative assembly to prepare for it, than to have them actually authorizing it, and I think that's where the difference comes.

**DELEGATE HABEDANK:** I—

**DELEGATE ARBANAS:** Let me say—I'm not asking a question. Do you see that difference, is my problem.

**DELEGATE HABEDANK:** Yes, but I thought as we changed the section, directing the Secretary of State to submit this to the voters, no further authorization of the Legislative Assembly was provided in there. If it does, I missed the word. In other words, it's merely the time when it's submitted to the people. The Secretary of State receives the petition, he is directed to submit it to the people, but he only submits it to the people following the session of the Legislature, which would allow the Legislature to do what is set forth in Number 4. I don't think the Legislature has any authorization. If it has, I've missed it. Now—

**CHAIRMAN ESKILDSEN:** Ms. Robinson.

**DELEGATE ROBINSON:** Would Mr. Habedank yield to a question?

**CHAIRMAN ESKILDSEN:** Would you yield to another question?

**DELEGATE HABEDANK:** Yes.

**DELEGATE ROBINSON:** Mr. Habedank, in not subjecting your proposal to my amendment, are you not at all concerned about the perhaps 3- or 4-year time element that would be involved in getting this before the people if you have to submit it to the legislative body and then they have to offer it for election at the next general election?

**DELEGATE HABEDANK:** Yes, Miss Robinson, I was very concerned about the time, but I didn't know any other way, nor did the committee know any other way, to have the Revision Commission properly study the matter and allow the people to have the benefit of their observations except through this method. If we went directly into the next election—had this happened following the referendum that the Legislature passed without a Constitutional Revision Commission, I suspect that this Convention would not be here today.

**DELEGATE ROBINSON:** Mr. Chairman.

**CHAIRMAN ESKILDSEN:** Ms. Robinson.

**DELEGATE ROBINSON:** Mr. Habedank, will you yield to another question?

**CHAIRMAN ESKILDSEN:** Will you yield, Mr. Habedank?

**DELEGATE HABEDANK:** Yes.

**DELEGATE ROBINSON:** Could not you accomplish your same ends by simply stating in subsection 4 and giving the Legislature the authority to appoint a Revision Commission, without having—I don't see, you know, that this is a cause and effect thing. I don't see why the petition has to be certified by the Legislative Assembly in order for you, in subsection 4, to give the Legislature the authority that once a petition has been filed with the Secretary of State for the calling of a constitutional convention, that the Legislature at that time may, in fact, appoint a Constitutional Revision Commission.

**DELEGATE HABEDANK:** If they had the authority, Miss Robinson, I think it would take exactly the same amount of time as is provided herein, because they have to do it at the very first

time they have an opportunity to do it; and, again, we get back to the question we've been debating all day, of legislation. It's my feeling that if the state is going to vote on the question of a constitutional convention, they should have this commission appointed, who should study and who should act and should make recommendations; and without it, it could very well arise under Number 3 and Number 2 without any provision being made whatsoever if the Legislature didn't happen to be in sympathy with the initiative.

**DELEGATE ROBINSON:** Mr. Chairman.

**CHAIRMAN ESKILDSEN:** Delegate Robinson.

**DELEGATE ROBINSON:** Mr. Habedank, will you yield to another question?

**CHAIRMAN ESKILDSEN:** Will you yield to another question, Mr. Habedank?

**DELEGATE HABEDANK:** I'm happy to yield to Miss Robinson. (Laughter)

**DELEGATE ROBINSON:** Thank you. Well, now, I don't know what I was going to say. (Laughter) Maybe I'll just sit down and collect my thoughts. (Laughter)

**CHAIRMAN ESKILDSEN:** Any further discussion?  
Mr. Harlow.

**DELEGATE HARLOW:** Mr. Chairman, I think it isn't fair for Mr. Habedank to take advantage of our fellow delegates. However, I wish to speak to try to clarify—that is, I think I will try to clarify—perhaps I will just have Mrs. Robinson more confused than ever—but in the line which it says “the secretary of state shall certify the filing to the legislature,” that doesn't give the Legislature any power to do anything. It merely receives a letter from the Secretary of State, stating that an initiative has been received in his office. That's all. They don't have any opportunity to do anything, and as Mr. Habedank explained, then they will be alerted to the fact that there is a possibility of becoming a—having a constitutional convention and can prepare the physical requirements for a good and productive constitutional convention. The requirement that it stay till the next election after the assembly has been in effect is merely to give the Legislature time to prepare the mechanical operations of the conven-

tion. I realize that it may put a year behind, but we are talking of annual sessions of the Legislature, so we'll not have the 'L-year lapse of time. And my feeling is, in conformity with the rest of the commission, or the committee, that this convention is something of vital importance to the people of Montana if they desire to have one, and we shouldn't dash out and call a convention before we've had a chance to sort of prepare for it and be in a receptive mood to amend, to revise the Constitution. I hope that doesn't confuse Mrs. Robinson more but does help a little in overcoming the situation brought out by Mr. Habedank.

**CHAIRMAN ESKILDSEN:** Delegate McNeil.

**DELEGATE McNEIL:** Mr. Chairman. While Delegate Robinson is regaining her composure, I will take this opportunity to rise in support of her amendment. In response to Mr. Harlow's comments that all that requires is a filing with the Legislative Assembly and does not give the Legislature any authority to delay or take any time, if that is the case, it doesn't belong in there. Certainly the records of the Secretary of State are open to the public. I'm quite confident that no petition to amend the Constitution of the State of Montana is going to be kept a secret, and certainly the Legislature will have knowledge of this.

**CHAIRMAN ESKILDSEN:** Delegate Robinson.

**DELEGATE ROBINSON:** Just when I thought I had regained my composure, C.B. McNeil spoke in favor of something that I'm in favor of and I lost it again. (Laughter) But getting back to my original amendment and the remarks of Mr. Harlow and Mr. Habedank, my concern here is not that we do not need a Revision Commission. I'm convinced that they perform a very useful service. I am concerned because it seems to me that if the people are convinced enough that they need a constitutional revision—a convention—that they do not need a convention—a commission to tell them whether or not they need a convention. I think the burden of proof is on the people who initiate the petition. It's still going to be voted on by the majority of the people of the State of Montana. Now, I for one, although as much as I—we have depended upon the Constitutional Revision Commission, do not feel it's the duty of a legislative body to appoint such a commission to tell the people whether or not they

need a convention. Now, I think your subsection 4, in regards to the commission, would apply if subsection 3 is adopted, whereby you automatically put this up for a vote at the end of a 20-year period where no consideration has been given specifically to the issues, but I think in this instance a commission could very well stifle the initiative of a group of people who felt very seriously and very strongly about calling a constitutional convention, and I hope that you might take that into consideration, as well as the need for a commission in, perhaps, subsection 3, but not necessarily in an initiative movement by the people.

**CHAIRMAN ESKILDSEN:** Delegate Mahoney.

**DELEGATE MAHONEY:** Would Delegate Harlow answer a question, please?

**CHAIRMAN ESKILDSEN:** Would you yield to a question, Mr. Harlow?

**DELEGATE HARLOW:** Yes.

**DELEGATE MAHONEY:** Mr. Harlow, as I'm reading this, and we had a 90-day session, and all of a sudden the petitions weren't quite finished, and that would be the first of April, then they couldn't get this on the ballot until 2 years later if we had biennial sessions, or 1 year later if we had them. Could that be right?

**DELEGATE HARLOW:** I'm not hesitating, only I'm trying to figure out exactly the word-I think that is true.

**DELEGATE MAHONEY:** In other words, this has to go to the Legislature. If the Legislature isn't in session, it couldn't act on it?

**DELEGATE HARLOW:** The Legislature does not have to act on it.

**DELEGATE MAHONEY:** Well, if you submit it to the Legislature and it's not in session, you wouldn't be submitting it to them, would you?

**DELEGATE HARLOW:** You're not submitting it to the Legislature. You're merely certifying to the Legislature, and if they're not in session, then the leaders would be certified that there has been a petition filed with the Secretary of state.

**CHAIRMAN ESKILDSEN:** Delegate Mahoney.

**DELEGATE MAHONEY:** Go down here in line 21, and this is part of the amendment, "the petition shall be filed with the secretary of state, who shall certify the filing thereof to the legislative assembly and cause the question to be submitted to the voters at the general election immediately following the legislative session receiving notice of the filing of said petition." If the Legislature isn't in session, I'm afraid that it wouldn't be holding legal to that.

**CHAIRMAN ESKILDSEN:** Are you asking a question, Delegate Mahoney?

**DELEGATE MAHONEY:** Yeah, I'm asking-I'm just trying to get an answer to this. Anybody else that will answer this, I'd be-loveit.

**CHAIRMAN ESKILDSEN:** Mr. Habedank.

**DELEGATE HABEDANK:** Mr. Mahoney, I think your position is correct. If the Legislature did not happen to be in session, it would be delayed to that extent.

**CHAIRMAN ESKILDSEN:** Mr. Belcher.

**DELEGATE BELCHER:** I think one thing-one point that needs clearing up, Mr. Chairman, is that-I think everyone is confused about this general election thing. We were elected by a general election, while it was a special election and, consequently, that would maybe mean a couple of years of time that they're probably concerned with. Just a point of clarification.

**CHAIRMAN ESKILDSEN:** Any more discussion on subsection 2?  
Delegate Romney.

**DELEGATE ROMNEY:** I favor the Robinson proposal, and I feel that the proposal for the Constitutional Convention could include within the body of the petition, which is now required by the Constitution that we have, the machinery for setting up preparatory commission. There is nothing in the present Constitution which requires it being referred to the Legislature. It's referred to the Secretary of State, and it's independent of the Legislature. That's why we have it-the initiative process-it's to avoid-it's to give the people an opportunity to do something upon their own, rather than upon the initiation of the project by the Legislature. So I think it can be worked out very well just by incorporating it, and

as you all know, the law today requires that the body of the machinery for the proposal for the constitutional amendment carries the entire subject within this body. Now, I don't think that there's anything wrong with Mrs. Robinson's project excepting that somebody demolished her ratiocination.

CHAIRMAN ESKILDSEN: Any more discussion on subsection 2? Would you care to close—

Delegate Etchart.

DELEGATE ETCHART: Mr. Chairman, I would oppose the amendment of Miss Robinson. The thinking here really was that, if a petition is filed—when this petition is filed, this will give the Legislature a chance to put it [in] proper form, debate it, and then put it to a vote of the people, and a little—an extra year or two in the matter of constitutional amendment and revision isn't that binding, we didn't think, in the committee. So this is the reason we left the language as it was. It may be a little slower-moving, but we thought it would end up in a better constitutional revision process.

CHAIRMAN ESKILDSEN: Are you rising to close? Is there any more discussion?

Delegate Habedank.

DELEGATE HABEDANK: I would suggest to you that the sole question involved in the amendment to Number 2 or the proposal of the committee is whether or not you feel, in the wisdom of this body, it is better for the people to vote on a petition without any published, studied information being made, except a small group of people—10 percent is a relatively small group—who are seeking an election on the initiative. If you feel that a Constitution Revision Commission is unnecessary, then the amendment that Mrs. Robinson proposes would be entirely in order. However, if you feel, as the committee does, that the small amount of expense and the short delay of even up to 2 years—when you consider the fact that we've gone approximately 90 years now without a convention, we're making mandatory a vote on a convention every 20 years—is not such a delay as to justify skipping this very important feature. The present constitutional amendment section did not provide for a Constitutional Revision Commission. Our experience—at least my experience leads me to believe that without this, a constitutional convention could prove to be a waste of money. Not that we are ratifying what they say or what they do, but the studies that they

make are of such importance to the people and to those who are elected, if a constitutional convention is held, that without it we're just making a mistake, and I would urge that you follow the committee's recommendation that no vote ever comes up in the State of Montana for a constitutional convention without first a constitutional commission, a preparatory commission being appointed to assemble information on the constitutional questions, to assist the voter and, if a convention is authorized, to continue for the assistance of the delegates.

CHAIRMAN ESKILDSEN: Delegate Nutting.

DELEGATE NUTTING: Mr. Chairman, I rise in support of Mrs. Robinson's petition, or amendment. I think what Mr. Habedank hit the nail on the head. Do we want a commission before the vote, or after? I think all of us are in complete agreement we want one afterward. But I don't believe that when you have a popular swell of support that would require 10 percent of the voters in the State of Montana to sign a petition, that you need somebody to go out and sell the possibility of having the convention. For that reason, I think that we want—if there's that kind of a ground swell of support, we want to carry it on as quickly as possible.

CHAIRMAN ESKILDSEN: Delegate Harper.

DELEGATE HARPER: Thank you, Mr. Chairman. To further the idea of Mr. Nutting, when we come to subsection 4, it will be easy for us to change the language a little bit to simply say that at the session following an affirmative popular vote on the holding of a convention, the Legislature shall provide for preparation through this kind of committee and so forth, and I think we can have our cake and eat it, too, here.

CHAIRMAN ESKILDSEN: Delegate Spew.

DELEGATE SPEER: I regret to cut off my fellow delegate from Missoula, Mae Nan Robinson. Just a word. I think that if my memory is correct, that the Legislature in 1969 not only provided for the referendum for calling a constitutional convention, but also set up, in independent action, a Constitutional Revision Commis-

sion. This was purely accidental that the two motions were introduced in the 1969 Legislature, and I feel confident that thereferendum would not have carried as it did without that commission. I realize that this is referring to by initiative, rather than by a vote of the Legislature, which perhaps does involve some difference, but I think that people should be informed, need to be informed why they are voting.

**CHAIRMAN ESKILDSEN:** Delegate Gysler.

**DELEGATE GYSLER:** Mr. Chairman, I rise to support the amendment for just exactly the opposite reason that fellow-Delegate Speer spoke of. Personally, I feel that this Convention, the necessity for it, was sold to the people of the State of Montana. If there's a good, compelling reason, as there would be if this number of people had signed a petition, we don't have to spend any state money selling the idea of this Convention.

**CHAIRMAN ESKILDSEN:** Delegate Vermillion.

**DELEGATE VERMILLION:** Mr. Chairman. I would like to point out, if I understand Mrs. Robinson's amendment correctly, that, looking on page 5, Section 3, under constitutional amendment by initiative, that if Mrs. Robinson's amendment is passed here that it would mean that calling a constitutional convention would be easier than getting a constitutional amendment—that is, if, assuming the majority also of this body would go along with the committee's proposal on constitutional amendment by initiative, which we are also providing for. So, if we have-checking back on the constitutional amendment by initiative versus the constitutional convention by initiative—if this amendment were to pass, it would be easier to have a convention than it would be to get an amendment.

**CHAIRMAN ESKILDSEN:** Do you rise to close?

**DELEGATE ROBINSON:** No, I just rise. (Laughter)

**CHAIRMAN ESKILDSEN:** You're recognized, Delegate Robinson.

**DELEGATE ROBINSON:** I would rise to comment on Mr. Vermillion's statement. I had observed this difference in reading this report at the very beginning, and whether my amendment

is adopted or not, that very same situation you spoke of is true. It makes no difference whether my amendment is adopted. That's a simple statement, and if there is no other debate, I may as well go ahead and close simply by saying that there is a difference between initiative and referendum. The 1969 Legislature did propose a referendum on this Constitutional Convention. But, as you will recall, there is no present provision in the Constitution for the people initiating the calling of a constitutional convention. That is the primary difference there. At the same time, they did institute a Constitutional Revision Commission. I would contend that they could also still do that under subsection 1, whereby--and this is in reference to Mr. Etchart's proposal that the Legislature needs time to debate whether or not a convention should be submitted to the people. They are given that power in subsection 1. Subsection 2 should be a clear statement of the power of the people, independent of the Legislative Assembly, to call a constitutional convention. I oppose the statement made by Mr. Habedank that the main difference here is whether or not you are in favor or opposed to a Constitutional Revision Commission, because I am not opposed to that idea at all. I have very grave doubts that this state could afford, for example, a Constitutional Revision Commission that might last 4 years every time 10 percent of the people of the State of Montana might decide to call for a referendum on the constitutional convention question. I simply submit that this does not change whether or not we may have a revision commission. It just puts the horse before the cart.

**CHAIRMAN ESKILDSEN:** Any more discussion?

(No response)

**CHAIRMAN ESKILDSEN:** If not, the question rises on the motion made by Delegate Robinson that we amend Section 1, subsection 2. As many as are in favor will say Aye.

**DELEGATES:** Aye.

**CHAIRMAN ESKILDSEN:** Opposed, No.

**DELEGATES:** No.

**CHAIRMAN ESKILDSEN:** The Noes have it.

**DELEGATES:** Division.

**CHAIRMAN ESKILDSEN:** Division has been called for. We'll use the voting machine.

Those in favor will vote Aye on the machine, and those opposed will vote No. Has every delegate voted?

(No response)

**CHAIRMAN ESKILDSEN:** Does any delegate wish to change his vote?

(No response)

**CHAIRMAN ESKILDSEN:** The clerk will now close the vote. 45 having voted Aye-are you going to read that, Clerk?

**CLERK HANSON:** 45 delegates voting Aye, 43 delegates voting No.

**CHAIRMAN ESKILDSEN:** The motion has carried. Are there any more amendments or discussion on Section 2?

(No response)

**CHAIRMAN ESKILDSEN:** If not, we'll go to subsection 3. Are there any amendments to subsection 3?

**CLERK HANSON:** (Reading) "Mr. Chairman: I move to amend Section 1, subsection 3, page 2 and line 1 of page 3, of the General Government Majority Proposal by deleting the subsection in its entirety. Signed: Romney."

**CHAIRMAN ESKILDSEN:** Delegate Romney.

**DELEGATE ROMNEY:** Mr. Chairman. I feel that with the Legislature being able to provide for a constitutional convention and with also the proposed use of the initiative to propose a constitutional convention-providing for a convention in either manner-that an alternative method whereby the Legislature would decide upon one and pass it and then move it on to the next Legislative Session is superfluous. This provision is unnecessary in my power because there will already be two methods of presenting the constitutional convention to the people to decide whether they want to have one or not. Imposing a periodic plebiscite for a convention every 20 years, whether it is needed or whether there is-a demand exists, is frivolous. If the time and demand is manifested, the citizenry possesses two efficacious tools to cause a convention to be held. Constitutional conventions should never be held unless there's a crying need demonstrated. It occurs to me that it is something like a person taking castor oil every Friday at 9:00 p.m. whether he needs it or not. (Laughter)

**CHAIRMAN ESKILDSEN:** Is there any more discussion of Section 3?

Delegate Arbanas.

**DELEGATE ARBANAS:** I would like to speak in opposition to the amendment as proposed by Delegate Romney. I remember-in the campaign, one of the strong selling points that I had before people was the fact that we wouldn't let a condition arise again in Montana when years and years and years go by before we review the need for a constitutional convention. This doesn't-it's not taking castor oil. This is deciding whether you're going to take castor oil, and that's not a bad idea, maybe. It's a matter of having it for review, having it before the people, giving them a chance to continually, in sort of a generation after generation, take a hard, questioning and political look at their Constitution-see if there is need for a convention; therefore, I certainly would oppose deleting this from the article.

**CHAIRMAN ESKILDSEN:** Delegate Harbaugh.

**DELEGATE HARBAUGH:** I'd like to rise and speak in opposition to this amendment, also. I think that one of the things that many of us faced when we went out to the electorate to be elected, to campaign, was this thing that has been called voter apathy, and I think that one of the things that fosters this is taking a constitution and putting it on the shelf for 90 years. Very few people in the state, I believe, today are aware of what the present Constitution says, and I think that this method of bringing the Constitution before the people will insure that this will not happen again. And I think we want the people of our state to know what's in the Constitution; otherwise, there's not much point in having a constitution.

**CHAIRMAN ESKILDSEN:** Delegate Etchart.

**DELEGATE ETCHART:** Mr. Chairman. I would speak in opposition to the deletion, and to go to the rationale of the committee, subsection 3 of Section 1 is a further guarantee that the people will retain a firm hold on the power of constituting government. This provision calls for the consideration of a constitutional convention at least once every 20 years. The committee feels periodic consideration strengthens rather than weakens a constitution and a government, as it builds into the Constitution recognition of and a remedy for changing times. While there is no magic number

that precisely delineates the different constitutional periods, the committee feels on the average it would take at least 20 years for political changes and their relationship to the Constitution to be clearer. A shorter period of time may subject the Constitution to changes based more on short-term whimsy than considered need. A longer period may breed dangerous stagnation into the body politic.

**CHAIRMAN ESKILDSEN:** Delegate Wilson.

**DELEGATE WILSON:** Mr. Chairman, would Delegate Etchart yield to a question?

**CHAIRMAN ESKILDSEN:** Delegate Etchart yield to a question?

**DELEGATE WILSON:** You say in your proposal that it shall be submitted to the voters. It isn't a question of review. In fact, are you not calling a convention by these words?

**DELEGATE ETCHART:** No, the question of calling a convention would be submitted to the people automatically every 20 years.

**DELEGATE WILSON:** For their rejection or—

**DELEGATE ETCHART:** Right. So the people would have the chance to decide automatically every 20 years if they want a convention or if they don't want a convention.

**CHAIRMAN ESKILDSEN:** Delegate Habedank.

**DELEGATE HABEDANK:** I don't want to contradict our Chairman. I think he stated it correctly. It would be every 20 years, provided it didn't come to the vote of the people some other way. But this—as it's provided, it will be 20 years from the last time the people get a chance to vote on it, automatically.

And, Mr. Chairman, while I'm on my feet—I'm not trying to be a sorehead—I would just like to rise to a point of order and clarification. The vote on the amendment of Mrs. Robinson, as I understood, carried by 45 to 43, which was not a majority of the delegates elected to this assembly; and in checking Rule 51, I find the Convention shall finally consider individual articles in Order of Business Number 5 section by section by a majority of elected delegates and refer said articles to the Committee on Style for incorpora-

tion of proposed Constitution. I'm not particularly complaining about the fact it lost, but I think we should clarify at this stage whether amendments or anything else has to carry by a majority of the delegates, which would require 51.

**CHAIRMAN ESKILDSEN:** No, what it requires is a majority of the delegates voting on that particular amendment. Any more discussion?

(No response)

**CHAIRMAN ESKILDSEN:** If not, we'll vote on the motion by Delegate Romney that we delete to amend Section 3 of subsection 1—that we delete subsection 3 in its entirety. As many as are in favor will say Aye.

**DELEGATES:** Aye.

**CHAIRMAN ESKILDSEN:** Opposed, No.

**DELEGATES:** No.

**CHAIRMAN ESKILDSEN:** The Noes have it. Any more discussion of subsection 3?

(No response)

**CHAIRMAN ESKILDSEN:** If not, we'll go on to subsection 4. Are there any amendments?

**CLERK HANSON:** (Reading) "Mr. Chairman, I move to amend Section 1, subsection 4, page 3, line 2, of the General Government Committee Proposal Number 2 by deleting the words and punctuation, quote, "the legislature comma prior to a", end quote, and inserting the following words in lieu thereof, quote, "at the session following an affirmative", end quote. And in line 3 by inserting the words, quote, "the legislature", end quote, between the comma and the word 'shall'. Signed: Mae Nan Robinson."

**CHAIRMAN ESKILDSEN:** Ms. Robinson.

**DELEGATE ROBINSON:** This amendment is just further to amplify and clarify what we did in subsection 2, and there is a further amendment that the clerk did not read in the same paragraph, and it would further move to amend on line 5 by placing a period after the word "questions" and deleting the following words and punctuation, quote, "to assist the voters, comma, and, comma, if a convention is authorized", end quote, and insert the following language before the word "continued": quote, "the commission may be", end quote. As amended, this simply

would read: "At the session following an affirmative popular vote on the holding of a convention, the legislature shall provide for a preparatory commission to assemble information on constitutional questions, period. The commission may be continued for the assistance of the delegates, period." This is just simply to clarify the inconsistency with subsection 2, as amended.

**CHAIRMAN ESKILDSEN:** Mr. Etchart.

**DELEGATE ETCHART:** Mr. Chairman. The language that Miss Robinson inserted if on line 6, we amended "the continued" to the words "to continue," so if you want the word "continued" in your amendment, we should amend that back.

**CHAIRMAN ESKILDSEN:** Delegate Aasheim.

**DELEGATE AASHEIM:** I'm in orbit. I don't know what we're doing. I'd like to have Mr. Etchart explain something to me here. Are we—how many methods do we have of amending the—of calling a constitutional convention?

**DELEGATE ETCHART:** We have this—we adopted a new way to do it by initiative. We have the present way of doing it by the Legislature, and then we adopted a third way, which is the automatic referral to the people every 20 years.

**DELEGATE AASHEIM:** Question, Mr. Chairman. You say we have adopted—you mean we have adopted it now?

**DELEGATE ETCHART:** The committee, as I understood, adopted subsection 3, which was the third way.

**CHAIRMAN ESKILDSEN:** Well, we haven't adopted anything, Mr. Etchart.

**DELEGATE ETCHART:** I mean, we've passed this for now, and—

**CHAIRMAN ESKILDSEN:** What we've done is we've merely discussed subsection 1, subsection 2 and subsection 3 till there was no more discussion on any one of the subsections.

**DELEGATE ETCHART:** Right.

**CHAIRMAN ESKILDSEN:** Now, we are on subsection 4—

**DELEGATE ETCHART:** Right.

**CHAIRMAN ESKILDSEN:** -and we're

discussing that. It's possible maybe we should take a vote on each subsection as we go and we'd know more where we're at, but the rules call for—that we vote on it section by section, so this is the reason that I was conducting in this manner. Now, if you'll go ahead and discuss Section 4 a little more, we'll eventually rise and report and start tomorrow. Yeah, we're on—

Delegate Davis.

**DELEGATE DAVIS:** Mr. Chairman, may I ask Miss Robinson if she would yield to a question?

**CHAIRMAN ESKILDSEN:** Would you yield to a question, Miss Robinson?

**DELEGATE ROBINSON:** Yes.

**DELEGATE DAVIS:** You'll notice I added "to a question."

**DELEGATE ROBINSON:** Yes.

**DELEGATE DAVIS:** Miss Robinson, in this provision as it now stands amended, it directs the Legislature to provide for a preparatory commission to assemble information. I wonder if that is what we really want them to do—just assemble information—or do we want them to go ahead and make preparation for the physical layout and so forth as they've done in this time. Since it wasn't in the original Constitution when we came into being here, they seemed to have unlimited authority, but this could be interpreted to restrict them to assembling information. What's your thought on that?

**DELEGATE ROBINSON:** Mr. Davis, I am not wedded to this idea that was submitted by this committee. My amendment was simply to clarify this subsection 4 in regard to subsection 2. I have no feelings one way or the other about whether they should just assemble information on constitutional questions or do a great deal more than that. I would defer to the committee in terms of their thinking on exactly what the role of the commission is to be, and I think perhaps some of that should be left up to the Legislature in terms of what the commission should exactly do.

**CHAIRMAN ESKILDSEN:** Any more discussion on the amendment?

Delegate Arbanas.

**DELEGATE ARBANAS:** I wonder if Delegate Robinson would yield to a question?

**CHAIRMAN ESKILDSEN:** Will Delegate Robinson yield to another question?

**DELEGATE ROBINSON:** Yes.

**DELEGATE ARBANAS:** This may just be trouble reading my notes but as I-I wonder if you're not getting back into the problem you're trying to alleviate by the language, certainly not by the intent. But as I read it-you were really technical-it said at the session following an affirmative vote. This could mean, could it not, that if there was a-the Legislature was in session, that you took this very technically, that it might wait till the next session of the Legislature? In other-you see, many times in the Constitution there are provisions when the Legislature is in session or when it's out of session, and this may be just a little inexact. I'm sure you don't intend it that way. Do you see that inexactness, or do I read it wrong?

**DELEGATE ROBINSON:** I'm not sure what you're referring to. I think, perhaps, it could be clarified some. Hopefully, we are proposing in the Legislative Article that the Legislature would be able to call itself into special session, perhaps to deal with a problem of this very nature. I'm not sure of the exact wording, and perhaps this section would be one that would be better to be rereferred to the committee for amplification, for additional work on it, whereby we wouldn't have all of these loopholes in it because, at best, my amendment simply parallels 2 and 4, and it really doesn't solve the problems inherent in the original wording.

**CHAIRMAN ESKILDSEN:** Delegate Habedank.

**DELEGATE HABEDANK:** I would again like to call to the attention of the assembly that subsection 4 provides in the Constitution for the very thing that the Constitution Revision Commission did by accident, as Mrs. Spew pointed out, in connection with this Convention. By accident, a Constitutional Revision Commission was set up at the same time that the question of whether or not there should be a constitutional convention was held. So, your Constitutional Revision Commission did, in fact, operate for approximately 4 years. This seemed to us, based on past experience, to be a very good provision and one which should not be provided for by accident. In other words, the commission, as envisioned in Section 4, not only will operate during the 2 years or during the period up to the election, but then it

will continue on through, doing the preparatory work for the convention itself if the people vote for a convention. If they vote for not having one, the commission would end. And I, for that reason—because the experience having to do with this Convention, I think, has proved invaluable—would very strongly oppose the deletion of Section 4 from-as far as having any commission prior to the election. Mrs. Robinson's proposal would limit the commission to a period after the people vote for a convention.

**CHAIRMAN ESKILDSEN:** Is there any more discussion?

Delegate Nutting.

**DELEGATE NUTTING:** Mr. Chairman. I think Mrs. Robinson's motion is perfectly clear, and it's the kind of a situation that's necessary since we have accepted her first amendment. In other words, if the popular vote approves a constitutional convention in November, the commission is established at the next Legislative Session which, if under our present rules, would be established in January or February. They-in Section 5 it also states the way that the convention is to be organized and everything, but the vote will probably be taken at the next general election, so the commission has 2 years to make the preparations for the constitutional convention. When the delegates are elected at the general election 2 years later, they are also—under the last line of her amendment, the commission may continue for the assistance of the delegates. This merely provides for a commission to help them, and they have 2 years to assemble the information, and they may continue. I think her motion is very much in order and would be a necessary part of this amendment.

**CHAIRMAN ESKILDSEN:** Is there any more discussion?

(No response)

**CHAIRMAN ESKILDSEN:** If not, you have before you the motion made by Delegate Robinson to amend subsection 4 of Section 1. As many of those are in favor will say Aye.

**DELEGATES:** Aye.

**CHAIRMAN ESKILDSEN:** Opposed, No.

**DELEGATES:** No.

**CHAIRMAN KSKILDSEN:** Motion's carried.

Mr. Murray.  
Mr. Blaylock.

**DELEGATE BLAYLOCK:** Before we vote on these, can't we have those read back so that we know exactly how those are, with--when all those amendments go in like that?

**CHAIRMAN ESKILDSEN:** What we're going to do now is recess, or adjourn--we're going to come out of the Committee of the Whole, and then we'll eventually adjourn for today till tomorrow, and by that time we'll have it straightened out. (Laughter)

Delegate Arness.

**DELEGATE ARNESS:** I'm sorry, Mr. Chairman, but this point that was brought up earlier by Mr. Habedank, I think that he's correct. Rule 51 provides that a majority of elected delegates, when operating under Order of Business Number 5, must approve a section. Isn't that correct? Aren't we under Order of Business Number 5 now?

**CHAIRMAN ESKILDSEN:** We're under Number 10 now. We're under General Orders, the majority of only those voting.

**DELEGATE ARNESS:** I see. Thank you.

**CHAIRMAN ESKILDSEN:** Mr. Aasheim.

**DELEGATE AASHEIM:** I'm still in orbit, and I'd like to ask Mr. Habedank a question.

**CHAIRMAN ESKILDSEN:** Would you yield to a question, Mr. Habedank?

**DELEGATE AASHEIM:** I understand we have three methods of calling a constitutional convention. Is that your plan?

**DELEGATE HABEDANK:** That is correct.

**DELEGATE AASHEIM:** According--

**DELEGATE HABEDANK:** Three alternatives.

**DELEGATE AASHEIM:** Thank you.  
Mr. Chairman.

**CHAIRMAN ESKILDSEN:** Mr. Aasheim.

**DELEGATE AASHEIM:** If that is the case, we have--according to the subhead numbering, we have nine ways of calling a constitutional convention. This is what I am getting at. We--you--I think in order to clarify, to make it simpler for a simple soul to understand what you're doing, I think you should have constitutional convention, in upper caps, by the Legislature--constitutional convention by initiative, as Number 2--and Number 3, an automatic one in 20 years; and then have--well, below that--because I thought you had nine proposals here.

**CHAIRMAN ESKILDSEN:** Mr. Habedank.

**DELEGATE HABEDANK:** I would agree with you, Magnus, that probably the headings could be different, but I don't agree with you that we have nine proposals. I see we have three. The Constitution can be amended, one, by the Legislature; two, the people by initiative; three, automatic voting. We have only three methods.

**CHAIRMAN ESKILDSEN:** Delegates, we are all getting tired, and I'm going to ask Marshall Murray to make the motion.

**DELEGATE MURRAY:** Mr. Chairman.

**CHAIRMAN ESKILDSEN:** Mr. Murray.

**DELEGATE MURRAY:** I'm about to make the motion that the committee arise, report progress and ask leave to sit again, but before doing so, I might make a suggestion to the people submitting delegates to this Convention. I really think that if they have multiple amendments to this Convention, that it would be nice if they can get them printed and out onto the desks so we know what they are. Seems to me that as we go later in the day and get tired, why, I'm not sure that we're being fair to either the committee or the parties that are proposing the amendments. And I might make a suggestion at this time that, at this stage, through subsection 4, that we have the amendments prepared and on our desks for morning. And at this time, because of the hour and the condition of many of the delegates who have requested that we make a motion, I move that the committee rise, report progress and ask leave to sit again.

**CHAIRMAN ESKILDSEN:** You've heard the motion. As many as are in favor will say Aye.

**DELEGATES:** Aye.

**CHAIRMAN ESKILDSEN:** Opposed, No.  
(No response)

**CHAIRMAN ESKILDSEN:** Motion's carried. Don't leave the Convention. We're just moving out of the Committee of the Whole. We are not through.

(Vice-President Toole assumed the Chair)

**VICE-PRESIDENT TOOLE:** The Convention will come to order. I beg your indulgence for just one moment while a little paperwork is being done.

**CLERK HANSON:** (Reading) "February 17, 1972. Mr. President: We, your Committee of the Whole, having had under consideration Report Number 1, Suffrage and Elections, and Report Number 2, Constitutional Revision, the Committee of General Government Constitutional Amendment, recommend as follows: Delegate Artz, having voted on the prevailing side, moved that the committee reconsider action taken previously this day in adopting Section 3 of Report Number 1 on Suffrage and Elections. Motion carried. Substitute motion of Delegate Harlow to amend Section 3 of the majority report by adding the following: 'The legislature shall provide for a system of poll booth registration, insure the purity of elections and guard against abuses of the electoral process.' failed to be adopted by the following roll call vote asked for by Foster with sufficient seconds: Ayes - 49; Noes - 51. Substitute motion to Delegate Aronow to amend Section 3 of the majority report by adding the following: 'The legislature may provide for a system of poll booth registration and shall insure the purity of elections and guard against abuses of the electoral process' was adopted by the following roll call vote asked for by McNeil with sufficient seconds: Ayes 76; Noes - 22. That Section 3 be adopted as amended. At 3:30 pm., the Committee of the Whole stood at recess until 3:45 p.m.

3:45 pm., Delegate Eskildsen in the Chair. The Chairman of the Constitutional Amendment Committee noted the following corrections approved by the committee in their Report Number 2: That Delegate Robinson's motion to be adopted, which is as follows: Amended Section 1, subsection 2, page 2, lines 22 and 23, of the General Government Committee Proposal Number 2 by deleting the words 'to the legislative assembly' and further amend Section 1, subsection 2, page 2, line 24, by inserting the word 'next' between the

words 'the general' and by placing a period after the word 'election' and deleting the remainder of that subsection. That Delegate Robinson's motion be adopted, which is as follows: Amend Section 1, subsection 4, line 2, in the majority proposal by deleting the words and punctuation 'The legislature, prior to a ' and inserting the following words in lieu thereof: 'At the session following an affirmative' and in line 3 by inserting the words 'the legislature' between the comma and the word 'shall,' and amend Section 1, subsection 4, page 3, line 5, by placing a period after the word 'questions' and deleting the following words and punctuation 'to assist the voters, and, if a convention is authorized' and insert the following language before the word 'continued,' 'The commission may be.' That the Committee rise and report progress and beg leave to sit again. Signed: Eskildsen, Chairman."

**DELEGATE ESKILDSEN:** I move the adoption of the Committee of the Whole Report.

**VICE-PRESIDENT TOOLE:** You've heard the motion of Mr. Etchart that the Committee rise and report—that its report be adopted. Is there any discussion?

**DELEGATE ESKILDSEN:** No, John—

**VICE-PRESIDENT TOOLE:** Mr. Blaylock.

**DELEGATE BLAYLOCK:** On that last thing that we adopted, subsection 4, I'm still not clear of all the language that was put in there, and Mr. Eskildsen said this would be straightened out--what were you telling me, Joe?

**DELEGATE ESKILDSEN:** Yes. What will happen, we'll go right back into debate tomorrow, right where we left off, so we'll go right back on Section 4, and we can straighten it out. We're getting tired today, and none of us are making sense much longer, and it's time to quit for the first day. Just move my motion, John.

**VICE-PRESIDENT TOOLE:** Are you satisfied, Mr. Blaylock?

**DELEGATE BLAYLOCK:** Yes, I am.

**VICE-PRESIDENT TOOLE:** The question arises on whether or not the Committee of the Whole Report be adopted. All in favor, say Aye.

**DELEGATES:** Aye.

**VICE-PRESIDENT TOOLE:** Motion carried.

**DELEGATE ESKILDSEN:** Mr. President. That's a fast one—

**VICE-PRESIDENT TOOLE:** Now, under Order of Business Number 11, Committee Announcements and Notices.

Mr. Schiltz.

**DELEGATE SCHILTZ:** Mr. President. Style and Drafting, 8 o'clock tomorrow morning, in the new committee room, which is 413, above the Senate.

**VICE-PRESIDENT TOOLE:** Mrs. Cross.

**DELEGATE CROSS:** Natural Resources Committee, immediately upon adjournment in the committee room.

**VICE-PRESIDENT TOOLE:** Mr. Dahood.

**DELEGATE DAHOOD:** The Bill of Rights Committee, at 8:30 in the morning.

**VICE-PRESIDENT TOOLE:** Mr. Champoux.

**DELEGATE CHAMPOUX:** Education Committee, 8 o'clock in the morning.

**VICE-PRESIDENT TOOLE:** Mr. Aash-eim.

**DELEGATE AASHEIM:** Legislative, at 8:30 in the morning.

**DELEGATE ESKILDSEN:** Mr. President.

**VICE-PRESIDENT TOOLE:** Just one moment before we adjourn, Mr. Eskildsen. The Chair would like to remind the delegates that Charles A. Lindbergh will be present in the Governor's reception room at 7:30 this evening for an informal discussion on environment; that he will address the delegates at 8:30 in the morning

on the same subject before we reconvene.  
Mr. Dahood.

**DELEGATE DAHOOD:** Mr. President, I think I made an error. I did not have in mind that Mr. Lindbergh would address us at 8:30. Bill of Rights will meet at 8 o'clock, in the morning.

**VICE-PRESIDENT TOOLE:** Thank you.

**DELEGATE AASHEIM:** Mr. Vice-President.

**VICE-PRESIDENT TOOLE:** Mr. Aash-eim.

**DELEGATE AASHEIM:** I will change my announcement—8 o'clock in the morning—8:15.

**VICE-PRESIDENT TOOLE:** Now, Mr. Eskildsen.

**DELEGATE ESKILDSEN:** Yes. Without objection, may we be on Order of Business Number 10?

**VICE-PRESIDENT TOOLE:** We may be under Order of Business Number 10. Is there any objection?

(No response)

**DELEGATE ESKILDSEN:** Before we adjourn, I should like to remind you that we're going to adjourn till 10 o'clock in the morning, but that doesn't mean to get here at 10:00. We should all be here at 8:30 to hear Mr. Lindbergh. So, with that, I move we stand adjourned until February 18, 10:00 a.m., 1972.

**VICE-PRESIDENT TOOLE:** You've heard the motion for adjournment. All in favor, say Aye.

**DELEGATES:** Aye.

**VICE-PRESIDENT TOOLE:** Convention is adjourned.

(Convention adjourned at 5:13 p.m.)

February 18, 1972  
10:00 a.m.

Twenty-Seventh Day

Convention Hall  
Helena, Montana

**PRESIDENT GRAYBILL:** Convention will be in order. If you'll all rise, Delegate Scanlin will lead us in the invocation.

**DELEGATE SCANLIN:** Let us pray. Oh, Lord, Thou hast kept us safe and sane through long hours, days and weeks of testimony-some essential; most of it, expository. Now, we facelongs hours of listening to each other. May we continue to try to separate the essential from the incidental in order to emerge from this great debate in the true and certain knowledge that Thy will has been accomplished. Amen.

**PRESIDENT GRAYBILL:** We will take attendance today by voting Aye on the voting machines.

**CLERK HANSON:** Delegate Aronow, Delegate Babcock, Delegate Bates, Delegate Dahood, Delegate Driscoll, Delegate Drum, Delegate Felt, Delegate Kelleher. Delegate Bates.

**PRESIDENT GRAYBILL:** Delegate Bates will be counted present.

**CLERK HANSON:** Delegate Kelleher.

**PRESIDENT GRAYBILL:** Delegate Kelleher will be counted present. He has been here. There he is.

Very well. Take the roll.

Aasheim	.. .. .	Present
Anderson	.. .. .	Present
Anderson,	J.	Present
Anderson,	0..	Present
Arbanas		Present
Arness		Present
Aronow P	r e s e n t	
Artz		Present
Ask	.. .. .	Present
Babcock	.. .. .	Present
Barnard	.. .. .	Present
Bates	.. .. .	Present
Belcher		Present
Berg	.. .. .	Present
Berthelson		Present
Blaylock	.. .. .	Present
Blend		Present
Bowman	.. .. .	Present
Brazier	.. .. .	Present
Brown	.. .. .	Present
Bugbee	.. .. .	Present
Burkhardt	.. .. .	Present

Cain	.. .. .	Present
Campbell	.. .. .	Present
Cate	.. .. .	Present
Champoux	.. .. .	Present
Choate	.. .. .	Present
Conover	.. .. .	Present
Cross	.. .. .	Present
Dahood	.. .. .	Present
Davis	.. .. .	Present
Delaney	.. .. .	Present
Driscoll	.. .. .	Present
Drum	.. .. .	Present
Eck	.. .. .	Present
Erdmann	.. .. .	Present
Eskildsen	.. .. .	Present
Etchart	.. .. .	Present
Felt	.. .. .	Present
Foster	.. .. .	Present
Furlong	.. .. .	Present
Garlington	.. .. .	Present
Graybill	.. .. .	Present
Gysler	.. .. .	Present
Habedank	.. .. .	Present
Hanson, R. S.	.. .. .	Present
Hanson, R.	.. .. .	Present
Harbaugh	.. .. .	Present
Harlow	.. .. .	Present
Harper	.. .. .	Present
Harrington	.. .. .	Present
Heliker	.. .. .	Present
Holland	.. .. .	Present
Jacobsen	.. .. .	Present
James	.. .. .	Present
Johnson	.. .. .	Present
Joyce	.. .. .	Present
Kamhoot	.. .. .	Present
Kelleher	.. .. .	Present
Leuthold	.. .. .	Present
Loendorf	.. .. .	Present
Lorello	.. .. .	Present
Mahoney	.. .. .	Present
Mansfield	.. .. .	Present
Martin	.. .. .	Present
McCarvel	.. .. .	Present
McDonough	.. .. .	Present
McKeon	.. .. .	Present
McNeil	.. .. .	Present
Melvin	.. .. .	Present
Monroe	.. .. .	Present
Murray	.. .. .	Present
Noble	.. .. .	Present
Nutting	.. .. .	Present
Payne	.. .. .	Present

Pemberton	.. ..	Present
Rebal	..	Present
Reichert		Present
Robinson	.....	Present
Roeder	.....	Present
Rollins	..	Present
Romney	.. .. .	Present
Rygg	.....	Present
Scanlin		Present
Schiltz		Present
Siderius		Present
Simon	.....	Present
Skari	..	Present
Sparks	.....	Present
Speer	.....	Present
Studer	.....	Present
Sullivan		Present
Swanberg	.....	Present
Toole		Present
Van	Buskirk	Present
Vermillion		Present
Wagner		Present
Ward	....	Present
Warden	.....	Present
Wilson	..	Present
Woodmansey		Present

**CLERK HANSON:** Mr. President, 100 delegates present.

**PRESIDENT GRAYBILL:** Very well. The journal will so show, and that's a quorum. Without objection, I'll be on Order of Business 11 for one announcement. Unfortunately, some of us are parking on the grass at the Capitol. This has got to be stopped, and we are asking that those of you who are parking on the grass, please get your cars off of there by noon. I have spoken to Mr. Lowe about being more careful about letting other Capitol employees park in our spaces, but, in the event some person has taken the Capitol spaces in front, please do yourself and us the courtesy of parking in the parking lot across the street and walking in. The grass is getting soft now, and we do not want to be on the grass.

Very well. Mrs. Babcock, for what purpose do you rise?

**DELEGATE BABCOCK:** To add to your announcement, I counted eight cars that took up two parking spaces, and a lot of them weren't delegates' cars, this morning. I was going to register a complaint if you hadn't.

**PRESIDENT GRAYBILL:** I think you're correct, and I think if you'll all park as carefully as

possible that, now that some of the snow is away, it won't be too difficult. We do have a problem there, and please do not park on the grass or we're going to be highly unpopular with the custodians.

Now, this morning we go back on Order of Business Number 10 and I'll recognize Mr. Murray.

**DELEGATE MURRAY:** Mr. President, I move that the Convention resolve itself into Committee of the Whole for a consideration of business under General Orders.

**PRESIDENT GRAYBILL:** All in favor of the motion to resolve ourselves into Committee of the Whole, please say Aye.

**DELEGATES:** Aye.

**PRESIDENT GRAYBILL:** Opposed, No. (No response)

**PRESIDENT GRAYBILL:** The Ayes have it.

Mr. Eskildsen.

(Committee of the Whole Chairmanship assumed by Mr. Eskildsen)

**CLERK HANSON:** February 18, 1972. The following committee proposals are now on General Orders: General Government, Legislative, Executive and Judicial.

**CHAIRMAN ESKILDSEN:** Members of the Committee of the Whole House shall please be in order.

**CLERK HANSON:** (Reading) "The Legislative Committee Proposal Number 3, having been duplicated and placed on the delegates' desks on the 16th day of February, 1972, at 9 o'clock a.m., is now in compliance with Rule 23 of the Montana Constitutional Convention Rules."

**CHAIRMAN ESKILDSEN:** Members of the Committee, the rules provide that we shall vote on the proposals section by section in order to alleviate any confusion; where we have subsections, we will also vote on subsection, subsection by subsection. So today, when we start off, we will again start with Proposal Number 2, Section 1, subsection 1. The clerk will read subsection 1, as amended from yesterday.

**CLERK HANSON:** (Reading) "Subsection 1: The Legislature, by an affirmative vote of two-thirds of all the members thereof, whether one or more bodies, may at any time submit to the

electors of the state the question of whether there shall be an unlimited convention to revise, alter or amend this Constitution."

**CHAIRMAN ESKILDSEN:** Mr. Etchart.

**DELEGATE ETCHART:** I move that when this committee does rise and report, after having had under consideration General Government Proposal Number 2, Section 1, subsection 1, they recommend that the same be adopted,

**CHAIRMAN ESKILDSEN:** Mr. Etchart.

**DELEGATE ETCHART:** Mr. Chairman, we went through that yesterday, and this is essentially identical; there's a little bit of change in terminology, but to Article XIX, Section 8, of the present Constitution, the committee's thinking was to keep the ideas the same as the present Constitution.

**CHAIRMAN ESKILDSEN:** We discussed this thoroughly yesterday, so, if there's no more discussion, you've heard the motion of Mr. Etchart that when this committee does arise and report, after having had under consideration subsection 1 of Section 1 of Proposal Number 2, that it recommends the same be adopted. As many as are in favor will say Aye.

**DELEGATES:** Aye.

**CHAIRMAN ESKILDSEN:** Opposed, No. (No response)

**CHAIRMAN ESKILDSEN:** The motion is carried. Subsection 2-the clerk will read subsection 2. The clerk will read this as amended from yesterday.

**CLERK HANSON:** (Reading) "Subsection 2: The people, by an initiative petition, may direct the Secretary of State to submit to the voters of the state the question of whether there shall be an unlimited convention to revise, alter or amend this Constitution. The petition must be signed by at least 10 percent of the legal voters of the state, which shall include at least 10 percent of the legal voters in two-fifths of the legislative representative districts of the state. The petition shall be filed with the Secretary of State, who shall certify the filing thereof and cause the question to be submitted to the voters at the next general election." Subsection 2, Mr. Chairman.

**CHAIRMAN ESKILDSEN:** Mr. Etchart.

**DELEGATE ETCHART:** Mr. Chairman, I move that when this committee does rise and report, after having had under consideration General Government Proposal Number 2, Section 1, subsection 2, recommend the same do be adopted.

**CHAIRMAN ESKILDSEN:** Mr. Etchart.

**DELEGATE ETCHART:** Mr. Chairman, I think we covered this extensively yesterday. It is amended, and the committee is agreeable to the amendments on subsection 2.

**CHAIRMAN ESKILDSEN:** Mr. Aasheim.

**DELEGATE AASHEIM:** Mr. Chairman, members of the assembly. As I tried to explain to you yesterday, the way this is sectionalized, when this comes to a vote on third reading, we're going to have to vote for three ways of calling a constitutional convention. We're going to either have to reject or accept the three ways. Consequently, I'm going to move to delete Section 2 and 3, so that when we're talking about calling a constitutional convention, we shall be talking about subsection 1, and then 4, 5, 6, 7, 8 and 9 will apply to subsection 1. Because, if we don't-if we continue the way we are, we're going to be in trouble. So, I'm going to move at this time, Mr. Chairman, that we delete subsection 2, and I do this to expedite our progress.

**CHAIRMAN ESKILDSEN:** Mr. Harbaugh.

**DELEGATE HARBAUGH:** Would Mr. Aasheim yield to a question?

**CHAIRMAN ESKILDSEN:** Would you yield to a question, Mr. Aasheim?

**DELEGATE AASHEIM:** I will.

**DELEGATE HARBAUGH:** Mr. Aasheim, by deleting these, would you are you inferring then that they would not be a part of the article at all, or would they be added later?

**DELEGATE AASHEIM:** That would be up to the delegates. Later on you could move to reconsider your action now, and then adopt them later.

**DELEGATE HARBAUGH:** Is your intention to delete the two sections-Section 2 and 3—

entirely? Is that the intention of your motion?

**DELEGATE AASHEIM:** My intention of the motion-yes, it is to delete 2 now, and it might be well to discuss this-whether we want to delete it right now and find out. Maybe we're just spinning our wheels amending and reamending, and maybe we should decide now whether we want subsection 2 at all.

**CHAIRMAN ESKILDSEN:** Mr. Harbaugh.

**DELEGATE HARBAUGH:** Mr. Chairman. I would like to speak in opposition to the motion because I don't believe that we have three separate things here which are to be voted on. In the Constitution, it seems to me, that all of this comes under the method by which a constitutional convention can be called, and I think that yesterday we voted to accept Section 2 and Section 3, and I believe that they should be included in the article as a means of amending the Constitution. It's possible that we would want to rearrange the order of the articles and-so that Section 4, 5 and following might apply to Section 1-but I would be very much against deleting, in entirety, Sections 2 and 3.

**CHAIRMAN ESKILDSEN:** Mr. Habedank.

**DELEGATE HABEDANK:** Mr. Chairman, I can appreciate what Mr. Aasheim is getting at, but I can see no problem as far as this Convention is concerned by addressing itself to each of these methods of calling a constitutional convention election. We have only one way in which a constitutional convention can be called, and that is by the vote of the people. However, as set forth in Section 1, there are three methods in which it can reach the people: one, by the Legislature; two, by initiative; and three, an automatic referral. Any one of those three subsections can be stricken at the wish of the convention and the remainder of the article-of Section 1, remains intact. So, to the extent that Mr. Aasheim wishes to put the question directly of whether we wish to allow the people to have a constitutional convention submitted to them by initiative, it would be proper to move the deletion of subsection 2, and if the Convention went along with that thinking, then there would be no reason to work with the words. We did work with the words, and it was my understanding yesterday that the Convention as a whole agreed that, subject to the change in connection with sub-

section 2 whereby the matter would go directly to the people without the delay of going through the Legislature, these three methods were going to be available to the people of Montana as to how a convention would be called. I would therefore resist the deletion of subsection 2 and subsection 3, but I think it would be entirely proper for the Convention to address itself to the proposition of whether or not these methods should be available.

**CHAIRMAN ESKILDSEN:** Is there any more discussion on-?  
Mr. Arbanas.

**DELEGATE ARBANAS:** I would like to oppose the amendment. It seems to me that you have one of two philosophies with regard to the Constitutional Convention. One would put the emphasis on the Legislature, and the other would put the emphasis on the people. In my opinion, the Constitutional Convention is a people's function in government, and therefore, any effort in any way to put to some other time or bring up some other way the fact that the basic political right of the people is to call a convention, I would resist very strongly.

**CHAIRMAN ESKILDSEN:** There is no further discussion?  
Madame Bowman. (Laughter)

**DELEGATE BOWMAN:** Would you like to try again?

**CHAIRMAN ESKILDSEN:** Delegate Bowman?

**DELEGATE BOWMAN:** Thank you. (Laughter) I wonder if Mr. Aasheim would yield to a question.

**CHAIRMAN ESKILDSEN:** Would you yield to a question from Delegate Bowman?

**DELEGATE AASHEIM:** I yield.

**DELEGATE BOWMAN:** Mr. Aasheim, do I understand that the reason for your concern is that, by having each one of these subsections in a section, if you are not in favor of certain of the subsections, when it comes time to vote on the entire section, you're going to be torn between whether to vote for it because it has some things that you like in it or against it because it has some things in it that you don't like, and that if these particular subsections were redone and titled in the form of sections, that it would facilitate this job of trying to decide which of the possible ways

for amending the Constitution we could adopt.

**DELEGATE AASHEIM:** Jean, I'm going to express myself frankly to your question that I'm opposed to subsection 2 because I think it's superfluous. I believe that if we have subsection 1, that is an adequate means of calling a constitutional convention. I don't believe that the people are ever going to feel themselves in a position to call another constitutional convention after they have observed us operating here today and yesterday.

**DELEGATE BOWMAN:** May I ask Mr. Aasheim one more question?

**CHAIRMAN ESKILDSEN:** Delegate Bowman, will you yield? (Inaudible) Aasheim?

**DELEGATE AASHEIM:** Yes, I yield.

**DELEGATE BOWMAN:** Then, redoing these into having each paragraph become a section would not really solve your problem, is that correct?

**DELEGATE AASHEIM:** Mrs. Bowman, I shall then move to amend so that it will be more acceptable for the delegates.

**DELEGATE BOWMAN:** Thank you.

**CHAIRMAN ESKILDSEN:** There is no further discussion; we'll now vote on the substitute motion by--unless-do you wish to close, Delegate Aasheim?

**DELEGATE AASHEIM:** I think the delegates should decide this, naturally; but really, why do we need the people to call a convention? If you're going to accept Number 3, which I also oppose--why all these ways to call a constitutional convention when we had a request now in 82 or 83 years--why this sudden desire to have more conventions? I just can't see it. Why clutter up the books with this extra proposal? So, I say, let's seriously consider deleting this.

**CHAIRMAN ESKILDSEN:** You've heard the motion of Delegate Aasheim to delete subsection 2 of Section 1 of Proposal Number 2. As many as are in favor—  
Mr. Habedank.

**DELEGATE HABEDANK:** (Inaudible) on that. I request a division on that roll call vote and ask for seconds.

**CHAIRMAN ESKILDSEN:** Sufficient

seconds have arisen. We'll have a division. Let's vote on the voting machine.

As many as are in favor of deleting subsection 2, vote Aye; and those opposed will vote No. Has everybody voted? Does anyone wish to change his vote? If not, the clerk will close the vote.

Aasheim .....	Aye
Anderson, J. ....	Aye
Anderson, O. ....	Nay
Arbanas .....	Nay
Arness .....	Nay
Aronow .....	Nay
Artz .....	Nay
Ask .....	Nay
Babcock .....	Aye
Barnard .....	Aye
Bates .....	Nay
Belcher .....	Nay
Berg .....	Nay
Berthelson .....	Nay
Blaylock .....	Nay
Blend .....	Nay
Bowman .....	Nay
Brazier .....	Nay
Brown .....	Nay
Bugbee .....	Nay
Burkhardt .....	Nay
Cain .....	Nay
Campbell .....	Nay
Cate .....	Nay
Champoux .....	Nay
Choate .....	Nay
Conover .....	Nay
Cross .....	Nay
Dahood .....	Nay
Davis .....	Nay
Delaney .....	Aye
Driscoll .....	Nay
Drum .....	Nay
Eck .....	Nay
Erdmann .....	Aye
Chairman Eskildsen .....	Absent
Etchart .....	Nay
Felt .....	Aye
Foster .....	Nay
Furlong .....	Nay
Garlington .....	Nay
Graybill .....	Nay
Gysler .....	Nay
Habedank .....	Nay
Hanson, R.S. ....	Aye
Hanson, R. ....	Nay
Harbaugh .....	Nay
Harlow .....	Nay

Harper .....	Nay
Harrington .....	Nay
Heliker .....	Nay
Holland .....	Absent
Jacobsen .....	Absent
James .....	Nay
Johnson .....	Aye
Joyce.. .....	Aye
Kamhoot .....	Aye
Kelleher .....	Nay
Leuthold .....	Absent
Loendorf. ....	Nay
Lore110 .....	Nay
Mahoney .....	Aye
Mansfield. ....	Aye
Martin.....	Aye
McCarvel .....	Nay
McDonough.....	Nay
McKeon .....	Nay
McNeil .....	Nay
Melvin .....	Nay
Monroe .....	Nay
Murray .....	Nay
Noble .....	Aye
Nutting .....	Nay
Payne .....	Nay
Pemberton .....	Absent
Rebal .....	Nay
Reichert .....	Absent
Robinson .....	Nay
Roeder .....	Nay
Rollins .....	Nay
Romney .....	Nay
Rygg .....	Nay
Scanlin.. .....	Aye
Schiltz .....	Nay
Siderius.....	Aye
Simon .....	Aye
Skari.....	Nay
Sparks .....	Nay
Speer .....	Nay
Studer .....	Aye
sullivan .....	Nay
Swanberg .....	Nay
Toole .....	Absent
Van Buskirk.....	Nay
Vermillion .....	Nay
Wagner .....	Nay
Ward .....	Aye
Warden .....	Aye
Wilson .....	Aye
Woodmansey .....	Nay

CLERK **HANSON:** Mr. Chairman, 24 delegates voting Aye, 69 voting No, 6 not voting.

**CHAIRMAN ESKILDSEN:** 24 voting Aye, 69 voting No. The motion has lost. We are now on the motion by Mr. Aasheim.

**DELEGATE AASHEIM:** (Inaudible) the procedure. Since this passed, I'll want to go back to Section 1 to make a slight amendment.

**CHAIRMAN ESKILDSEN:** Well, we'll take care of Section 2 first.

**DELEGATE AASHEIM:** Then, may I amend Section 2?

**CHAIRMAN ESKILDSEN:** You're in order.

**DELEGATE AASHEIM:** Let-on Section-1 mean-subsection 2, let's insert, then, "Section 2," in upper caps, and that'll take care of my problem. This will be Section 2, and then when we get back to Section 1, we'll strike that "sub" one. Do you follow me? So, we can then vote on a section when we come to third reading; understand? My motion is now to amend subsection 2 to strike the "2" in italics or-in quotes and insert "Section 2, Constitutional Convention" in upper caps. For lack of any better wording, I want to say Constitutional Convention.

**CHAIRMAN ESKILDSEN:** You've heard the motion of Mr. Aasheim.  
Mr. Belcher.

**DELEGATE BELCHER:** Would Mr. Aasheim yield to a question, please?

**DELEGATE AASHEIM:** I yield.

**DELEGATE BELCHER:** Mr. Aasheim, don't you feel that we're getting into Style and Drafting when we're making these minor changes like this?

**DELEGATE AASHEIM:** No, I don't, because Style and Drafting is going to say, "What are you doing here?", because we have to have separate sections for each one of these proposals.

**DELEGATE BELCHER:** Thank you.

**CHAIRMAN ESKILDSEN:** The motion of Mr. Aasheim's is to change the subsection number 2 to "Section 2, Constitution Convention." Any more discussion?

Mr. Habedank.

**DELEGATE HABEDANK:** Mr. Chairman, I can see what Mr. Aasheim is getting at, but

I feel the matter is completely covered by the three subsections. I agree that when-if all three subsections are passed-or all the subsections are passed-then you are stuck in the final reading by accepting all of them in Section 1. But, if each subsection is voted on separately, I think it is proper that whoever is voting on the entire section then be stuck with the wording that the people have accepted. This is a situation the committee faces; subsection 2 as amended-we've accepted it, and I think that everyone is adequately protected by the subsections within the section.

**CHAIRMAN ESKILDSEN:** Mr. Hanson.

**DELEGATE ROD HANSON:** Mr. Chairman, I note that Delegate Schiltz is not here. Maybe Delegate Burkhardt, as Vice-Chairman of the Style and Drafting Committee, could speak to this, But I wonder what problems this does raise as far as Style and Drafting is concerned.

**CHAIRMAN ESKILDSEN:** Mr. Burkhardt.

**DELEGATE BURKHARDT:** I would be unable to make a clear statement about that. We will be making recommendations for changes in sections and articles, but all of that will come back for stylistic handling by this body. Our consultant in that area will probably be giving us some advice.

**CHAIRMAN ESKILDSEN:** Any more discussion?

Mr. Joyce.

**DELEGATE JOYCE:** Mr. Chairman, I rise in support of the motion of Delegate Aasheim because it seems to me this will clearly identify the issue. Those people who are opposed to an initiative method can then be recorded. If they lose, they lose; but at any rate, they can be recorded on the record. And it seems to me to be a perfectly proper way to isolate the issue, and I support Delegate Aasheim's amendment.

**CHAIRMAN ESKILDSEN:** Mr. Felt.

**DELEGATE FELT:** I would rise to support the motion by Delegate Aasheim for the reasons given by Mr. Joyce. And also, I think because if we do this and if we decide that this is a separate subject-separate enough to justify a separate roll call vote, if a roll call is called for-that we would be determining matters that relate to these questions being asked of Style and Drafting. and I

feel, to", that it does have considerable merit to separate separate subjects. The question might be as to whether you want to consider this a separate subject. I feel that because it is separate enough from the other possible ways of calling for a constitutional convention, that it should be given a separate section number.

**CHAIRMAN ESKILDSEN:** Mr. Hanson.

**DELEGATE ROD HANSON:** Mr. Chairman. Didn't you rule just a while ago, or whatever you want to call it, that we're going to vote on these subsections separately this morning, or did you not?

**CHAIRMAN ESKILDSEN:** Yes, we'll vote on each subsection separately.

**DELEGATE ROD HANSON:** So wouldn't this answer, then, Mr. Felt's statement now, that it would give an opportunity to vote on these separately rather than having to do it by separate sections?

**CHAIRMAN ESKILDSEN:** What Magnus Aasheim is trying to get at is that when the proposal-the rules say that we shall vote on the proposal section by section, and when we finally vote on Section 1-now, what Mr. Aasheim is getting at is that he is going to have Section 1 just the first subsection; the second subsection will be Section 2; and we will vote on each one separately in the whole proposal, and there will not be subsections that we've voted on-just one vote for the whole set of subsections. I hope I have made myself clear on that, but—

**DELEGATE ROD HANSON:** We're going to have an opportunity to vote on each one of these twice. We're going to be able to do it by subsection and then again in the section.

**CHAIRMAN ESKILDSEN:** You'll have one final vote which will be to approve or disapprove Section 1, and it will include all of the subsections. We are now just going through Section 1, subsection at a time, and we're voting on each subsection to see if it carries. And when we finally get through with the whole Section 1, we will vote on the complete section-one vote on that one. Is there any more discussion? If not, we will vote on the motion by Mr. Aasheim that we change subsection 2 to be Section 2, Constitutional Convention. As many as are in favor will say Aye.

**DELEGATES:** Aye.

**CHAIRMAN ESKILDSEN:** Opposed, No.

**DELEGATES:** No.

**CHAIRMAN ESKILDSEN:** Motions carry.

Mr. Murray.

**DELEGATE MURRAY:** Yes, sir.

**CHAIRMAN ESKILDSEN:** Mr. Murray, because of this amending and that it carried, we have now changed subsection 2 to Section 2. I think it would probably be proper that if we're going to do that, to change all the "subsections" to "Section," too, at one time.

**DELEGATE MURRAY:** I would suggest that we change them all then from Section 1, Section 2, Section 3 and on, to take a vote at this time.

**CHAIRMAN ESKILDSEN:** You have heard the motion by Delegate Murray.

**DELEGATE MURRAY:** I so move.

**CHAIRMAN ESKILDSEN:** Is there any more discussion? As many as are in favor will say Aye.

**DELEGATES:** Aye.

**CHAIRMAN ESKILDSEN:** Opposed, No. (No response)

**CHAIRMAN ESKILDSEN:** The motion is carried. We now have before us Section 2. Is there any further discussion on Section 2?

Mr. Etchart, would you wish to close?

**DELEGATE ETCHART:** I close.

**CHAIRMAN ESKILDSEN:** You now have before you Section 2.

Mr. Mahoney.

**DELEGATE MAHONEY:** I am at a loss. I thought we put in a lot in this section yesterday. Now, are we rewriting the section? I'm just trying to find out just where we're at on this motion.

**CHAIRMAN ESKILDSEN:** Yes, Mr. Mahoney. The clerk read the section as it was amended yesterday, in its entirety, and we are now voting on that section as it was amended yesterday.

**DELEGATE MURRAY:** (Inaudible) yesterday?

**CHAIRMAN ESKILDSEN:** No, we didn't vote on it yesterday. We merely voted on the amendments, and we passed all the amendments to that section, which is now Section 2. As many as are in favor of Section 2 will say Aye.

**DELEGATES:** Aye.

**CHAIRMAN ESKILDSEN:** Opposed, No.

**DELEGATES:** No.

**CHAIRMAN ESKILDSEN:** The motion is carried. We now have before you Section 3. The clerk will read Section 3.

**CLERK HANSON:** (Reading) "Section 3: If the question of holding a convention is not otherwise submitted to the people at some time during any period of 20 years, it shall be submitted at the general election in the 20th year following the last submission of such question." Mr. Chairman, Section 3.

**CHAIRMAN ESKILDSEN:** Mr. Etchart.

**DELEGATE ETCHART:** Mr. Chairman, I move that when this committee does rise and report, after having had under consideration General Government Proposal Number 2, Section 3, that the same be adopted.

**CHAIRMAN ESKILDSEN:** Mr. Etchart.

**DELEGATE ETCHART:** Mr. Chairman. We discussed this yesterday, and there was a motion to delete this section. This is the automatic referral back to the people of the question of holding another constitutional convention after a period of 20 years. That's what's incorporated in Section 3.

**CHAIRMAN ESKILDSEN:** Is there any more discussion on Section 3? If not, you've heard—

**DELEGATE ROMNEY:** Mr. Chairman.

**CHAIRMAN ESKILDSEN:** Mr. Romney.

**DELEGATE ROMNEY:** Call for a roll call and ask for seconds.

**CHAIRMAN ESKILDSEN:** Having sufficient seconds, there shall be a roll call. As many as are in favor of the motion made by Mr. Etchart that when this committee rise and report, they recommend Section 3 be adopted, will vote Aye, and opposed will vote No. You will use the voting

machine please. (Laughter) Has everyone voted?  
Does anyone wish to change their vote? If not, the  
clerk will close the vote.

Aasheim .....	Nay
Anderson, J. ....	Nay
Anderson, O.....	Aye
Arbanas .....	Aye
Arness .....	Nay
Aronow .....	Nay
Artz .....	Nay
Ask .....	Nay
Babcock .....	Nay
Barnard .....	Nay
Bates .....	Nay
Belcher .....	Aye
Berg .....	Nay
Berthelson .....	Aye
Blaylock .....	Nay
Blend .....	Aye
Bowman .....	Aye
Brazier .....	..Aye
Brown.. .....	..Aye
Bugbee .....	..Aye
Burkhardt .....	..Aye
Cain .....	Aye
Campbell .....	Aye
Cate .....	Aye
Champoux .....	Aye
Choate.....	Aye
Conover .....	Nay
Cross .....	Nay
Dahood .....	Nay
Davis .....	Absent
Delaney .....	Aye
Driscoll .....	Aye
Drum .....	Aye
Eck .....	Aye
Erdmann .....	Nay
Chairman Eskildsen .....	Absent
Etchart.. .....	..Aye
Felt.....	Aye
Foster .....	..Aye
Furlong.....	Aye
Garlington .....	Absent
Graybill .....	Nay
Gysler .....	Absent
Habedank .....	Aye
Hanson, R. S. ....	Nay
Hanson, R. ....	..Aye
Harbaugh .....	..Aye
Harlow .....	..Aye
Harper .....	Aye
Harrington .....	..Aye
Heliker .....	..Aye

Holland .....	.Absent
Jacobsen .....	Absent
James .....	..Aye
Johnson .....	Nay
Joyce .....	Nay
Kamhoot .....	Nay
Kelleher .....	Absent
Leuthold .....	Absent
Loendorf .....	Nay
Lorello .....	Aye
Mahoney .....	Nay
Mansfield. ....	Nay
Martin .....	Nay
McCarvel .....	Aye
McDonough .....	Aye
McKeon .....	..Aye
McNeil .....	Nay
Melvin. ....	Nay
Monroe .....	Aye
Murray.. .....	..Aye
Noble .....	Aye
Nutting. ....	Nay
Payne .....	..Aye
Pemberton .....	Absent
Rebal .....	Aye
Reichert .....	Aye
Robinson .....	..Aye
Roeder .....	Nay
Rollins .....	Nay
Romney .....	Nay
Rygg .....	..Ay.
Scanlin .....	Nay
Schiltz .....	Nay
Siderius .....	Aye
Simon .....	Nay
Skari .....	Nay
Sparks.....	Aye
Speer .....	..Aye
Studer .....	..Aye
Sullivan .....	Nay
Swanberg .....	Nay
Toole .....	Absent
Van Buskirk .....	Aye
Vermillion .....	Aye
Wagner .....	Nay
Ward .....	Nay
Warden .....	Nay
Wilson .....	Nay
Woodmansey .....	Nay

CLERK HANSON: Mr. President, 50  
delegates voting Aye, 40 voting No, 10 not voting.

CHAIRMAN ESKILUSEN: 50 having  
voted Aye and 40 having voted No, the motion

is adopted.

We're now on Section 4. The clerk will read Section 4.

**CLERK HANSON:** (Reading) "Section 4: At the session following an affirmative popular vote on the holding of a convention, the legislature shall provide for a preparatory commission to assemble information on constitutional questions. The commission may be continued for the assistance of the delegates." Mr. Chairman, Section 4.

**CHAIRMAN ESKILDSEN:** Mr. Etchart.

**DELEGATE ETCHART:** Chairman, I move that when this committee does rise and report, after having had under consideration General Government Proposal Number 2, Section 4, it recommends the same be adopted as amended.

**CHAIRMAN ESKILDSEN:** Mr. Etchart.

**DELEGATE ETCHART:** Mr. Chairman. This section was amended yesterday, as you recall, and I think that there are some other amendments pending to it; so, at this time, I will simply move the adoption as amended to this point.

**CHAIRMAN ESKILDSEN:** Mr. Aasheim.

**DELEGATE AASHEIM:** I believe we're going to have to have another Section 4 here with the rest of these subsections to correct it.

**CHAIRMAN ESKILDSEN:** Mr. Aasheim, we made all the subsections sections through this first section. When we get to the second section of this proposal, we'll have to start over again and make those sections, but while we're on—according to our vote, we're now on Section 4 of Proposal Number 2.

**DELEGATE AASHEIM:** Mr. Chairman, doesn't subsection, or Section 4, as you have determined it, doesn't that apply to all Section 1, 2 and 3?

**CHAIRMAN ESKILDSEN:** Mags, would you lower your mike? I can't hear you.

**DELEGATE AASHEIM:** Would--as you're numbering Number 4 here, doesn't that apply to 1, 2 and 3?

**CHAIRMAN ESKILDSEN:** Would you

state your—

**DELEGATE AASHEIM:** I'm just wondering, what does Number 4 refer to here? Doesn't it refer to all previous sections? I'll withdraw my opposition.

**CHAIRMAN ESKILDSEN:** We're now on Section 4.

Mr. Habedank.

**DELEGATE HABEDANK:** Mr. Chairman, I move as a substitute amendment for the amendment to what was subsection 4 and is now 4 of Proposal 2 appearing on line 2 of page 3, the following wording: "Section 4: Prior to submitting the question of holding a constitutional convention to a vote as provided in Sections 1 and 3 hereof, the Legislature shall provide for a preparatory commission to assemble and disseminate information on constitutional questions comma to assist the voters comma and comma if a convention is authorized comma to continue for the assistance of the delegates." You have this proposed amendment on your desk in writing. The only change would be referring to sections rather than subsections, and the changed wording is underscored in the printed amendment as it has been submitted to you. It's a sheet that says "Mr. President" at the top.

**CLERK HANSON:** Mr. Habedank, will you please supply the Chair with the amendment?

**DELEGATE HABEDANK:** Okay. Will you take that up to the Chair, please?

**CHAIRMAN ESKILDSEN:** I would suggest that if anyone has [an] amendment that long, that they present it to the Chair before they give it so that I have an opportunity to follow it.

**DELEGATE HABEDANK:** I apologize. I thought copies had been delivered to the Chair as well as all the delegates.

**CHAIRMAN ESKILDSEN:** Mr. Habedank.

**DELEGATE HABEDANK:** As you have altered Section 2, there would no longer be any need for a Constitutional Revision Commission being appointed prior to the election. However, it is the feeling of the committee, and my feeling, that based on the experience of this Convention, that if the question of holding a convention is to be referred to the people as provided now by Sections

1 and 3, that the procedure that was followed in connection with this convention, purely by accident, be continued as a constitutional provision and that a revision commission or a constitutional commission, or whatever you want to call it, be created who will not only serve prior to the election but, if the people vote for a convention, continue for the assistance of the convention itself. I have discussed this with Mrs. Robinson, and I believe she is in accord with this amendment, but I will ask her to reply personally in connection therewith.

**CHAIRMAN ESKILDSEN:** Mrs. Robinson.

**DELEGATE ROBINSON:** Yes, Mr. Chairman. Yesterday my amendment, which you have on your desk—the purpose of this amendment was to make subsection 4 in accord with subsection 2, where we no longer went through the Legislature for the initiative petition. My primary concern was that we would not institutionalize a Constitutional Revision Commission every time 10 percent of the people of the State of Montana circulated a petition calling for a constitutional convention. Now, I have no opposition to a Constitutional Revision Commission being formed at the behest of the Legislature in Section 1 or on the 20-year period in Section 3. The question here is not really which of these amendments you want, but the Convention must address itself to whether or not you want to constitutionalize a Constitutional Revision Commission—one that would, in Section 3, be formed every 20 years at least or, in Section 1, one that would be formed any time two-thirds of the Legislative Assembly voted to refer this to the people. And I will not speak on my amendment as such because it just brought in line Section 2 and 4.

**CHAIRMAN ESKILDSEN:** Mr. Clerk, would you read the amendment in Section 4, as it is, so that everyone understands. Read all of Section 4 with Mr. Habedank's amendments in it and all the amendments were placed in yesterday, as it is in its entirety, so that everyone understands what the whole section would sound like now.

**CLERK HANSON:** The section, as amended by Mrs. Robinson yesterday, read: "At the session following an affirmative popular vote on the holding of a constitution, the Legislature shall provide for a preparatory commission to assemble information on constitutional questions. The com-

mission may be continued for the assistance of the delegates." In Mr. Habedank's amendment, the section would now read: "Prior to submitting the question of holding a constitutional convention to a vote as provided in Sections 1 and 3 hereof, the Legislature shall provide for a preparatory commission to assemble and disseminate information on constitutional questions to assist the voters and, if a convention is authorized, to continue for the assistance of the delegates."

**CHAIRMAN ESKILDSEN:** Is there any more discussion?

Mr. Mahoney.

**DELEGATE MAHONEY:** (Inaudible) one of the committee a question. I suppose I ought to. You're mentioning 1 and 3; what about 2?

**DELEGATE HABEDANK:** Well, that's what you determined to do away with by approving Mrs. Robinson's amendment of yesterday, and we agree that as far as 2 is concerned, if the people initiate this thing, that a preparatory commission does not necessarily have to be appointed. Originally, the committee thinking was that there should always be one before an election, but we've yielded to the wish of the people of the Convention. By the way you've changed Number 2, this could come up with no way in which the Legislature could take care of it.

**DELEGATE MAHONEY:** Thank you. I'm perfectly lost now.

**CHAIRMAN ESKILDSEN:** Mr. Habedank.

**DELEGATE HABEDANK:** I'm sorry, I've lost you, Mr. Mahoney; but as was pointed out yesterday, the reason for having the Secretary of State certify the filing of the petitions to the Legislature and then the election occurring after that session of the Legislature was to afford a time-interval in which a preparatory commission could be appointed. This Convention of the delegates, by accepting the amendment to Section 2 whereby the Secretary of State will merely put it on the ballot at the next election, there may not be an intervening session of the Legislature and therefore the Legislature would be unable to take care of what has been provided for in subsection—what is now Section 4. There'd be nothing to stop the Legislature from doing it, if they had time and wanted to, but constitutionally, it would be impractical.

**CHAIRMAN ESKILDSEN:** Mr. McNeil.

**DELEGATE McNEIL:** Mr. Chairman, I rise in opposition to the amendment and in support of Delegate Robinson's Section 4 as amended yesterday. The original Section 4, as amended, provides that after the people vote to call a convention, then a commission would be established to gather information, and it further provides that the commission may, permissive, be continued during the deliberations of the Convention. As I read the amendment, it would require, mandatory, every 20 years, in view of the fact that we passed Section 3, that there would have to be a commission prior to any voting and it would be mandatory that this appointive commission continue throughout the deliberations of the Convention. I believe this is a very unhealthy situation. I think everyone is in unanimous agreement that the preparatory commission for this Convention did a magnificent job in assembling information. However, I fear the results that might have occurred had an appointive commission been, by compulsory--must continue throughout the deliberations of the elected officials. It is an unhealthy situation, and I therefore oppose the amendment and support Section 4 as amended by Delegate Robinson yesterday.

**CHAIRMAN ESKILDSEN:** Delegate Romney.

**DELEGATE ROMNEY:** Mr. Chairman, will Delegate Habedank yield to a question?

**CHAIRMAN ESKILDSEN:** Will Delegate Habedank yield to a question?

**DELEGATE HABEDANK:** I yield.

**DELEGATE ROMNEY:** Would the gentleman describe just what is entailed in disseminating information, assisting voters, and continuing to assist the delegates. I want to know whether the delegates from the people of Montana are going to be led around by the hand.

**DELEGATE HABEDANK:** Mr. Romney, I think you've raised a very good point, and it's a matter for determination by this delegation as to philosophy. You have two philosophies given here. You have a clear choice. I think what is meant by dissemination is left to the discretion of the people who are on the commission, but I would anticipate it would be exactly what was done in the before this Convention by a commission of

which I was a member, and there was considerable discussion as to whether this commission had the right, after studying the matters of constitutional questions, to disseminate and spend what money they had in their budget to disseminate this information about the State of Montana. They took it upon themselves to do this, and I must state that there was considerable discussion over whether or not they had legal authority to do it. I think that authority should be cleared up and the Convention either prevent them from disseminating information, which, if they are prevented from doing, would seem to do away with any commission before the holding of an election. If you're going to have a commission before an election is held, it seems to me essential that the information they gather is then disseminated to the people. You may call that leading them by the hand; I call it educating them.

**CHAIRMAN ESKILDSEN:** Mr. Romney.

**DELEGATE ROMNEY:** I think it's a noble experiment, and I realize that the gentleman and the people associated with him, not only here but in the instance before, were motivated properly. However, I do not agree. I do not think it's the province of any committee set up by the Legislature to spend public moneys in support of one side of a proposition, and that was what was done in the past, and that is what I am fearful might be--result again. I recognize there are two schools of thought, but I choose to be on the obstinate negative.

**CHAIRMAN ESKILDSEN:** Is there any more discussion?  
Mr. Felt.

**DELEGATE FELT:** I move, as a substitute motion, that Section 4 of Proposal Number 2 of the Committee on General Government be deleted in its entirety.  
Mr. Chairman.

**CHAIRMAN ESKILDSEN:** Mr. Felt.

**DELEGATE FELT:** I have great sympathy for both of the movers of the two alternatives before us, one that was acted upon yesterday and the substitute, by way of amendment, which is on our desks. And I am certainly very happy with the way that the preparatory commission acted and with the members of it and also with the wisdom of the Legislature in having created such a commission and giving it proper authorizations

and also imposing proper limitations upon that commission. I'm, in this instance again, perfectly willing to trust a legislative body to create such a commission at the time, in the manner and with the means that they then believe would be wise. And I do not feel it is necessary for us to run the risk of choosing some improper wording or saying anything in the Constitution that might, at some time, interfere with that preexercise of their own independent judgment, and I am quite confident that just as they were able to do so under our present Constitution, that a legislative body in the future could create such a commission. I do know that some of the members-incidentally, one of my partners-was a member of that commission, too. Some of the members of this commission were not even in support of the idea of having a Constitutional Convention when they were created. But, as a part of their investigative work, they did come, finally, to a unanimous agreement that the proper method was by a convention. But at some future date, they might decide that the proper way of revising our Constitution is by something less than a total convention, and I think that there is an example of a way that the Legislature could use its judgment and that the commission could then use its judgment too. But I do not feel that we need now to spell out in detail the rules regarding this type of preparatory commission. They are not needed in the Constitution, and they may become a hindrance rather than a help.

**CHAIRMAN ESKILDSEN:** Is there any more discussion? If not, we'll vote on the motion made by Mr. Felt that we delete Section 4 in its entirety. As many as are in favor will say Aye.

**DELEGATES:** Aye.

**CHAIRMAN ESKILDSEN:** Opposed, No.

**DELEGATES:** No.

**CHAIRMAN ESKILDSEN:** The motion is carried. We now have before us Section 5. The clerk will read Section 5.

**CLERK HANSON:** (Reading) "Section 5: If the majority of those voting on the question shall declare in favor of such convention, the legislative assembly shall at its next session provide for the calling thereof. The number of members of the Convention shall be the same as the largest body of the legislative assembly. The Legislature may determine whether the delegates shall be elected after nomination by political parties or on a nonpartisan basis. but they shall be elected at

the same places and in the same districts as the legislative body determining the number of delegates." Mr. Chairman, Section 5.

**CHAIRMAN ESKILDSEN:** Mr. Etchart.

**DELEGATE ETCHART:** I move that when this committee does rise and report, after having had under consideration General Government Proposal Number 2, Section 5, that it recommend the same be adopted.

Mr. Chairman.

**CHAIRMAN ESKILDSEN:** Mr. Etchart.

**DELEGATE ETCHART:** Subsection 5 — or rather Section 5 mandates the Legislative Assembly to provide for the calling of the Convention and, to some degree, dictates the manner in which the Convention shall be called and initially organized. The committee feels this is necessary as, without some clear directions, the Convention, though scheduled and called, could be bogged down before it ever gets off the ground. The committee heard testimony on several delegate proposals. If you'll see Appendix B, you can see the ones that were involved-called for determination of the political complexion of any future convention. The committee, after careful consideration, feels the present Constitution should not make such a determination. The political climate of Montana, and indeed the whole country, is such that the problems of partisanship and political parties as we know them today could be entirely different tomorrow. So, if the Constitution contains partisan provisions, there is also the danger that future electorates may be vexed and irritated by these provisions, as many of the Montana electorate were at the mandated, partisan nature of this Convention. We have allowed that the election could be on a partisan or a nonpartisan basis.

**CHAIRMAN ESKILDSEN:** Mr. Rollins.

**DELEGATE ROLLINS:** Mr. Chairman, would Mr. Etchart yield to a question, please?

**CHAIRMAN ESKILDSEN:** Would Mr. Etchart yield to a question?

**DELEGATE ETCHART:** I yield.

**DELEGATE ROLLINS:** Mr. Etchart, do you feel that if all of that mention of the way in which the Legislature would decide whether or not it was nonpartisan or partisan were deleted, that the Legislature could still do the same thing?

**DELEGATE ETCHART:** No, I don't think so, because they-that was a big question in calling the present Convention, and we thought it should be spelled out so 'that if the Legislature wanted it nonpartisan, they could have it. But, in this Convention, I think the Legislature would have-feeling at the time would have been to call a nonpartisan convention. However, they could not do so, and this spells out clearly that they may do so.

**DELEGATE ROLLINS:** Thank you.

**CHAIRMAN ESKILDSEN:** Delegate Bugbee.

**DELEGATE BUGBEE:** Mr. Etchart, did you address yourself to—

**CHAIRMAN ESKILDSEN:** Would you like to address a question to Mr. Etchart?

**DELEGATE BUGBEE:** Excuse me. Yes, I would.

**CHAIRMAN ESKILDSEN:** Mr. Etchart, would you yield?

**DELEGATE ETCHART:** I yield.

**DELEGATE BUGBEE:** Did your committee address itself to where the legislators could or could not run? I can't find it in here, and I wondered what you'd decided.

**DELEGATE ETCHART:** No, we-that didn't come before the committee. That question did not-is that correct, Mr. Habedank?

**CHAIRMAN ESKILDSEN:** Mr. Habedank.

**DELEGATE HABEDANK:** Mr. Chairman, we didn't have a specific proposal requesting that legislators be allowed to run. I think the committee, as a whole, were quite satisfied after having this Convention with the composition of it, and we just left it out.

**CHAIRMAN ESKILDSEN:** Any more discussion?

Mr. Kelleher.

**DELEGATE KELLEHER:** Mr. Clerk, are you going to read my proposed amendment?

**CLERK HANSON:** Right. (Reading) "Mr. Chairman, I move to amend Section 5, lines 12 through 14, page 3, of Committee Proposal

Number 2, following the word, in line 12, 'assembly' by striking the words 'the legislature may determine whether the', by capitalizing, in line 13, first word 'delegates' and striking, in the same line, following the word 'elected', striking the following words 'after nomination by political parties comma or' and further amend on line 14 following the word 'basis' comma by striking the word 'but' and inserting in lieu thereof the word 'and'."

**CHAIRMAN ESKILDSEN:** Mr. Kelleher.

**DELEGATE KELLEHER:** Mr. Chairman, Marshall suggests reading in its entirety, and I will do that, with your leave. "Delegates shall be elected on a nonpartisan basis, and they shall be elected at the same places and in the same districts as the legislative body determining the number of delegates." Mr. Chairman, my proposed amendment merely makes obligatory that delegates for a future Con Con run on a nonpartisan basis. May I speak briefly to my motion?

**CHAIRMAN ESKILDSEN:** Mr. Kelleher.

**DELEGATE KELLEHER:** There was only one dangerous reef or iceberg for our ship, Con Con, and that was last November. And to our credit, we avoided crashing on that reef, and since that time, we have had no trouble on partisanship, and I find myself in deep sleeping with what I thought were once strange bedfellows on many, many issues. And I feel that there is-that we should learn from our own experience and pass that advantage on to future constitutional conventions. Party affiliation means absolutely nothing at a Con Con, and I think we're all agreed on that. It has nothing to do with our basic political philosophy. Thank you.

**CHAIRMAN ESKILDSEN:** Mr. Harrington.

**DELEGATE HARRINGTON:** I'd like to speak on the original motion. I feel that we should leave it as it is. I feel that it is very important that-leave it up to the Legislature. I think this could be quite a problem if we tried to spell out "nonpartisan" right now. I think it would be much better to leave it as it is. Thank you.

**CHAIRMAN ESKILDSEN:** Is there any more discussion on Mr. Kelleher's—  
Mrs. Babcock.

**DELEGATE BABCOCK:** May I ask Mr. Kelleher a question, please?

**CHAIRMAN ESKILDSEN:** Will you yield to a question, Mr. Kelleher?

**DELEGATE KELLEHER:** Yes, Ma'am—yes, sir.

**DELEGATE BABCOCK:** Mr. Kelleher, how do you determine that a person is nonpartisan? Do you think that by saying that they're nonpartisan, that they are?

**DELEGATE KELLEHER:** Many—I'm merely talking about the way we have our names on the ballot. That's all we're talking about here, Betty. I frankly would've felt much freer if I didn't have to put the name of Group A under my name at a Con Con ballot. I felt much freer if I had been listed as an Independent.

**CHAIRMAN ESKILDSEN:** Mr. Brazier.

**DELEGATE BRAZIER:** Will the delegate, Mr. Kelleher, yield to a question?

**CHAIRMAN ESKILDSEN:** Will you yield to a question, Mr. Kelleher?

**DELEGATE BRAZIER:** Mr. Kelleher, there has been expressed in this part of the room some question how a nomination would be conducted if you don't have partisanship or some other way of distilling down the number of candidates. I assume from the language of your motion that you would leave that detail to the Legislature, but for my own enlightenment and the enlightenment of others, I respectfully request that you give us an example of how the nomination process might work.

**DELEGATE KELLEHER:** I think those of us that filed as members of Group A or Group B would not—could not be so lazy as we—and we'd have to get out and hustle like the other six members of non-Group C and just get out and work, that's all, and get X number of signatures; I think that's how they got on the ballot, is that right, George?

**CHAIRMAN ESKILDSEN:** Mr. Brazier.

**DELEGATE BRAZIER:** Would the delegate, Mr. Kelleher, yield to another question?

**CHAIRMAN ESKILDSEN:** Will you yield to another question?

**DELEGATE KELLEHER:** Yes, sir.

**DELEGATE BRAZIER:** Mr. Kelleher, my concern is how do you distill the number of candidates down to those who would qualify for the general election? For example, in Helena we had 48 candidates and wound up with 18 in the general election. Could you give us some thoughts on that point, please?

**DELEGATE KELLEHER:** There's no reason why you couldn't have a primary. Well, it wouldn't do you any good to have a primary. You just have one general election, that's right. If you don't have a partisanship, you just have one election, wouldn't you?

**CHAIRMAN ESKILDSEN:** Mr. Harper.

**DELEGATE KELLEHER:** —or a runoff, I suppose. Excuse me.

**DELEGATE HARPER:** Perhaps I could remind my friend Bob that if this group were to pass single-member districts, we would not have the kind of bind that Geoff is thinking about where you have so many people running in a multiple-member districts, and the likelihood is that the total number of candidates in a single-member district would nowhere near equal the kind of mob running we had, for example, in this county. I just throw that in on the side because I think that does perhaps bear on this case.

**CHAIRMAN ESKILDSEN:** Mr. Graybill.

**DELEGATE GRAYBILL:** First of all, Mr. Brazier, the way you do it is likely to work for judges. You'd have double the number to be elected would go through the primary. But, I would like to agree with Mrs. Babcock. It seems to me that we're only fooling the public if we call ourselves nonpartisan. It seems to me we all got elected and partisanship is not bothering us now, and I'd like to oppose the amendment.

**CHAIRMAN ESKILDSEN:** Is there any more discussion? If not, we'll vote on the amendment by Mr. Kelleher. That—would you read the amendment again, Mr. Clerk?

**CLERK HANSON:** The last sentence in Section 5, beginning on line 12, will read as follows: "Delegates shall be elected on a nonpartisan basis, and they shall be elected at the same places and in the same districts as the legislative body determining the number of delegates."

**CHAIRMAN ESKILDSEN:** You've heard the motion of Delegate Kelleher to amend Section 5. As many as—  
Delegate Kelleher.

**DELEGATE KELLEHER:** I'm sorry. Could I have a roll call, please? Could I have some seconds for a roll call?

**CHAIRMAN ESKILDSEN:** Having sufficient seconds, there shall be a roll call vote. As many as are in favor will vote Aye, and those opposed will vote No.

Has everyone voted? Does anyone wish to change his vote? The clerk will close the vote.

Aasheim .....	Nay
Anderson, J. ....	Nay
Anderson, O. ....	Nay
Arbanas .....	Aye
Arness .....	Nay
Aronow .....	Nay
Artz .....	Nay
Ask .....	Nay
Babcock .....	Nay
Barnard .....	Nay
Bates .....	Nay
Belcher .....	Nay
Berg .....	Nay
Berthelson .....	Nay
Blaylock .....	Nay
Blend .....	Aye
Bowman .....	Aye
Brazier .....	Nay
Brown .....	Nay
Bugbee .....	Aye
Burkhardt .....	Nay
Cain .....	Nay
Campbell .....	Aye
Cate .....	Aye
Champoux .....	Absent
Choate .....	Nay
Conover .....	Nay
Cross .....	Nay
Dahood .....	Absent
Davis .....	Absent
Delaney .....	Nay
Driscoll .....	Aye
Drum .....	Nay
Eck .....	Absent
Erdmann .....	Aye
Chairman Eskildsen .....	Absent
Etchart .....	Nay
Felt .....	Aye
Foster .....	Aye
Furlong .....	Nay

Garlington .....	Nay
Graybill .....	Nay
Gysler .....	Nay
Habedank .....	Nay
Hanson, R. S. ....	Nay
Hanson, R. ....	Nay
Harbaugh .....	Nay
Harlow .....	Nay
Harper .....	Aye
Harrington .....	Nay
Heliker .....	Nay
Holland .....	Absent
Jacobsen .....	Absent
James .....	Nay
Johnson .....	Nay
Joyce .....	Nay
Kamhoot .....	Nay
Kelleher .....	Aye
Leuthold .....	Absent
Loendorf .....	Aye
Lorello .....	Absent
Mahoney .....	Aye
Mansfield .....	Nay
Martin .....	Nay
McCarvel .....	Aye
McDonough .....	Aye
McKeon .....	Nay
McNeil .....	Nay
Melvin .....	Nay
Monroe .....	Aye
Murray .....	Aye
Noble .....	Nay
Nutting .....	Aye
Payne .....	Aye
Pemberton .....	Absent
Rebal .....	Aye
Reichert .....	Aye
Robinson .....	Aye
Roeder .....	Aye
Rollins .....	Nay
Romney .....	Nay
Rygg .....	Aye
Scanlin .....	Nay
Schiltz .....	Nay
Siderius .....	Nay
Simon .....	Nay
Skari .....	Nay
Sparks .....	Nay
Spew .....	Aye
Studer .....	Nay
Sullivan .....	Nay
Swanberg .....	Nay
Toole .....	Absent
Van Buskirk .....	Aye
Vermillion .....	Nay

Wagner	.. ..	Nay
Ward	.. ..	Nay
Warden	.....	Nay
Wilson	. . . . .	Nay
Woodmansey	..	Nay

**CLERK HANSON:** Mr. Chairman, 27 delegates voting Aye, 62 voting No, 11 not voting.

**CHAIRMAN ESKILDSEN:** 27 having voted Aye, 62 having voted No, the motion is lost. We're now on Section 5. Is there any more discussion? We'll now vote on the motion by Delegate Etchart, and when this committee does arise and report, after having had under consideration Section 5, it recommends the same be adopted. As many as are in favor will say Aye.

**DELEGATES:** Aye.

**CHAIRMAN ESKILDSEN:** Opposed No.  
(No response)

**CHAIRMAN ESKILDSEN:** The motion is carried. You now have before you Section 6. The clerk will read Section 6.

**CLERK HANSON:** (Reading) "Section 6: The legislative assembly shall, in the act calling the Convention, designate the day, hour and place of its meeting, fix the pay of its members and officers, and provide for the payment of the same, together with the necessary expenses of the Convention." Mr. Chairman, Section 6.

**CHAIRMAN ESKILDSEN:** Mr. Etchart.

**DELEGATE ETCHART:** Mr. Chairman, I move that when this committee does rise and report, after having had under consideration General Government Committee Proposal 2, Section 6, it recommends the same be adopted.  
Mr. Chairman.

**CHAIRMAN ESKILDSEN:** Mr. Etchart.

**DELEGATE ETCHART:** Section 6 was designed by the committee as a protection device for future constitutional conventions. Throughout history, unresponsive representative bodies have thwarted the will of their constituents by tokenism. The Legislature may call a convention, or it may be confronted with an accomplished fact through initiative, but it could frustrate popular will by withholding the necessary materials and funds, thus destroying the convention's ability to

do anything. This was the thinking for Section 6.

**CHAIRMAN ESKILDSEN:** Mr. Habedank.

**DELEGATE HABEDANK:** Mr. Chairman. I understand there is an amendment to this proposal before the Convention, which Mr. Arbanas has presented and you have on your desk. They present two different philosophies which the committee considered. The present section is very similar to what was provided for in the present Constitution. The Legislature did fix the day and hour and fixed the pay of members and officers, and it has provided expenses for the Convention. We may feel that they are somewhat limited. We may run out of money, and this is what would be covered by Mr. Arbanas' motion. However, it was the feeling of the committee that the Legislature acted responsibly once; with the direct mandate of the Constitution, they can be expected to act responsibly in the future. And the way this is worded would alleviate the fear of the public that a convention would get called and do as it did in New York and spend untold sums of money with salaries that the public felt were wholly unnecessary, and it is only through this method that the public could be reasonably assured that there would be some balance wheel between the Convention itself and just giving them a free ride. And for that reason, we took the philosophy that's set forth in Section 6. Which philosophy you want to adopt is up to this Convention, but we feel the public would feel a lot better about the way we have it in Section 6 than the way Mr. Arbanas proposes it in his amendment. Thank you, Mr. Chairman.

**CHAIRMAN ESKILDSEN:** Mr. Clerk, will you read the amendment.

**CLERK HANSON:** (Reading) "Mr. Chairman, I move to amend Section 6, page 3, line 19, of the General Government Committee Proposal by striking the following (this is after the comma) 'fix the pay of its members and officers and provide for the payment of the same, together with the necessary expenses of the convention' and inserting in lieu thereof the following words 'the appropriation provisions of the call shall be self-executing and shall constitute a first claim on the state treasury.' Signed: Arbanas."

**CHAIRMAN ESKILDSEN:** Mr. Arbanas.

**DELEGATE ARBANAS:** First of all, I'd like to assure the committee that my intentions were to strengthen the intent that I would (Inaudible) I think that we have done a tremendous step forward, both the committee and the delegates to this Convention, in at least tentatively approving of this idea of initiative petition for a constitutional convention. Then, reacting, I'd like to call your attention to page 14 of the report of the committee which says it could frustrate popular will by withholding the necessary materials and funds, thus destroying the Convention's ability to do anything. I submit that if the beginnings of a convention came from, let's say, the vote of the people or the Legislature, it's probably not likely that there would be much problem. But if, in fact, some many years from now, there was a popular move in a direction that the Legislature was resisting, then we would, in fact, have killed the power of this initiative petition. I know that the money must come from the Legislature. The wording that I chose to use was used by several of the newer constitutions, and I think what it gives us the picture of is once that mandate comes from the people, that we reduce the possibility of interference by some other agency. And that is the reason why I feel that it would strengthen what the committee is, in fact, trying to do, to be responsive to the will of the people.

**CHAIRMAN ESKILDSEN:** Is there any more discussion on the motion of Mr. Arbanas? If not, you've heard the motion of Mr. Arbanas to amend Section 6. As many as are in favor will say Aye.

**DELEGATES:** Aye.

**CHAIRMAN ESKILDSEN:** Opposed, No.

**DELEGATES:** No.

**CHAIRMAN ESKILDSEN:** The motion is lost. Do you have any more amendments for Section 6?

**CLERK HANSON:** (Reading) "Mr. Chairman, I move to amend Section 6, page 3, line 19, General Government and Constitutional Amendments Committee Proposal, by deleting the word, 'officers' and inserting in lieu thereof the word 'staff. Signed: Romney."

**CHAIRMAN ESKILDSEN:** Mr. Romney.

**DELEGATE ROMNEY:** Mr. Chairman, this is a housekeeping amendment, in my pur-

view. I don't think "officers" is the right word there. I think "staff" is. I submit that the word could be better changed.

**CHAIRMAN ESKILDSEN:** Is there any more discussion on the motion?

Mr. Habedank.

**DELEGATE HABEDANK:** Mr. Chairman. I disagree with Mr. Romney. I agree with his next amendment, but I think that the pay of the members and its officers are as far as the Legislature should go. The payment of the staff and what they receive is something that I feel should be taken care of by the officers of the Convention, just as it is now. And I don't think the Legislature should be burdened with having to figure out the payment of the staff of this Convention, merely the members and officers.

**CHAIRMAN ESKILDSEN:** Is there any more discussion? If not, the motion was made by Delegate Romney to amend Section 6. As many as are in favor will say Aye.

**DELEGATES:** Aye.

**CHAIRMAN ESKILDSEN:** And opposed, NO.

**DELEGATES:** No.

**CHAIRMAN ESKILDSEN:** The motion is lost.

**CLERK HANSON:** (Reading) "Mr. Chairman, I further move to amend Section 6, page 3, line 21, of General Government and Constitutional Amendments Committee Proposal by deleting the period after the word 'convention' and inserting in lieu thereof a comma and the following words and punctuation, quote, comma, 'the duration of which shall be determined by the convention membership'."

**CHAIRMAN ESKILDSEN:** Mr. Romney.

**DELEGATE ROMNEY:** Mr. Chairman. We learn by experience and judge the future by the past. We are currently racing against time to stay within the appropriation, which is grossly inadequate for a studied, careful preparation of the Constitutional Document. It will be strange if some egregious errors do not creep into the document constructed under such pressure. I dare say that with all of the work that is going into this effort to create a new document, that many of us

are not as well prepared as we would like to be. I'm sure that as the constitutional process wears its weary way along, we are going to find that we are unprepared, unless more time is afforded us, to intelligently and constructively discuss the propositions which the remaining nine articles of the Constitution will bring to our attention. Thus, I think that more time is needed, and I feel like if we don't get this time, we will be rushed into a situation similar to that of a 60-day Montana Legislature when the Legislature hurries into adjournment, passing bills nilly-willy without adequate preparation and sometimes without even having pursued the articles involved. If we are going to have constitutional conventions in Montana's future, particularly if we're going to have them every 20 years, let us not be niggardly in investing in them. It is false economy to use our resources in such a fashion as to improperly fund important enterprises of this character. I fear that the funding of this Convention is going to be found to have been an error in that we were inadequately funded. If more funds should become available and were not used, that is all right. They can revert. But, if we need the funds and have to close the Convention in the future—I'm talking about future conventions in this context—it's bad business. I think we should learn by this situation and provide for it. Now, I know that the first thing we're going to hear is that it's going to cost a lot of money, you're opening the floodgates for expenditure of tax money; and I agree that there is a danger here, but there is a greater danger, in my estimation, if we don't provide ample funding, because we'll—may do, in the future, an inadequate job. So I think that we should make it possible to be funded. I know that another objection will be made to the effect that it might result in a deficiency. Mr. Chairman.

**CHAIRMAN ESKILDSEN:** Mr. Romney.

**DELEGATE ROMNEY:** I know that you have sat in legislatures where there have been many deficiencies, and I know that other members of legislatures have done the same thing. I suggest that if a Legislature can engender a deficiency in a biennium or if we have them annually, there is equal rectitude in a constitutional convention held once in 80 years or once in 20 years or at the will of the public; I ask support.

**CHAIRMAN ESKILDSEN:** Is there any more discussion on the motion by Mr. Romney? Mr. Habedank.

**DELEGATE HABEDANK:** Mr. Chairman, I would agree with Mr. Romney's amendment. I do not know about the other members of the committee. We thought that the way it was worded allowed the Convention to do this very thing, but I believe very strongly that if two constructions can come out of one sentence and, by the addition of a few words you can eliminate the conflict of opinion, you should add the words. And I would agree with Mr. Romney's addition.

**CHAIRMAN ESKILDSEN:** Delegate Bowman.

**DELEGATE BOWMAN:** Thank you, Mr. Chairman. I wonder if Mr. Romney would yield to a question.

**CHAIRMAN ESKILDSEN:** Would you yield to a question, Mr. Romney?

**DELEGATE ROMNEY:** Happily.

**DELEGATE BOWMAN:** Mr. Romney, I'm wondering if the intent of your amendment would be to put the Legislature in the position of rather than appropriating a specific amount of money, rather to pay the bill for the Convention after it's over?

**DELEGATE ROMNEY:** Agreed. Either that or make an appropriation based on estimates and past performances which would be this Convention—and then have a deficiency appropriation in the next session; either way.

**DELEGATE BOWMAN:** Thank you.

**CHAIRMAN ESKILDSEN:** Mr. Studer.

**DELEGATE STUDER:** Mr. Chairman, I think Delegate Romney's amendment makes a lot of sense, and I heartily support him.

**CHAIRMAN ESKILDSEN:** Mr. Foster.

**DELEGATE FOSTER:** Mr. Chairman, I oppose the motion of Delegate Romney. I feel that the Legislature is the one that should appropriate the funds of the State of Montana. I think that they've done a fine job in the past as far as this Convention is concerned, and I think it only points up our job to do the job as we've been given by the Legislature on the amount of funds delegated.

**CHAIRMAN ESKILDSEN:** Delegate Erdmann.

**DELEGATE ERDMANN:** I speak in opposition to this proposed amendment, too. It reminds me of the Parkinson Law. Work expands to fill the amount of time available and I have great apprehension about no limits to the amount of money to be spent.

**CHAIRMAN ESKILDSEN:** Delegate Joyce.

**DELEGATE JOYCE:** Mr. Chairman, I raise this question. I do not believe the proposed language accomplishes the purpose. There is no limit on the duration of this Convention. We can stay here for 2 years. The only trouble is, we won't have any money after next month, and I don't think the amendment accomplishes the purpose. Delegate Arbanas came closer to it, and it seems to me that it would need clarification to specifically authorize in the Constitution that the Convention could, in fact, spend money and thereby create a deficiency if the desired purpose of the amendment were as stated by Delegate Romney. I just raise that for the consideration of the delegates.

**CHAIRMAN ESKILDSEN:** Is there any more discussion? If not, you've heard the motion of Delegate Romney to amend Section 6. As many as are in favor will say Aye.

**DELEGATES:** Aye.

**CHAIRMAN ESKILDSEN:** Opposed, No.

**DELEGATES:** No.

**CHAIRMAN ESKILDSEN:** The motion is lost. You now have before you—

**CLERK HANSON:** -another amendment.

**CHAIRMAN ESKILDSEN:** -any more amendments?

**CLERK HANSON:** "Mr. Chairman. I move to amend Section 6, page 3, line 19, of the Constitutional Revision Committee Proposal by deleting the comma following the word 'officers' and inserting the following words and punctuation 'in an amount equivalent to that of the members of the legislative assembly comma'. Signed: Artz."

**CHAIRMAN ESKILDSEN:** Mr. Artz.

**DELEGATE ARTZ:** Mr. Chairman. There has been concern evidenced here in two different versions. Number one, that the legislative assembly could thwart the intent of the people to have a

constitutional convention by not allocating or appropriating proper funds. They could still do this the way it's worded by cutting the pay down to a penny a day or something which would make it impossible for all people to participate, especially those whose income would not permit them to come over here without being compensated. The other side says that if we leave it too wide open, then the people might worry about how much money is going to be expended and kill it. This is a sort of a compromise between those two aversions and I ask that you adopt it. Thank you, Mr. Chairman.

**CHAIRMAN ESKILDSEN:** Mr. Brown.

**DELEGATE BROWN:** Mr. Chairman, I rise in opposition to the motion to amend. There has been some talk about continuous acting legislative bodies with salaries anywhere from \$6,000 a year up. If the Convention only lasted 60 or 90 days, the salaries would be outrageous, and I think we've got to leave it up to the Legislature to determine what is a reasonable pay for the delegates. If they would thwart the will of the people by fixing the salary at 1 cent, I am sure they would lose their office the next time they're up for election, and they wouldn't dare do it. So, I think it's a legislative matter.

**CHAIRMAN ESKILDSEN:** Is there any more discussion on the motion by Mr. Artz? Do you wish to close, Mr. Artz?

**DELEGATE ARTZ:** I wish to close and answer Delegate Brown. We felt that the amount equivalent would provide for that—that this would insure that if the delegates were only here for 60 days, they would only get 60/360 of the annual pay. That is the intent of the motion. Thank you, Mr. Chairman.

**CHAIRMAN ESKILDSEN:** You've heard the motion of Mr. Artz to amend Section 6. As many as are in favor will say Aye.

**DELEGATES:** Aye.

**CHAIRMAN ESKILDSEN:** Opposed, No.

**DELEGATES:** No.

**CHAIRMAN ESKILDSEN:** The Noes have it. The motion is lost. Are there any more amendments? You now have before you, in its entirety, Section 6.

Mr. Mahoney.

**DELEGATE MAHONEY:** (Inaudible) some of the committee answer a question for me, please?

**CHAIRMAN ESKILDSEN:** Mr. Etchart.

**DELEGATE ETCHART:** Mr. Mahoney.

**DELEGATE MAHONEY:** After the amendments that were put in in Section 2-now, this took all the Legislative Assembly out, if I'm correct. Now, I'm wondering if we're going to be able to have Section 6 tied to Section 2 in order to do it. This is a point of information only. I'm just lost right here.

**DELEGATE ETCHART:** I think so. I think they'll fit.

**DELEGATE MAHONEY:** Well, it said the Legislative Assembly shall, in the act of calling of the Convention, designate the day, hour and place of its meeting. Now, under the other, you took the Legislative Assembly out entirely. Will it mean, then, that the petitions will have to carry the date and the hour? If the committee would like to work on this, I would gladly move passing of it so that the committee could sit down and work this thing out. I'm not trying to antagonize anything or like this, Mr. Chairman, but I think we should have some point on that.

**DELEGATE ETCHART:** Well, Mr. Mahoney, I think this is a mechanical thing, and I don't think there is any conflict. I think the Legislative Assembly shall, in the act of calling the Convention-shall designate the day, hour and its place of meeting, fix the day, and so on, but I don't think this is in conflict with Section 2.

**DELEGATE MAHONEY:** Well, you have two different setups. One is where the Legislature is calling it, and now you have another one where the Legislature is not calling it-where the people are calling it-and I just wonder. At this point, I'm trying to get clear. I think we should clear it up today.

**DELEGATE ETCHART:** Well-Mr. Mahoney, Section 2 is the initiative section and the purpose of that is to put the question of calling a convention to the people. That is the purpose of that.

**CHAIRMAN ESKILDSEN:** Mr. Mahoney, you should be recognized if you want to continue.

**DELEGATE ETCHART:** -and the me-

chanical parts of it, setting the date, hour, place of meeting of the Convention would be provided by the Legislature.

**CHAIRMAN ESKILDSEN:** Mr. Nutting.

**DELEGATE NUTTING:** Mr. Chairman, if I could address myself to that, Section 2 only applies to the method of election so that-for asking for a convention. If you'll look in Section 5, then it says after a majority vote-on the question; this would apply whether the vote came about by initiative, by legislative action or by the 20-year period. Then, it says that the Legislative Assembly shall, at its next session, provide for the calling thereof, and Number 6 merely illustrates the way it would be called. So I think the sections work as well after amended as they could have.

**CHAIRMAN ESKILDSEN:** Is there any more discussion? If not, Mr. Etchart.

**DELEGATE ETCHART:** I close.

**CHAIRMAN ESKILDSEN:** If not, the question arises on the motion by Mr. Etchart, that we adopt-when this committee does arise and report, after having had under consideration, it recommend the same be adopted, Section 6. As many as are in favor will say Aye.

**DELEGATES:** Aye.

**CHAIRMAN ESKILDSEN:** Opposed, No. (No response)

**CHAIRMAN ESKILDSEN:** The motion is carried. You now have before you Section 7. The clerk will read Section 7.

**CLERK HANSON:** (Reading) "Section 7: Before proceeding, the members shall take the oath otherwise provided in this Constitution. The qualifications of members shall be the same as the highest qualification required for membership in the Legislature. Vacancies occurring shall be filled in the manner provided for filling vacancies in the Legislative Assembly or as otherwise provided by law." Mr. Chairman, Section 7.

**CHAIRMAN ESKILDSEN:** Mr. Etchart.

**DELEGATE ETCHART:** Mr. Chairman. I move that when this committee does rise and report, after having had under consideration General Government Proposal Number 2, Section 7, it recommend the same be adopted.

**CHAIRMAN ESKILDSEN:** Mr. Etchart.

**DELEGATE ETCHART:** Mr. Chairman. Section 7 was designed by the committee to help insure continuity of the Convention itself. Again, the committee feels such measures are necessary to assist future conventions in their tasks and that such assistance should be provided in the Constitution.

**CHAIRMAN ESKILDSEN:** Is there any more discussion on Section 7?

Delegate Martin.

**DELEGATE MARTIN:** As a substitute motion, I move that we delete the section.

**CHAIRMAN ESKILDSEN:** Is there any more discussion on the motion by Delegate Martin?

Delegate Martin.

**DELEGATE MARTIN:** I do so that we're here to write a convention, not to legislate.

**CHAIRMAN ESKILDSEN:** Delegate Habedank.

**DELEGATE HABEDANK:** Mr. Chairman, I would just call to your attention that Section 7 is almost verbatim the present reading of this section under which we had this Convention. We thought having it been construed by the Supreme Court and the Convention having gone through one session, it would be better than try to strike out new paths. I will read to you from the present Constitution so you can compare it. "Before proceeding, the members shall take an oath to support the Constitution of the United States and the state of Montana and to faithfully discharge their duties as members of the convention. The qualifications of members shall be the same as of the members of the senate, and vacancies occurring shall be filled in the manner provided for filling vacancies in the legislative assembly." I think, except for meeting the situation of unicameral, bicameral, and so forth, Section 7 carries out the intention of the Legislature, and then we've added "or as otherwise provided by law".

**CHAIRMAN ESKILDSEN:** Mr. Blaylock.

**DELEGATE BLAYLOCK:** I support Mr. Martin's motion. I think we could take it out.

**CHAIRMAN ESKILDSEN:** Is there any more discussion? Do you care to close, Mr. Martin?

**DELEGATE MARTIN:** Mr. Chairman. It seems to me that once we decide on something, that we should leave something up to the Legislature, because they're going to do the appropriating, they're going to set forth the conditions and one thing [or] another; and as far as I'm concerned, why, we should be fundamental in our determinations-not try to legislate as well.

**CHAIRMAN ESKILDSEN:** You now have before you the substitute motion by Mr. Martin that we delete Section 7 in its entirety. All those in favor will say Aye.

**DELEGATES:** Aye.

**CHAIRMAN ESKILDSEN:** Opposed, No.

**DELEGATES:** No.

**CHAIRMAN ESKILDSEN:** Division having been called for, you'll use your voting machine. All those in favor will vote Aye. Those opposed will vote No. Has everybody voted? Does any member wish to change his vote? If not, the clerk will close the vote.

**CLERK HANSON:** Mr. Chairman, 39 delegates voting Aye, 41 voting No.

**CHAIRMAN ESKILDSEN:** 39 having voted Aye, 41 having voted No, the motion is lost. You now have before you the original motion by Delegate Etchart that when this committee does arise and report, that it recommend Section 7 be adopted. All those in favor will say Aye.

**DELEGATES:** Aye.

**CHAIRMAN ESKILDSEN:** Opposed, No.

**DELEGATES:** No.

**CHAIRMAN ESKILDSEN:** The motion is carried. You now have before you Section 8. The clerk will read Section 8.

**CLERK HANSON:** (Reading) "Section 8: The convention shall meet within 3 months after the election of the delegates and prepare such revisions, alterations or amendments to the Constitution as may be deemed necessary, which shall be submitted to the electorates for their ratification or rejection as a whole or in separate articles or amendments as determined by the convention and at an election appointed by the convention for that purpose or at the next general election, but not less than 2 months after the adjournment

thereof, Unless so submitted and approved by the majority of the electors voting thereon, no such revision, alteration or amendment shall take effect." Mr. Chairman, Section 8.

**CHAIRMAN ESKILDSEN:** Mr. Etchart.

**DELEGATE ETCHART:** Mr. Chairman. I move that when this committee does rise and report, after having had under consideration General Government Proposal Number 2, Section 8, recommend the same be adopted.

Mr. Chairman.

**CHAIRMAN ESKILDSEN:** Mr. Etchart.

**DELEGATE ETCHART:** This section was also designed to help structure future conventions, but as with other sections, the structuring is flexible enough to allow for changing conditions. One thing I would point out is the inclusion of the word "thereon"; and this would define a dilemma that might be facing adoption of this Constitutional Convention, in that the voters actually voting on the question of adopting the Constitution, a majority of those voters would be what would be required to adopt the Constitution. And I think under our present language--maybe I'm getting out of my field here--but under our present language, it's a majority of the people voting, and there might be people voting that aren't voting on the question of the Constitutional Convention. So, the word "thereon" narrows it to the people actually voting on the question of the Convention.

**CHAIRMAN ESKILDSEN:** Mr. Habedank.

**DELEGATE HABEDANK:** Mr. Chairman. I would also like to call to the attention of the delegation the change that was made not only there on "voting thereon", but also the present Constitution provides it shall be submitted for voting not less than 2 nor more than 6 months after the adjournment thereof. We have eliminated "after not more than 6 months"; it should be not less than 2 months to take care of the situation where you could have a primary election or a general election and you may have a slight interval, and we've just provided for the next general election.

**CHAIRMAN ESKILDSEN:** Is there any more discussion on Section 8? Are there any amendments? If not, you have before you Section 8, in its entirety. It has been moved by Delegate Etchart that when this committee does rise and report, after having had under consideration Sec-

tion 8, it recommend the same be adopted. As many as are in favor will say Aye.

**DELEGATES:** Aye.

**CHAIRMAN ESKILDSEN:** Opposed, No.

**DELEGATES:** No.

**CHAIRMAN ESKILDSEN:** The motion is carried. You now have before you Section 9. The clerk will read Section 9.

**CLERK HANSON:** (Reading) "Section 9: Unless otherwise provided, any revision becomes effective on the first day of July after the certification of the election returns by the secretary of state." Mr. Chairman, Section 9.

**CHAIRMAN ESKILDSEN:** Mr. Etchart.

**DELEGATE ETCHART:** After having had under consideration General Government Proposal Number 2, Section 9, it recommend the same be adopted.

Mr. Chairman.

**CHAIRMAN ESKILDSEN:** Mr. Etchart.

**DELEGATE ETCHART:** Section 9 allows the Convention to provide for its own adoption schedule, and it also provides a general guideline and a schedule, should some revision not be scheduled by the Convention. I think it's fairly self-explanatory.

**CHAIRMAN ESKILDSEN:** Is there any more discussion on Section 9?

Mr. Murray.

**DELEGATE MURRAY:** Mr. Chairman, may I inquire of Mr. Etchart, please?

**CHAIRMAN ESKILDSEN:** Mr. Etchart, do you yield to a question?

**DELEGATE ETCHART:** I yield.

**DELEGATE MURRAY:** Mr. Etchart, it says, unless otherwise provided--provided by whom? The Legislature or the Convention or both? And is there any problem with that that you can see?

**DELEGATE ETCHART:** I would refer to my legal counsels over there. Maybe they could answer that.

**DELEGATE MURRAY:** Maybe-Mr. Chairman, perhaps Mr. Habedank could answer that for me.

**CHAIRMAN ESKILDSEN:** Mr. Habedank.

**DELEGATE HABEDANK:** Mr. Chairman. Mr. Murray, it was our thought that it would be provided by the Convention, but if the Legislature is going to provide it, I don't think it makes any particular difference. The thinking of the committee was that in case somewhere something wasn't provided, there'd be an effective date for anything that's missed. And I think it's possible that something might be missed.

**CHAIRMAN ESKILDSEN:** Mr. Foster. No, Mr. Furlong.

**DELEGATE FURLONG:** Mr. Chairman, I rise in opposition to 9. I think it's very dangerous. I'd like to hear something from the Committee on Transitional Documents. I think if we were to remain silent on the problem, it would take care of itself because the Convention could make that determination while they were in Convention. I think it's unnecessary and probably dangerous.

**CHAIRMAN ESKILDSEN:** Mr. Belcher.

**DELEGATE BELCHER:** Mr. Chairman, I think this wording, "unless otherwise provided" takes care of all of these things. I think that was put in there-and it was the thinking of the committee, I'm sure-that if it was scheduled by Style and Drafting or scheduled by any part of the Convention, that those things would be taken care of that way. But, where they're not provided, then, of course, it goes into this July first thing.

**CHAIRMAN ESKILDSEN:** Mr. Gysler.

**DELEGATE GYSLER:** Mr. Chairman. I think I can see where this is potentially very dangerous, because if they missed the date to provide the effectiveness or however this committee goes -they put these things into effect-and if they missed one and the voting was the same as we have this year, I think it could be real dangerous, because they would only have about 25 days to get in there and get something done to put it into effect.

**CHAIRMAN ESKILDSEN:** Mr. Harper.

**DELEGATE HARPER:** Mr. Chairman. Believing that this may not be as important as we

first thought it was, I move we delete Section 9.

**CHAIRMAN ESKILDSEN:** Is there any more discussion on the motion by Mr. Harper? If not, you have the motion of Mr. Harper to delete Section 9 in its entirety. As many as are in favor will say Aye.

**DELEGATES:** Aye.

**CHAIRMAN ESKILDSEN:** Opposed, No.

**DELEGATES:** No.

**CHAIRMAN ESKILDSEN:** Motion is carried.

Mr. Murray.

**DELEGATE MURRAY:** Mr. Chairman, I move the Committee of the Whole recess until the hour of 1 o'clock a.m. this day.

**CHAIRMAN ESKILDSEN:** You've heard the motion of Mr.-

**DELEGATE MURRAY:** -p.m. this day—

**CHAIRMAN ESKILDSEN:** You've heard the motion of Mr. Murray to recess until 1:00 p.m. this day. As many as are in favor will say Aye.

**DELEGATES:** Aye.

**CHAIRMAN ESKILDSEN:** Opposed, No.  
(No response)

**CHAIRMAN ESKILDSEN:** We stand in Recess.

(Recess-reconvened at 1:00 p.m.)

**CHAIRMAN ESKILDSEN:** Members of the Committee, you will please be in order.  
(Inaudible)

Mr. Etchart.

**DELEGATE ETCHART:** Do you want me to restate the motion?

**CHAIRMAN ESKILDSEN:** Yes. I might mention this-that we could go right on with the Section 9 and start with Section 10, call Section 2 Section 10 and start from there and go on. Style and Drafting will correct all the numbers that are missing anyway. So, if you just withdraw your motion, we could merely start with Section 2 and call that subsection 1 of-Section 2 would be Section 10.

**DELEGATE ETCHART:** Well, I'll withdraw my motion and then move that Section 2 be considered Section 10 and the subsequent subsections be numbered in order.

**CHAIRMAN ESKILDSEN:** Mr. Etchart.

**DELEGATE ETCHART:** This is in line with what we did earlier in Section 1 so that we may vote on each section in order.

**CHAIRMAN ESKILDSEN:** Mr. Clerk, will you read Section 10?

**CLERK HANSON:** (Reading) "Section 10: Constitutional amendment by the legislature. Amendments to this Constitution may be proposed by any member of the legislative assembly. If adopted by an affirmative roll call vote of two-thirds of all the members thereof, whether one or more bodies, the proposed amendment shall be a part of the Constitution when approved by either of the following procedures."

**CHAIRMAN ESKILDSEN:** Would you read—

**CLERK HANSON:** Subsection 1.

**DELEGATE ETCHART:** Mr. Chairman.

**CHAIRMAN ESKILDSEN:** Mr. Etchart.

**DELEGATE ETCHART:** I move that when this committee does rise and report, after having had under consideration Section 10, which is the same as Section 2 in the Proposal Number 2, that it recommend the same be adopted.

**CHAIRMAN ESKILDSEN:** Mr. Etchart.

**DELEGATE ETCHART:** Mr. Chairman. The introductory paragraph of this section establishes one method by which constitutional amending may be commenced. It is important to note that two-thirds of the members of the total membership of the legislative assembly is required to begin the amending process. Now, this is different than we have, where it requires two-thirds of each house. This means that in a bipartisan situation with 20 members in the upper house and 40 members in the lower house, a vote of the lower house would be sufficient to begin, on the vote of 20 members of the upper house and 10 members of the lower house or any two-thirds mixture of this membership. The committee feels such a measure is restrictive enough to prevent frivolous legislative action, it is open enough to overcome

stringent opposition of a few well-placed members of one bicameral house. If the provision were two-thirds of the member of both houses in our hypothetical legislature, 7 members of the upper house could thwart the wishes of their 53 fellow legislators. In that situation, the plurality of elected officials necessary to achieve a legislatively originated constitutional amendment is 90 percent or nine-tenths rather than two-thirds.

**CHAIRMAN ESKILDSEN:** Mr. Kelleher.

**DELEGATE KELLEHER:** Mr. Chairman, having voted with the prevailing side on Delegate Martin's motion this morning, I would—

**CHAIRMAN ESKILDSEN:** You're out of order, Mr. Kelleher. We're on Section 10 right now. You have to wait until we resolve the motion that's been made by Mr. Etchart before we can go on to another motion. Is there any more discussion on Mr. Etchart's motion on Section 10 that when this committee does arise and report after having had—

**DELEGATE ETCHART:** No.

**DELEGATE FELT:** Mr. Chairman.

**CHAIRMAN ESKILDSEN:** Mr. Felt.

**DELEGATE FELT:** It may seem a little more ridiculous than it is, but would Mr. Etchart yield to a question?

**CHAIRMAN ESKILDSEN:** Would Mr. Etchart yield to a question?

**DELEGATE ETCHART:** Yes.

**DELEGATE FELT:** He's actually been too busy with his work, so I wasn't able to ask him the question. As the proposal is before us allowing for a proposed amendment to be—to reach the ballot, at least, by a roll—affirmative vote of two-thirds of all the members thereof, whether one or more bodies—would this—if we had, for instance, a House of 80 and a Senate of 40, total of 120, could they get their necessary two-thirds, I guess, would be 80—and get all of the votes in the House then that would be needed if they were unanimous, and the Senate wouldn't need to cast a single vote for it?

**CHAIRMAN ESKILDSEN:** Would you please use the microphone to answer? (Laughter)

**DELEGATE ETCHART:** Mr. Felt, your assumption is correct. Any two-thirds of a combination of the houses would accomplish this. So, all of the-if the membership of the House could accomplish this without the vote of any senators.

**DELEGATE FELT:** Mr. Chairman.

**CHAIRMAN ESKILDSEN:** Mr. Felt.

**DELEGATE FELT:** I will not only therefore rise in opposition to the proposal, but I will offer an amendment to the proposal. I don't have this written out, but it's fairly simple. In line 17, delete the word "all" and in line 17, delete the words "thereof whether one or more bodies" and in lieu of those words, insert the words "elected to each house". I will move as a substitute motion that the Section 10, as amended, do be adopted.

Mr. Chairman.

**CHAIRMAN ESKILDSEN:** Mr. Felt.

**DELEGATE FELT:** I believe the point of the amendment is quite obvious. I do not know whether we are going to end up with a bicameral or unicameral Legislature, and no matter what we ended up with at this time, it's quite possible at least that 10 or 20 years from now, a different body might exist, and I would like this portion of the Constitution, which deals with methods of submitting proposed constitutional amendments to the people, to not need change. And I feel that the use of a bicameral legislative body, if we do go to it, does not mean that we will really have only one body but have them meet in two separate rooms and that the votes of one can, in effect, take the place of votes to be cast in the other body. I do lean toward a unicameral Legislature, myself, but I can also see if we're going to go to a bicameral legislative body, that each house should have its own dignity, should have its own integrity, and should be able to vote as a separate body. If we're going to accept that concept of check and balances by splitting the Legislative Assembly into two bodies, then I think we should certainly require something, at least a majority vote in each house. To permit one body to outvote the other completely would negate the whole principle, and I am afraid that I wasn't paying much attention when we coursed through Section 1 here. If my proposal here did meet with favor, I would want to take another look, at the appropriate time, at Section 1, which does deal with a different subject, of course, so it might not need to necessarily correspond to what I am proposing here now. But I'm calling

that to your attention because I think somewhat the same problem would exist in the action we took earlier in regard to the question of what kind of vote is needed in order to submit to the electors the question of calling a constitutional convention. That, of course, is different from proposing an amendment to the Constitution, but somewhat the same question does lie to both matters. In any event, I'm very seriously in opposition to the proposal as it appears before us in the committee report and which could have the result that a house with one large membership could completely dominate on a question such as this. Thank you.

**CHAIRMAN ESKILDSEN:** Delegate Erdmann.

**DELEGATE ERDMANN:** I rise to support the amendment of Mr. Felt for the same reason. I have been a strong supporter of unicameral. I may say I'm wavering a little since the performance yesterday morning. However, may I now make an observation just on the philosophy that we have seen undergo such a complete change since our founding fathers wrote our first Constitution. I mean, in regard to the whole matter of constitutional revision. As you remember, they made constitutional revision deliberately difficult but possible. My question now-it really makes me wonder at our constant effort to make it so very simple, both in the convention process and now in the amendments. I'm wondering one of two things: whether we, as an assembly, are already so lacking in self-confidence that we're questioning our own ability to write an enduring document, or the second point might be, that we are so carried away with our own self-importance as delegates, that we want to be sure we may have a chance to come back here every 20 years to have another crack at it. Thank you, Mr. Chairman.

**CHAIRMAN ESKILDSEN:** Delegate Aasheim.

**DELEGATE AASHEIM:** Mr. Chairman, would Mr. Felt yield to a question?

**CHAIRMAN ESKILDSEN:** Would Mr. Felt yield to a question?

**DELEGATE FELT:** I yield.

**DELEGATE AASHEIM:** Mr. Felt, the way the section reads now, we have to have two-thirds of all the members of the assembly. Ten people could be absent from the assembly when the vote is being taken and practically kill the possibilities

of making an amendment. Would you consider adding to your amendment "present and voting"?

**DELEGATE FELT:** Yes, indeed, I would. I believe it would improve my amendment, and I'm very glad you called it to my attention. The wording that I used is drawn from our present Constitution, and I do think it would be better to say "members present and elected". It was only because this came to my attention recently that I did not think to include the words suggested by Delegate Aasheim, and I would very much like you to make that as an amendment to my substitute motion, and I would support your amendment and the motion together.

**CHAIRMAN ESKILDSEN:** Mr. Felt, would you make the motion?

**DELEGATE FELT:** Give me a moment or two to write it, perhaps, Mr. Chairman, so I won't make any mistake in that, and then I can propose it unless Mr. Aasheim is already prepared to do so.

**CHAIRMAN ESKILDSEN:** Mr. Aasheim.

**DELEGATE AASHEIM:** Mr. Chairman, I believe it's quite simple. On line 17, write "include two-thirds of the members of each house present and voting" and strike "thereof. Wouldn't that take care of it, Mr. Felt?

Mr. Chairman.

**CHAIRMAN ESKILDSEN:** Mr. Aasheim.

**DELEGATE AASHEIM:** Would Mr. Felt yield to a question?

**CHAIRMAN ESKILDSEN:** Would Mr. Felt yield to a question?

**DELEGATE FELT:** I yield.

**DELEGATE AASHEIM:** Wouldn't that take care of it? After (Inaudible).

**DELEGATE FELT:** I think it would, Mr. Aasheim. If you're going to make it as an amendment to my substitute motion, I had already stricken the word "thereof, for instance, so I think if you just inserted the words "present and voting" after the word "members"-

**CHAIRMAN ESKILDSEN:** Mr. Felt, will you and Mr. Aasheim get together and write this up?

**DELEGATE FELT:** Yes, indeed, Mr. Chairman.

**CHAIRMAN ESKILDSEN:** Thank you. Mr. Marshall-Mr. Murray.

**DELEGATE MURRAY:** Mr. Chairman, thank you. I have a problem with two first names and two last names. I move that we pass consideration of Section 10 and go to what would be Number 11 because I can foresee the possibility of a deletion of Sections 11 or 12 and require an additional amendment to Section 10.

**CHAIRMAN ESKILDSEN:** You've heard the motion of Mr. Murray. Is there any more discussion?

Mr. Felt.

**DELEGATE FELT:** In view of that comment, I would support Mr. Murray's motion. We are prepared, when the time is right, now, with our amendment.

**CHAIRMAN ESKILDSEN:** Thank you. Any more discussion? As many as are in favor of the motion made by Mr. Murray, say Aye.

**DELEGATES:** Aye.

**CHAIRMAN ESKILDSEN:** Opposed, No. (No response)

**CHAIRMAN ESKILDSEN:** The motion is carried. You now have before you Section 11. The clerk will read Section 11.

**CLERK HANSON:** (Reading) "Section 11: The legislative assembly may refer the proposed amendment to the voters of the state of Montana to be voted on in the next general election held in the state. In such event, thesecretary ofstateshall cause the amendment or amendments to be published in full in at least one newspaper in each county in which a newspaper is published, twice each month for the 2 months previous to the next general election for members to the legislative assembly. If approved by a majority oftheelectors voting thereon, the amendment shall become a part of the constitution on the first day of July after certification of the election returns unless the amendment otherwise provides."

**CHAIRMAN ESKILDSEN:** Mr. Etchart, would you move that subsection 1 become Section 11?

**DELEGATE ETCHART:** Mr. Chairman, I believe I moved that in my previous motion that Section 2 be numbered Section 10 and then that all of the succeeding subsections be numbered in

order, but if you would like, I'll move subsection 1 be considered Section 11.

**CHAIRMAN ESKILDSEN:** You've heard the motion of Mr. Etchart. As many as are in favor will say Aye.

**DELEGATES:** Aye.

**CHAIRMAN ESKILDSEN:** Opposed, No.  
(No response)

**CHAIRMAN ESKILDSEN:** Motion's carry.  
Mr. Etchart.

**DELEGATE ETCHART:** Mr. Chairman, I move that when this committee does rise and report, after having had under consideration General Government Proposal Number 2, Section 11, it recommend the same be proposed.

**CHAIRMAN ESKILDSEN:** Mr. Etchart.

**DELEGATE ETCHART:** Mr. Chairman, I think that this section as read by the clerk is self-explanatory. The Legislative Assembly may refer the proposed amendment to the voters of the State of Montana to be voted on in the next general election held in the state, and then it sets the procedure; in such event, the Secretary of State shall cause the amendment or amendments to be published in full in at least one newspaper in each county in which a newspaper is published. There was some fear that perhaps some of the counties don't have a newspaper or wouldn't have a newspaper in the future. However, this language states it would only have to be published in the counties in which there is a newspaper published. Then it says, "twice each month for the 2 months previous to the next general election for members of the legislative assembly"—and this is to give a written notice that the amendment is going to be proposed and submitted—"If approved by a majority of the electors voting thereon"—the word "thereon" again covers the language I mentioned earlier; it would be the voters voting on the amendment, not the voters voting in the election itself, but only a majority of the voters who actually are voting on the amendment would be able to carry—"the amendment shall become a part of this constitution on the first day of July after certification of the election returns unless the amendment otherwise provides."

**CHAIRMAN ESKILDSEN:** Mr. Harper.

**DELEGATE HARPER:** I would move to amend this Section 11. In the first line, which is line 21, by striking the word "may" and inserting the word "shall" so that it reads, "The legislative assembly shall refer the proposed amendment to the voters of the state." And I call your attention to the fact that, in moving this one innocent-looking little word, I am really speaking to the idea of cutting out the idea of the following Section Number 12 in which the Legislative Assembly, by a simple majority roll call vote, may elect not to refer the amendment to the vote of the electors; instead, pass it over to the next Legislature. Indeed, it has to go past another general election to do that, deliberately bypassing the electorate in order to give the possibility of an amendment—keep it in the Legislature only. I just think it's only fair to point that out. So, the amendment would read, in line 21, "The legislative assembly shall" instead of "may".

**CHAIRMAN ESKILDSEN:** Is there any more discussion?  
Mr. Habedank.

**DELEGATE HABEDANK:** Mr. Chairman, I would oppose the amendment of the brilliant Dr. Harper by virtue of what he said. If you are going to strike out 12, then his amendment would be appropriate. But I consider 12 as the greatest step forward that this Constitutional Convention can make for orderly amendments to the Constitution. I feel that when we have to spend the time that we spend here debating and learning the pros and cons of an amendment to this Constitution, which is what would be done by the Legislature, we are expecting a miracle of the people when we expect them to read this amendment in the paper once, possibly, during the 2 months preceding the election and to make up their mind, without the benefit of discussion, on as considered a basis as the Legislature can do. When I vote for someone to represent me in the Legislature, I vote for someone who has my political philosophy, who has intelligence and in whose judgment I am willing to abide, believing that, if I had the same facts presented to me that he has presented to him, my decision, in large measure, would be the same as his. This man who represents me in the Legislature can choose whether the issue is one of such controversy as the people should decide, on an emotional basis if they want to, or whether the particular constitutional amendment that is needed is one which is of such technical nature as to make it so difficult to explain to the average

voter as not to make this a practical method of referral. I am aware of the fact that it is very easy and popular to say that the public should have the right to vote on everything, and for that reason, in Section 12, which we haven't reached, the public has been given that right through a referendum. And I would urge you, at least for the present, not to strike Number 12 'without hearing a full argument in connection therewith by adopting Reverend Harper's amendment to Section 11.

**CHAIRMAN ESKILDSEN:** Delegate Harper.

**DELEGATE HARPER:** A brief response to my esteemed colleague, Mr. Habcdank. I understand that line of reasoning. I think that line of reasoning could've been followed by saying that the Constitutional Convention of which we now comprise could decide that certain things could go to the people and certain things were of such technical nature or hard to understand that perhaps they should not vote on them, because if we are allowing a" amendment process which may stay in the Legislature only, while he is thinking in terms of technical issues or complex issues, there is nothing in the writing of this that does say you couldn't start with page 1, Section 1, of the Constitution and in successive legislatures amend the whole thing, with the people never having a right to vote on it unless they just get mad enough by initiative to propose a new convention or to some way bypass the Legislature. I don't think it's unnecessary. I think it's really a sort of a vital point that we're talking about with the shifting of this little word.

**CHAIRMAN ESKILDSEN:** Any more discussion? If not—  
Mr. Loendorf.

**DELEGATE LOENDORF:** That's close; Loendorf. (Laughter) Mr. Chairman, I rise in support of the amendment proposed by Mr. Harper and in opposition to my good friend, Mr. Habedank. First of all, I think a constitutional amendment should always be referred to the people. I agree with Mr. Habedank as to what he said as it relates to legislative matters, but this provision, it seems to me, puts the burden on the people of finding out what the Legislature has done regarding their Constitution. If we require the Legislature to submit this matter to the people, the legislator must the" go home and explain to the people why they should vote for this particular provision. If we simply allow the people a veto power—that is, a referendum to veto what the

Legislature has accomplished—then they must not only find out what the Legislature has done in regard to their Constitution, but they, who have not been here and involved in the discussion, must then attempt to explain it to the other people in their area. And I believe we should keep the burden on the Legislature as to informing the people as to what they're doing to their Constitution.

**CHAIRMAN ESKILDSEN:** Is there any more discussion?  
Mr. Blaylock.

**DELEGATE BLAYLOCK:** Mr. Chairman, I rise to support Mr. Harper's amendment. If we're going to submit this entire Constitution to the people of Montana for their adoption or rejection and we don't consider it too complicated for them to make a decision, certainly we should be able to submit one amendment or more at a time to them later on. So, I support the amendment.

**CHAIRMAN ESKILDSEN:** Mr. Hanson.

**DELEGATE ROD HANSON:** Mr. Chairman, I rise in support of Mr. Habedank's original motion. I think that all of us realize that over the years we've had many, many more amendments defeated by the people than we've had passed. And probably a good many of those were very worthwhile amendments, but the people didn't get the opportunity to learn what they were. When we had the Constitutional Convention proposal put to the people, we had a lot of money that was appropriated, and we had a commission that was set up to sell the people on the fact that we needed this Convention. And I am not arguing here whether or not we needed it. I'm just stating the fact that I think this is the reason the people voted so overwhelmingly to have the Convention. I do believe that, with the provision that the committee has proposed in their original proposal, that it only takes 5 percent of the people, and if the Legislature, in their wisdom, with two-thirds vote in two successive sessions, decides that something in the Constitution should be changed, probably they're going to have a very good reason for doing that. But if they don't do what the people want, the people, by a mere 5 percent of the people, can change it. So I think that it would be for more orderly amendment of the Constitution for those things that are probably real critical and should be amended.

**CHAIRMAN ESKILDSEN:** Mr. Vermillion.

**DELEGATE VERMILLION:** Mr. Chairman. I think we should place a little emphasis on lines 13 and 14, to note that there is a petition that can be signed by 5 percent of the legal voters of the state, and there is no mention that this need be spread over two-fifths of the counties or districts of the state. In the entire Constitution, this will be the easiest petition to reach and get the number of signatures for that there is anywhere in the Constitution, and that the people do want to review the Legislature's action. I think that this will be the easiest petition of all in this Constitution. In fact, it could be merely one city, one large city in the state would be all it would take to get that particular petition without having it spread over two-fifths or one-third of the counties.

**CHAIRMAN ESKILDSEN:** There any more discussion?

Mr. Brown.

**DELEGATE BROWN:** Mr. Chairman, I rise in support of the committee proposal. We may have a lot of housecleaning after this Constitution is adopted, if it is, and I also think of this Suffrage Act that we've had to amend it twice in the past few years to comply with federal law. I think this is a good method to clean up things in the Constitution that are noncontroversial and take care of it with a minimum of expense—if anything is very controversial that it will not pass by two-thirds of two consecutive legislative sessions; and I believe it is a good housecleaning measure and is a modern thing that should be in our Constitution.

**CHAIRMAN ESKILDSEN:** Mr. Skari.

**DELEGATE SKARI:** I rise in support of the committee proposal also. I think that two-thirds majority in each house is a safe margin. I don't think this is an easy vote to get. I think also that the 5 percent petition allowance here is an adequate safety valve. I can think of little technicalities that, probably could have been taken out. bothersome things such as the word "printing" in the legislative article that has cost the state considerable money over the past years. It could've been taken out right here in the Legislature. For that reason, I support the majority committee proposal.

**CHAIRMAN ESKILDSEN:** Mr. Harlow.

**DELEGATE HARLOW:** Mr. Chairman. I rise in a point of order. I thought we were to debate these sections, section by section. The motion before the house is whether we should change the

word "may" to "shall". Let's not get off on another section.

**CHAIRMAN ESKILDSEN:** You're probably right, Mr. Harlow, but they do tie into one another, and the "shall" does have bearings on another section.

Is there any more discussion on the motion made by Mr. Harper? If not, would you like to close?

Mr. Harper.

**DELEGATE HARPER:** Yes, I would. I see an issue, I guess, that maybe I'm disturbed about --something that the rest of you aren't disturbed about. It seems to me it's a fundamental premise upon which we've operated. that the Constitution is the Constitution of the people, every word of it is voted upon by the people. There is no way, and has never been any way, for the Constitution to be changed without a vote of the people, and now we are saying that that is no longer necessary to amend the Constitution. The Legislature may amend the Constitution, and we have said the reason for it is there is some housecleaning to be done or there's some technical things to be done. It's apparent. when we come to an issue like this, that this changing of one word may be just a little housecleaning affair, and it may seem so to this Body and it may not seem so to somebody else. I think we ought to keep our fundamental law intact. And our fundamental law, as I understand it, is that the Constitution must be ratified by the people and cannot be changed except by the people. To me, the issue is whether we will turn over any part of Constitution-writing to the Legislature alone without allowing the people the final vote upon it.

**CHAIRMAN ESKILDSEN:** You've heard the motion by Delegate Harper to amend Section 11 As many as are in favor will say Aye.

**DELEGATES:** Aye.

**CHAIRMAN ESKILDSEN:** Opposed, No.

**DELEGATES:** No.

**CHAIRMAN ESKILDSEN:** The motion is carried. Are there any more amendments?

**CLERK HANSON:** Mr. Chairman.

**DELEGATE HABEDANK:** (Inaudible) a roll call vote and ask for seconds—

**CHAIRMAN ESKILDSEN:** I'm sorry we already had the vote, but if you wish. we can do it.

**DELEGATE HABEDANK:** -for a division.

**CHAIRMAN ESKILDSEN:** A division has been called for. All those in favor will vote Aye and those opposed will vote No on your voting machine.

(Unidentified person asks an inaudible question)

**CHAIRMAN ESKILDSEN:** Huh! No, he never asked for a roll call on that; he just asked for a division.

**DELEGATE HABEDANK:** I wish a division and roll call vote. Ask for seconds.

**CHAIRMAN ESKILDSEN:** Sufficient seconds having been asked, we'll have a roll call vote. The clerk will (Inaudible). As many as in favor, vote Aye and opposed, vote No. Any of those wish to change your vote? Has everyone voted? The clerk will close the vote.

Aasheim .....	Aye
Anderson, J. ....	Nay
Anderson, O .....	Nay
Arbanas .....	Aye
Arness .....	Aye
Aronow .....	Aye
Artz .....	Aye
Ask .....	Aye
Babcock .....	Nay
Barnard .....	Aye
Bates .....	Aye
Belcher .....	Nay
Berg .....	Aye
Berthelson .....	Nay
Blaylock .....	Aye
Blend .....	Aye
Bowman .....	Aye
Brazier .....	Aye
Brown .....	Nay
Bugbee .....	Absent
Burkhardt .....	Absent
Cain .....	Aye
Campbell .....	Aye
Cate .....	Absent
Champoux .....	Absent
Choate .....	Nay
Conover .....	Nay
Cross .....	Aye
Dahood .....	Aye
Davis .....	Nay

Delaney .....	Aye
Driscoll .....	Aye
Drum .....	Aye
Eck .....	Aye
Erdmann .....	Aye
Eskildsen .....	Absent
Etchart .....	Nay
Felt .....	Aye
Foster .....	Aye
Furlong .....	Aye
Garlington .....	Nay
Graybill .....	Absent
Gysler .....	Absent
Habedank .....	Nay
Hanson, R.S. ....	Nay
Hanson, R. ....	Nay
Harbaugh .....	Aye
Harlow .....	Nay
Harper .....	Aye
Harrington .....	Absent
Heliker .....	Nay
Holland .....	Nay
Jacobsen .....	Aye
James .....	Nay
Johnson .....	Nay
Joyce .....	Nay
Kamhoot .....	Nay
Kelleher .....	Nay
Leuthold .....	Absent
Loendorf .....	Aye
Lorello .....	Nay
Mahoney .....	Aye
Mansfield .....	Aye
Martin .....	Aye
McCarvel .....	Nay
McDonough .....	Nay
McKeon .....	Aye
McNeil .....	Aye
Melvin .....	Nay
Monroe .....	Aye
Murray .....	Aye
Noble .....	Aye
Nutting .....	Aye
Payne .....	Aye
Pemberton .....	Absent
Rebal .....	Aye
Reichert .....	Aye
Robinson .....	Aye
Roeder .....	Aye
Rollins .....	Aye
Romney .....	Aye
Rygg .....	Nay
Scanlin .....	Aye
Schiltz .....	Aye
Siderius .....	Nay
Simon .....	Aye

Skari	...	...	Nay
Sparks	.....	.....	Nay
S	peer	.	Aye
Studer	.....	.....	Aye
Sullivan	.....	.....	Ayr
Swanberg	.....	.....	Nay
Toole			Nay
Van	Buskirk	..	Absent
Vermillion			Nay
wagner			Absent
Ward	..	..	Nay
Warden			Absent
Wilson			Nay
Wood		mansey	Absent

CLERK **HANSON:** Mr. Chairman, 51 delegates voting Aye, 35 voting No.

**CHAIRMAN ESKILDSEN:** 51 having voted Aye, 35 having-voting No, the motion carries. Are there any more amendments to Section 11?

**CLERK HANSON:** (Reading) "Mr. Chairman, I move to amend Section 11, line 21, page 4—excuse me—to amend Section 11, by inserting before the word 'the', line 21, the words 'if adopted by an affirmative roll call vote of two-thirds of all the members thereof, whether one or more bodies,'. Signed: Nutting."

**CHAIRMAN ESKILDSEN:** Mr. Nutting.

**DELEGATE NUTTING:** Mr. Chairman, since we're backing into this, why, it's kind of hard to figure out what this amendment is. But, this amendment is progressing in the same—taking the same action that Mr. Harper has already taken, so I would move to pass this amendment till we discuss Section 10.

**CHAIRMAN ESKILDSEN:** There any more amendments?  
Mrs. Blend.

**DELEGATE BLEND:** I move to amend General Government Section 11 at line 26: after the word "county", insert "(if such there be) or other news media."

Mr. Chairman.

**CHAIRMAN ESKILDSEN:** Mrs. Blend.

**DELEGATE BLEND:** I would hope that the day never comes when there will not be county newspapers. Twenty years or any other period of time alters a lot of things. I would like, at that time, for all the people in the State of Montana to be well

informed of the probability of a Constitutional Convention, and for that reason, in this day and age, I would like to have included the actuality that other communications media could be used to supplement or be used in place of newspapers. Thank you.

**CHAIRMAN ESKILDSEN:** Mr. Roeder.

**DELEGATE ROEDER:** Mr. Chairman, would a substitute motion be in order?

Okay. I don't have it written out, but it's fairly simple. Beginning on line 24, "in such event", down through 29 where it ends "legislative assembly"; I would move to strike that entire bit of language. I think that Mrs. Blend's comments lead in that direction. I think we should leave the Legislature the discretion of deciding the most effective means of advertising amendments. We can't foresee what that might be, but the Secretary of State might someday be asked to advertise them after Sesame street.

**CHAIRMAN ESKILDSEN:** Is there any more discussion on Mr. Roeder's substitute amendment? If not, as many of those that are in favor of Delegate Roeder's substitute amendment will say Aye.

**DELEGATES:** Aye.

**CHAIRMAN ESKILDSEN:** Those opposed will say No.

**DELEGATES:** No.

**CHAIRMAN ESKILDSEN:** The motion is carried. Are there any more amendments to Section 11?

Delegate Bowman.

**DELEGATE BOWMAN:** Mr. Chairman, I rise to ask a question. Could we have the clerk read the words which Mr. Roeder deleted, please?

**CHAIRMAN ESKILDSEN:** Would the clerk please read the words-of substitute motion?

**CLERK HANSON:** (Reading) "Beginning on line 24 of Section 11, delete 'in such event the secretary of state shall cause the amendment or amendments to be published in full in at least one newspaper in each county in which a newspaper is published, twice each month for the 2 months previous to the general election for members to the legislative assembly.' Ending on line 29."

**CHAIRMAN ESKILDSEN:** Are there any more amendments to Section 11?  
Mr. Nutting.

**DELEGATE NUTTING:** I'll withdraw this one too till we take the section.

**CHAIRMAN ESKILDSEN:** Thank you. Is there any more discussion on Section 11? If not, the question now arises on the motion by Delegate Etchart that when this committee does arise and report, after having had under consideration Section 11, the same be adopted. As many as are in favor will say Aye-as amended.

**DELEGATES:** Aye.

**CHAIRMAN ESKILDSEN:** Those opposed will say No.

**DELEGATES:** No.

**CHAIRMAN ESKILDSEN:** The motion is carried.

You now have before you Section 12. The clerk will read Section 12.

**CLERK HANSON:** (Reading) "Section 12: The legislative assembly by a majority roll call vote may elect not to refer the amendment to the vote of the electors of Montana as provided in the preceding subsection 1, in which event, the amendment shall be presented to the next succeeding legislative assembly after a general election. If adopted by a two-thirds vote of all the members thereto, the amendment shall become a part of this Constitution on the first day of July following its approval unless, prior thereof, a petition is filed with the secretary of state signed by 5 percent of the legal voters of the state requesting such amendment be referred to a vote of the people as provided in this Constitution for referendum, in which event, the amendment shall not become effective until the secretary of state certifies its approval by a majority of those voting thereon." Mr. Chairman, Section 12.

**CHAIRMAN ESKILDSEN:** Mr. Etchart.

**DELEGATE ETCHART:** Mr. Chairman. I move that when this committee does rise and report, after having had under consideration General Government Proposal Number 2, Section 12, the same be adopted.

Mr. Chairman.

**CHAIRMAN ESKILDSEN:** Mr. Etchart.

**DELEGATE ETCHART:** We've already had considerable discussion on Section 12. It provides for a new method of constitutional amendment. After the Legislature has once passed a proposed amendment by the required two-thirds vote, it's referred to the next Legislative Assembly. If the proposed amendment again passes the assembly by the necessary two-thirds vote, the amendment takes effect on a specified day. The people have a check on the process, as they can, with a petition from only 5 percent of the voters, cause such an amendment to be directly voted on by the people. The small percentage of required petitioners makes this check on legislative abuse extremely viable. One of the bigger assets of this new method of constitutional amendment is economy. Legislative action is much, much cheaper than popular action when the cost of an election is compared with the cost of a fairly routine legislative function, the passage of a bill. Yet, the state does not lose careful consideration to economic benefit. The people, in addition to the explicit check of petition previously discussed, have the check of making their views known in the timespan between legislative sessions. They also have the opportunity to choose those who make the final decision after the substance of the decision has been stated.

**CHAIRMAN ESKILDSEN:** Mr. Harper.

**DELEGATE HARPER:** Mr. Chairman, I move that we amend this section by deleting Section 12—

**CHAIRMAN ESKILDSEN:** Mr. Harper.

**DELEGATE HARPER:** -the reason being that I think the three ways we have of amending or changing a constitution now are sufficient. And all the things that I said on discussion of changing "may" to "shall" would, I think, apply here, so I will forego the pleasure of speaking on it again.

**CHAIRMAN ESKILDSEN:** Is there any more discussion on Delegate Harper's—  
Mrs. Bates.

**DELEGATE BATES:** Mr. Chairman, I concur with Delegate Harper's deletion here. I would also like to ask a question of Mr. Etchart.

**CHAIRMAN ESKILDSEN:** Would Mr. Etchart yield?

**DELEGATE ETCHART:** I yield.

**DELEGATE BATES:** Is it not, true. Mr. Etchart, that there is an election for the new legis-

lators and it would cost very little more to include an amendment at that election, to the people, rather than waiting to give it to the Legislature again?

**DELEGATE ETCHART:** Well, this is true; but this, as I explained, would be one method where you could amend—take care of housekeeping amendments to the Constitution by the legislative process. If it were controversial, only 5 percent of the people, by petition, could stop the action and place it on a vote of the people. But, of course, you are right that there are the other methods of amendment.

**CHAIRMAN ESKILDSEN:** Mr. Simon.

**DELEGATE SIMON:** I rise in support of Delegate Harper's, I would like to call your attention to the second line, and if I had no other reason than that, I would say that beginning with "may elect not to refer" would be all I would need. Thank you.

**CHAIRMAN ESKILDSEN:** Mr. Habedank.

**DELEGATE HABEDANK:** Mr. Chairman, thank you. I am not going to reargue Section 2—or Section 12. I considered it a great step forward. Apparently, the delegate assembly does not agree with me in their vote on the word "shall" instead of "may" in Number 11, because if "shall" is in there, Number 12 would be ineffective. However, I would hope that the Convention would exercise this one last chance they have to take this step forward and not delete Section 2 and then go back and amend Section 11.

**CHAIRMAN ESKILDSEN:** Mr. Aasheim.

**DELEGATE AASHEIM:** I rise in opposition to the substitute motion. I'm going to support Mr. Habedank on this proposition because it's practically a foregone conclusion that if two-thirds of the assemblies, meeting concurrently in 4 years, that if these people—they meet one session and they propose this constitutional amendment. They will then go home and run again for reelection, and very likely, the people will ask them, "How do you stand on this constitutional amendment?"—which the people should if they are aware of this proposition. So, aren't the people then speaking when they come back—when they convene again—2 years later. And I can see where we're going to have to have an easy means of amending this Constitution, if it is adopted.

**CHAIRMAN ESKILDSEN:** Mr. Melvin.

**DELEGATE MELVIN:** Mr. Chairman. I rise in behalf of the position of the General Government Committee. I can't feel that two legislatures and a mere 5 percent of the voters of Montana would be asleep. And we heard plenty before we came to this Convention about not trusting the Legislature in 1889. I would hope that we would exercise more trust than that then has been shown. And I would hope that we would also invite citizen participation by allowing this particular procedure.

**CHAIRMAN ESKILDSEN:** Mr. Blaylock.

**DELEGATE BLAYLOCK:** Mr. Chairman. I am still opposed to having this section in here. I don't believe that there is any guarantee or that anybody can give any guarantee that these will always be just household-keeping arrangements and that we might very well have a fundamental thing come before the Legislature and be adopted without being voted on by the people. And there is a possibility, after this Constitutional Convention, that we may have only one house, and for that reason, I still would very much like to vote on any amendments to our Constitution.

**CHAIRMAN ESKILDSEN:** Delegate Bowman.

**DELEGATE BOWMAN:** Mr. Chairman, I would like to rise in support of Mr. Harper's motion to delete this section because I do not believe that it's the job of the Legislature to make constitutional amendments, but rather the job of the Legislature to propose the amendments. It's the job of the electorate to pass on them.

**CHAIRMAN ESKILDSEN:** Is there any more discussion?  
Delegate Romney.

**DELEGATE ROMNEY:** Mr. Chairman. I wish to support the amendment of Delegate Harper. The section under consideration, Section 12, I believe, takes a fundamental power away from the people. The method of doing this in the present Constitution places the power with the people after the Legislature has submitted it. The initiative method places the power with the people. This great leap forward and slip back does not do so, excepting in a left-handed, sinister method. It provides, as an afterthought, that 5 percent of the people can sign petitions and get a vote two sessions later. If there was so much careful solicitude

for the people, why did we not open it up for the people in signing the initiative proceedings—petitions? There, we have much more stringent regulations. Here, we let the tail go with the hide. I insist that this is a monstrosity, a filching of the peoples' rights. I can perceive that it could be used as a subterfuge by the Legislature to stall a decision into some remote future. The passage of this-by two legislatures, and possibly via the electorate-is a clumsy and unnecessary method when two other efficacious methods are in the hands of the people of Montana. I urge the support for the Harper amendment.

**CHAIRMAN ESKILDSEN:** Any more (Inaudible)?  
Mr. Dahood.

**DELEGATE DAHOOD:** Mr. Chairman, I think we're violating a very basic principle of the type of constitutional government that we have in this state and in this nation, and I support Delegate Harper. The Constitution of the United States is almost 200 years old, does not allow amendment by anyone, save and except those people, those factors, those states that created it. And as a consequence, by the proposal that we have now before us from the committee, we will allow the government that we create to have additional control that the people did not intend. I submit that violates a basic principle. We were sent here by the people to make sure that their rights were expanded, that governments stayed responsible to them, and I think if we do not adopt Delegate Harper's proposal, we are going to be in a position where we have violated that trust and taken some of the rights of the people away from them and reposed it in Helena. I support the amendment.

**CHAIRMAN ESKILDSEN:** Delegate Berg.

**DELEGATE BERG:** Mr. Chairman. I also support Delegate Harper's amendment, and I would remind you that this is, after all, a people's Constitution; that it is a Constitution that is answerable only to the people, not to the Legislature. This, with me, is a very fundamental issue, and you cannot violate that by adopting a constitution that is amendable by one department of the government.

**CHAIRMAN ESKILDSEN:** Delegate Aasheim.

**DELEGATE AASHEIM:** Will Mr. Dahood yield to a question?

**CHAIRMAN ESKILDSEN:** Mr. Dahood yield to it question?

**DELEGATE DAHOOD:** I yield to a question, Mr. Chairman.

**DELEGATE AASHEIM:** You said that the Constitution is 200 years old. How old is England's Constitution?

**DELEGATE DAHOOD:** I'm not concerned about England's Constitution, Mr. Aasheim. I'm concerned about the American Republic and the states that live within it and the states that created the American Republic. I'm now concerned about the people that created our state, and I understand as a former Representative, you can appreciate that the people have apathy and there are things that can happen in both the Legislature and the Senate that are not brought to the attention of the people. And I think a matter that deals with the very basic, fundamental law that governs our state should always be referred to the people that created the state.

**DELEGATE AASHEIM:** Since I didn't get an answer, could I ask Mr. Habedank the same question?

**CHAIRMAN ESKILDSEN:** Would Mr. Habedank yield to a question?

**DELEGATE HABEDANK:** I yield.

**DELEGATE AASHEIM:** How old is England's Constitution, do you know?

**DELEGATE HABEDANK:** I don't believe England has a constitution.

**DELEGATE AASHEIM:** Thank you.  
(Laughter)

**CHAIRMAN ESKILDSEN:** Is there any more discussion on the motion by-Mr. Harper, will you wish to close?

**DELEGATE HARPER:** One other comment I think worth noting-Mr. Aashcim said, and it does look at first glance, that since this goes over an election, people will have an opportunity to vote for an incumbent on the basis of whether or not he supports having this constitutional amendment or not. The thought, though, occurs to me that if this were the only issue in an election, people might arrive at an intelligent vote that way. But I daresay, that many of us vote for our legislators on the basis of the kind of people they

are and not on the basis of specific stands on certain issues alone. If I may use a good-1 think this would be a good illustration-if my friend, Mr. Mahoney, runs for the Legislature from our district, then I probably will support him. I would do this because I support Charley Mahoney even if I oppose him on most of the particular votes. (Laughter) No, I mean this seriously. I think we vote-most people vote-for the kind of man they want as legislator. I would not want to make an entire election of a legislator--a Senator or Representative if we have two houses-dependent upon his vote yayed or nayed on one particular constitutional amendment.

**CHAIRMAN ESKILDSEN:** You now have before you the motion of Mr. Harper to delete Section 12 in its entirety. As many as those—

For what reason do you rise, Mr. Romney?

**DELEGATE ROMNEY:** I call for a roll call vote and ask for seconds.

**CHAIRMAN ESKILDSEN:** Having sufficient seconds, we shall have a roll call vote. As many as are in favor will vote Aye, and opposed will vote No.

Has everyone voted? Does anyone wish to change their vote? If not, the clerk will close the vote.

A	a	s	h	e	i	m	Nay
Anderson,		J.					Nay
Anderson,		O.					Aye
Arbanas							Aye
Arness							Aye
Aronow							Aye
Artz							Aye
Ask							Aye
Babcock							Aye
Barnard							Aye
Bates							Aye
Belcher							Nay
Berg							Aye
Berthelson							Nay
Blaylock							Aye
Blend							Aye
Bowman							Aye
Brazier							Aye
Brown							Nay
Bugbee							Aye
Burkhardt							Absent
Cain							Aye
Campbell							Absent
Cate							Aye
Champoux							Absent

Choate	Nay
Conover	Aye
Cross..	Aye
Dahood	Aye
Davis	Absent
Delaney	Aye
Driscoll	Aye
Drum	Absent
Eck	Aye
Erdmann	Aye
Eskildsen	Absent
Etchart	Nay
Felt	Aye
Foster	Aye
Furlong	Aye
Garlington	Aye
Graybill	Absent
Gysler	Aye
Habedank	Nay
Hanson, R.S.	Nay
Hanson, R.	Nay
Harbaugh	Aye
Harlow	Aye
Harper	Aye
Harrington	Absent
Heliker	Nay
Holland	Nay
Jacobsen	Aye
James	Aye
Johnson	Aye
Joyce	Nay
Kamhoot	Nay
Kelleher	Nay
Leuthold	Absent
Loendorf	Aye
Lore110	Nay
Mahoney	Aye
Mansfield,	Aye
Martin	Aye
McCarvel	Nay
McDonough	Nay
McKeon	Absent
McNeil	Aye
Melvin	Nay
Monroe..	Absent
Murray..	Aye
Noble	Aye
Nutting	Aye
Payne	Aye
Pemberton	Aye
Rebal	Aye
Reichert	Aye
Robinson	Aye
Roeder	Aye
Rollins	Aye

Romney.....	Aye
Rygg.....	Aye
Scanlin.....	Aye
Schiltz.....	Aye
Siderius.....	Aye
Simon.....	Aye
Skari.....	Nay
Sparks.....	Nay
Speer.....	Absent
Studer.....	Aye
Sullivan.....	Aye
Swanberg.....	Aye
Toole.....	Absent
Van.....	Aye
Buskirk.....	Aye
Vermillion.....	Aye
wagner.....	Nay
Ward.....	Aye
Warden.....	Aye
Wilson.....	Absent
Woodmansey.....	Aye

**CLERK HANSON:** Mr. Chairman, 64 delegates voting Aye, 22 voting No, 14 not voting.

**CHAIRMAN ESKILDSEN:** 64 have voted Aye, 22 have voted No. The motion carries. Section 2 has been deleted. You now have—  
Delegate Habedank.

**DELEGATE HABEDANK:** Mr. Chairman. I move that Sections 10 and 11 be recommitted to the committee so that it can be rewritten to avoid the confusion that now results from the deletions that have been made to that.

**CHAIRMAN ESKILDSEN:** Mr. Habedank.

**DELEGATE HABEDANK:** I don't know whether I can recommit it or not, but in Section 10, you have wording which should be eliminated now that you have Section 11 left. We should change or make so many amendments that, to me, it would be dilatory procedures on the floor. I'm referring to page 4 of the proposal. By reason of the elimination--or deletion--of subsection 2 and the changes you've made in subsection 1 or subsection 11, subsection 10 should be rewritten so 10 and 11 become one section with plausible wording.

**CHAIRMAN ESKILDSEN:** Mr. Murray.

**DELEGATE MURRAY:** Mr. Chairman, I resist Mr. Habedank's motion for the reason that I believe that Mr. Nutting had proposed an amendment which would accomplish this purpose, and

so, as a substitute motion, I move that we proceed to Section 13 and pass, for the moment, the question of Section 10, which is still unsettled.

**CHAIRMAN ESKILDSEN:** You've heard the motion of Delegate Murray. As many as in favor will say Aye.

**DELEGATES:** Aye.

**CHAIRMAN ESKILDSEN:** Opposed, No. (No response)

**CHAIRMAN ESKILDSEN:** The motion is carried.

You now have before you for your consideration Section 13. The clerk will read Section 13.

**CLERK HANSON:** (Reading) "Section 13: Constitutional amendment by initiative. The people of Montana may also propose constitutional amendments by initiative process. Petitions shall include the full text of the proposed amendment and shall be signed by not less than 15 percent of the legal voters of Montana, which shall include at least 15 percent of the legal voters from two-fifths of the legislative representative districts of Montana. The petition shall be filed with the secretary of state, who shall cause the same to be checked and certified as to the validity of the signatures thereon and, if found to be signed by the required number of voters, cause the same to be published in full in at least one newspaper in each county, if such there be, twice each month for 2 months previous to the next regular statewide election, at which time the proposed amendment shall be voted on. At said election, the proposed amendment shall be submitted to the qualified electorates of the state for their approval or rejection. If approval by a majority voting thereon, it shall become a part of the Constitution effective the first day of July following its approval unless otherwise provided in the amendment." Mr. Chairman, Section 13.

**CHAIRMAN ESKILDSEN:** Mr. Etchart.

**DELEGATE ETCHART:** I move that when this committee rise and report, after having had General Government Proposal Number 2, Section 13, recommend it be adopted.

Mr. Chairman.

**CHAIRMAN ESKILDSEN:** Mr. Etchart.

**DELEGATE ETCHART:** Section 13 of the proposed article creates a new power for the people of Montana, the right to initiate constitutional

amendments. The committee feels this is an inherent right in a body politic whose constitution is to be the embodiment of the will of the people. Committee's proposal sets up the exact machinery for expressing this will through establishment of the petition requirements and the administration process. The 15 percent petition requirement and the geographical requirement are high, but the committee feels it is not unreasonable to demand strict standards when dealing with something as fundamental and important as constitutional change. Although the standard is high, the committee does not feel it is so high that pressing popular and needed constitutional reforms could not be initiated by the people. Standard, the committee feels, will operate to check any erratic whimsy.

**CHAIRMAN ESKILDSEN:** Mr. Mahoney-oh, are there any amendments?

**CLERK HANSON:** "Mr. Chairman, I move to amend Section 13, page 5, line 24, by striking the figure '15' and inserting in lieu thereof the figure '10' and to further amend, in line 25, by striking the figure '15' and inserting in lieu thereof the figure '10'. Signed: Mahoney."

**CHAIRMAN ESKILDSEN:** Mr. Mahoney.

**DELEGATE MAHONEY:** Mr. Chairman, I move adoption of the amendment.

**CHAIRMAN ESKILDSEN:** Mr. Mahoney.

**DELEGATE MAHONEY:** I think that all this does is brings in line with the other, of which they allowed the people, by petition, to sign and get a Constitutional Convention. I don't think it should be any greater to get just a little amendment on the ballot than it should be for an entire Constitutional Convention. I think every one of you have heard all this constitution discussed, and that's all I'm going to say on it.

**CHAIRMAN ESKILDSEN:** Mr. Vermillion.

**DELEGATE VERMILLION:** Mr. Chairman. I rise in opposition to the amendment, because if we bring this figure down to 10 percent, it is going to be so near that of a regular initiative petition for a statute, that those who may be in favor of some particular position and might want to have it locked into the Constitution, rather than

as a statute, would initiate a petition for a constitutional amendment rather than a statute, and we might be in danger of flooding the Montana Constitution with amendment after amendment that would be better put in the statutes, and we'll have a Constitution that looks like California and Louisiana. So, I oppose the amendment.

**CHAIRMAN ESKILDSEN:** Is there any more discussion on the motion by Mr. Mahoney? Mr. Rlylock.

**DELEGATE BLAYLOCK:** Mr. Chairman, would Mr. Vermillion yield to a question?

**CHAIRMAN ESKILDSEN:** Would Mr. Vermillion yield?

**DELEGATE VERMILLION:** Yes.

**DELEGATE BLAYLOCK:** Mr. Vermillion, have you ever tried to organize an initiative petition drive across the State of Montana?

**DELEGATE VERMILLION:** No, I have not. I'm suggesting that the figures are so close that those who are going to start a petition—they'll say, "Let's go for the amendment rather than the statute". And this is my concern.

**DELEGATE BLAYLOCK:** Well, Mr. Chairman, I rise to support Mr. Mahoney's amendment. I think if we put the figure "15" in there, that would require almost 30,000, and if we're going to require that, we might as well strike this whole section, because I don't think it could ever be done.

**CHAIRMAN ESKILDSEN:** Is there any more discussion? Mr. Aasheim.

**DELEGATE AASHEIM:** I rise in support of Mr. Mahoney's motion. Ten percent of the voters of Montana is about 35,000 signatures, 15 would add a half more; and I believe that that's a difficult figure to reach, and anyone who can get 35,000 signatures is entitled to have the motion presented on the ballot. Let's not forget that the people still are going to vote on this proposition, and if they want that in the Constitution, so be it.

**CHAIRMAN ESKILDSEN:** Is there any more discussion on the motion by Mr. Mahoney? Mr. Johnson.

**DELEGATE JOHNSON:** Mr. Chairman. I rise also in support of Mr. Mahoney's amendment. We've had a great deal of discussion in the Legislative Committee concerning this and quite a little research — and I think that 8 percent would be very difficult to get; 10 percent is much more difficult to get. It's making it hard enough. I'm sure this is a difficult thing to do and it will not be used very often. Therefore, again, I support Mr. Mahoney's amendment.

**CHAIRMAN ESKILDSEN:** Mr. Belchrr.

**DELEGATE BELCHER:** Mr. Chairman. I wish to advise these people that they're putting in a brand new way of amending the Constitution, by initiative, that we haven't had previous to this.

**CHAIRMAN ESKILDSEN:** Is there any more discussion on Mr. —  
Mr. Hanson.

**DELEGATE ROD HANSON:** Mr. Chairman, I just might note that maybe it would have been easier to amend the Constitution via the legislative route that the committee proposed than we're doing now—the members' opportunity to do it.

**CHAIRMAN ESKILDSEN:** Mr. Habedank.

**DELEGATE HABEDANK:** Mr. Chairman. At the time this particular proposal was drawn and the figure of 15 were used, it represented a difference of 5 percent between the amount needed for an initiative petition than the amount needed for a constitutional amendment. If the initiative procedure is reduced to 8, which I believe it is, then I believe a proper figure would be 13. But I cannot overemphasize to you what Mr. Vermillion has called to your attention and that is, if you make the percentage almost identical to that required for initiative legislation, the temptation of any group who wants something done will be to legislate into our Constitution and—at least, it was true in our committee, and I think it probably was true of yours—a great many people who appeared before our Constitutional Committee wished matters in the Constitution because they had attempted to get the Legislature to do something and the Legislature wouldn't act, so they wanted legislation in the Constitution. And that will continue to be the case, and, within—if you adopt this as Mr. Mahoney has it amended, I think in 20 years, you'll really need a new Constitutional Convention.

**CHAIRMAN ESKILDSEN:** Mr. Scanlin.

**DELEGATE SCANLIN:** Mr. Chairman. I take this opportunity to support Mr. Mahoney's amendment because this is probably the one and only time I'll have to support something of his that I understand. Thank you. (Laughter)

**CHAIRMAN ESKILDSEN:** Is there any more discussion?  
Mr. Gysler.

**DELEGATE GYSLER:** Mr. Chairman. I haven't supported this committee too many times, but I do on this one because this is something that we haven't tried before, and we don't know where it's going—and the whole shebang—and when I get in that kind of position, I get just a little bit more cautious, and I'm in favor of leaving the committee report.

**CHAIRMAN ESKILDSEN:** Mr. Choate.

**DELEGATE CHOATE:** Mr. Chairman. It may look, at first glance, as though the committee took two different lines of thought in regarding the provision to allow two sessions of the Legislature to make an amendment. And then, in this case, we're establishing a 15 percent figure for the people to use as a—on a petition proposition. Actually, we gave both these things real serious and long thought, and there was good thinking behind both of them. In the—it was the intent of the committee, in regards to the issue of two sessions considering a hill, that this would take care of housekeeping measures. We felt that, in the matter of amending, there would be more attempts made to raid the Constitution if the figure were low enough that it was a simple matter to do. I realize that it does take a lot of work to acquire even 10 percent of the voters' signatures on a petition, but this is the reasoning behind it, and we did feel that it would be better protection to the document if we write a good one than it will if we allow it to be amended too readily. And I support the position of the committee.

**CHAIRMAN ESKILDSEN:** Mr. Romney.

**DELEGATE ROMNEY:** Mr. Chairman. I am happy to support the position of Delegate Mahoney. In doing so, I wish to direct attention of the delegates to the fact that we are here asked to have 15 percent of the legal voters in at least—in a portion of the legal voters of the State of Montana—I can't read the rest of it from here—in two-fifths, I'm advised--whereas in the late-

lamented Section 12, I believe which just went to the graveyard, they put a 5 percent figure in there with no counties. We became very, very concerned about it in one place, and in the other place we weren't concerned about it at all. So, I think Mr. Mahoney is doing a good service to the people of Montana by permitting them to have a hand in their government in the days ahead, providing he is successful. And I am happy to note that the preceding section has now an "RIP" upon it, calling attention to the words of the immortal Algernon Charles Swinburne, who said "From too much love of living, from hope and fears set free, we thank with brief thanksgiving whatever God there be, that no life lives forever, that dead men rise up never, that even the weariest river winds somewhere safe to sea."

**CHAIRMAN ESKILDSEN:** Is there any more discussion?

Would you care to hold-close, Mr. Mahoney? Oh, excuse me—  
Mrs. Bates.

**DELEGATE BATES:** Yes. I rise in support of the motion, and I would like to say that anyone that has tried to get a petition and even 8 percent of the voters finds it's a mighty big job. And I'd like to ask Delegate Gysler a question.

**CHAIRMAN ESKILDSEN:** Will Delegate Gysler yield?

**DELEGATE GYSLER:** I yield, Mr. Chairman.

**DELEGATE BATES:** I was wondering, have you ever passed a petition, even for 8 percent of the voters?

**DELEGATE GYSLER:** No.

**DELEGATE BATES:** It's pretty hard to do.

**DELEGATE GYSLER:** But I have been asked to sign a lot of petitions, and I do it just because (Inaudible).

**CHAIRMAN ESKILDSEN:** Mr. Heliker.

**DELEGATE HELIKER:** Mr. Chairman, I rise to support Delegate Mahoney's motion particularly--not because I have any arguments to add to those already stated, but because this will probably be one of the few times that Charley and I will be on the same side of the issue.

**CHAIRMAN ESKILDSEN:** Any more discussion?

Mrs. Bugsbee.

**DELEGATE BUGBEE:** No "s". (Laughter) I rise to oppose Mr. Mahoney's motion, and my reason is that I think we have to look at the whole skein of the way we're opening up this process to the people; and we haven't gotten to the legislative article yet, but I think that we have done, in my opinion, a very good job of opening up legislative change to the people. And I agree with Mr. Hagedorn in his argument that we should not open up this kind of legislative change within the Constitution itself. Thank you.

**CHAIRMAN ESKILDSEN:** Mr. Mahoney, are you closing?

**DELEGATE MAHONEY:** I would like to close. I want to thank you for the time you've given, and we'll just vote.

**CHAIRMAN ESKILDSEN:** You now have before you the motion by Delegate Mahoney that we amend Section 13. As many as are in favor will say Aye.

**DELEGATES:** Aye.

**CHAIRMAN ESKILDSEN:** Opposed, No.

**DELEGATES:** No.

**CHAIRMAN ESKILDSEN:** The Ayes have it, and the motion's carried.

Is there any more amendments to Section 13?

Mrs. Blend.

**DELEGATE BLEND:** Mr. Chairman. I move to amend General Government Section 13, line 1. After the word "in", delete the words "at least one newspaper in each county" and insert the words "the communications media". The section then would read, starting with line 1, "in full in the communications media in each county twice each month for 2 months previous to the", et cetera.

Mr. Chairman.

**CHAIRMAN ESKILDSEN:** Mrs. Blend.

**DELEGATE BLEND:** As I spoke previously, I believe that there should be wider coverage given to the notice and intent of this information in connection with the initiative. And

I feel that it would give a wider range of coverage in this day and age. Thank you.

CHAIRMAN ESKILDSEN: Mr. Habedank.

DELEGATE HABEDANK: Mr. Chairman. I would oppose the amendment for the reason—not that I object to radio or TV—but I do not believe there is a single county in the State of Montana that does not have a newspaper, that has a radio or TV station, and it seems a little impossible to me for a constitutional amendment to be read over the radio and understood. So, the areas that do not have a newspaper would undoubtedly be served by an adjoining county that has one, and I feel that we have gone as far as we can go in requiring it to be published twice each month. There are those who feel that there should be no publication and that the mailing of circulars or the posting of notices on a bulletin board should be adequate. We have not felt that we were ready to go that far yet, but to require just in full in the communications media in each county would be a little illogical.

CHAIRMAN ESKILDSEN: We'll stand at ease while we change tapes.

(Convention at ease while tape changed)

CHAIRMAN ESKILDSEN: Convention will please be in order. Committee of the Whole, we now are on a substitute motion by Delegate Blend. Is there any more discussion?

Mr. Graybill.

DELEGATE GRAYBILL: Mr. Chairman. First of all, I'd like to disclose that my wife owns a radio station. (Laughter) I think, Mr. Habedank, that putting in the words "a communication media" does not keep us, or anybody in the future, from publishing it in a newspaper, which generally is a communications media. I do think that 50 years from now there may be methods of disseminating information electronically which are not even conceived of now, such as cable into your kitchen, et cetera, and it seems to me that it would be very narrow-minded of us to adopt the only communications media which was useful in 1889 again in 1972. So, I support the amendment.

CHAIRMAN ESKILDSEN: Delegate Robinson.

DELEGATE ROBINSON: In line with what the committee voted to do in Section 11, I think we should attempt to be a little consistent in

these two areas. We voted to delete those things in Section 11 that we considered statutory in regards to how the Secretary of State may publish this information. I would offer a substitute for all motions pending which would—beginning on line 29, on page '5, after the word "thereon", beginning with the word "if" on 29, deleting that, line 30, line 1, 2, 3 and 4 on the next page. Now, I realize that there is a difference in this section and in Section 11, where the Legislature is involved in 11 and not in Section 13. So, by deleting those sentences, I would offer in place of those sentences the words "and the secretary of state shall advertise said petition as provided by law."

CHAIRMAN ESKILDSEN: Delegate Robinson.

DELEGATE ROBINSON: Yes. I'll just briefly speak on this motion. I think it was covered quite adequately in Section 11, and the comments of Delegate Blend and Graybill have indicated the problems that we have in trying to write a flexible document that will be amenable to 50 years from now. And I think that any strictures that we have proposed on how these things may be advertised are not in the best instance-interests of the longevity of a constitution.

CHAIRMAN ESKILDSEN: Delegate Habedank.

DELEGATE HABEDANK: Will Mrs. Robinson yield to a question?

I'm not sure I understood your amendment. Did you start — did you strike out the words "if found to be signed by the required number of voters"? Did you intend to eliminate that as well?

DELEGATE ROBINSON: Yes. I think that it's pretty self-explanatory if you have in line 27, it says, "the secretary of state, who shall cause the same to be checked and certified as to the validity of the signatures thereon". I can't understand why a Secretary of the State would go ahead and organize this to be put on the ballot if he found that there weren't valid signatures. I just can't visualize that happening. I think it's very unnecessary.

CHAIRMAN ESKILDSEN: Mr. Martin.

DELEGATE MARTIN: Mr. President. I might say, on behalf of my colleague from the Bitterroot Valley and myself, that we are newspaper men, and the newspaper fraternity hasn't died and isn't going to die.

**CHAIRMAN ESKILDSEN:** Mr. Vermillion.

**DELEGATE VERMILLION:** Mr. Chairman. I appreciate the thoughts about flexibility of this Constitution. And I should point out I am a radio announcer, and I certainly don't want to be put in the position of a Benedict Arnold to the broadcasting industry; however, I could foresee some problems here in the way of-if somebody should decide, for whatever reason-the Legislature-when-that they would prefer to have something publicized only in the broadcasting industry. And I can foresee an instance where they would take a look at a given community and see which station has the highest rating. In many instances, that is going to be the local rock 'n' roll station, and I'm not sure if that would be the very best place to advertise areas of constitutional revision. I would like to see the Legislature free to advertise these things in the broadcasting media, but I would suggest that perhaps it might be wise to consider that they be specified to get it in at least one newspaper and leave them the freedom to disseminate the word of constitutional revision in other media. But I do foresee some difficulties in the placement of time in certain broadcasts; you could put constitutional revision after the roller derby or something like that on TV, and you might be aiming it at certain audiences, and as I say, I don't want to be against the broadcasting industry, but I foresee potential dangers in this flexibility.

**CHAIRMAN ESKILDSEN:** Mrs. Babcock.

**DELEGATE BABCOCK:** Mr. Chairman. I can't resist rising to support President Graybill, because my husband, too, has a radio station.

**CHAIRMAN ESKILDSEN:** Mr. Swanberg.

**DELEGATE SWANBERG:** (Inaudible) opposition to Delegate Blend's proposal and would like to point out that the constitutional amendment presumably, and by many people, is something that they want to study. (I'm sorry) If it's broadcast over the radio, being oral, it's gone as soon as it's stated, and there's no chance for anyone to sit down and really study the proposal. So, in those cases where it was broadcast over the radio and not in any newspaper, the people that were interested in the proposal would have no way of getting a copy of the proposal to study. Whereas,

under the present system, when it is published in a newspaper, those that are interested in it can study it at their leisure and come to a rational conclusion, which I don't think they could otherwise have done if it had simply been broadcast.

**CHAIRMAN ESKILDSEN:** Mr. Romney.

**DELEGATE ROMNEY:** Mr. Chairman. I find myself in a very bad situation. Like my friend, Delegate Martin, both of us are getting rich (Laughter) publishing constitutional amendments (Laughter), and I don't know what the fates will have in store for us if we have this taken away from us. But I will, and I realize that in strict conformity with the rule, perhaps Delegate Martin and Delegate Romney should not vote upon this. So, as I did in the previous one, I will abstain. However, I feel that there's something to be said for newspapers, as Delegate Martin indicated. They give-provide an opportunity for people to read and study and digest that which is in the cold print and the newsprint. It is not something that is fleeting, transient and gone with the wind, as on the radio or television.

**CHAIRMAN ESKILDSEN:** Mrs. Mansfield.

**DELEGATE MANSFIELD:** Mr. Chairman. Since I'm a member of the Bill of Rights, I wouldn't like to have any discriminatory remarks according to the newspaper publishers.

**CHAIRMAN ESKILDSEN:** Mr. Etchart.

**DELEGATE ETCHART:** Mr. Chairman. I rise in opposition to both of the amendments. I'd like to just read you the language in our present Constitution: "said amendment or amendments to be published in full in at least one newspaper in each county, if such there be, for 3 months previous to the next general election for members of the legislative assembly." So, the committee is not proposing a new idea. We're incorporating language that's in our Constitution. We feel that it should be printed, that the electors should have a chance to study this proposal. We feel that every thinking voter and citizen will have a newspaper, and if there isn't a newspaper in the county in which it's-they're voting in, they'll get a newspaper from the adjoining county. We don't think that the loose language proposed in the amendment would be satisfactory. So, I oppose the amendments.

**CHAIRMAN ESKILDSEN:** Any more discussion?

Would you wish to close, Delegate Robinson?

**DELEGATE ROBINSON:** Yes. Mr. Chairman, will Mr. Etchart yield to a question?

**CHAIRMAN ESKILDSEN:** Would Mr. Etchart yield?

**DELEGATE ETCHART:** I yield.

**DELEGATE ROBINSON:** I think that the very point you mentioned in relation to our present Constitution is one that both Mrs. Blend and myself are trying to get at. You're really not proposing anything new. In 1889, there were only newspapers. The problem: in 1889, there were not radios and television and all sorts of other things; and that is the problem that we are trying to get at. Would you—I can't see that your point is that well taken on that particular issue.

**DELEGATE ETCHART:** Mrs. Robinson, before we adopt any amendments on the Floor, we try to have them printed and placed on our desks in printed form; and this philosophy follows good legislative procedure, it follows our procedures here. And we could, perhaps, broadcast these amendments over the radio or TV or something, but until we have them before us in printed form, it's a little hard to comprehend them. And this is the thinking of the committee, that this is a serious matter; these things should be printed so people will have a chance to study them.

**DELEGATE ROBINSON:** Mr. Chairman.

**CHAIRMAN ESKILDSEN:** Delegate Robinson.

**DELEGATE ROBINSON:** Will Mr. Etchart yield to another question?

**CHAIRMAN ESKILDSEN:** Will you yield to another question?

**DELEGATE ETCHART:** I yield.

**DELEGATE ROBINSON:** My proposed amendment was to bring in accord what we did this morning--what the entire Convention—Committee of the Whole voted to do--nothing else--so that we might go on record as being consistent. My proposal was simply that we delete those four sentences and add the words "and the secretary of state shall advertise said petition as

provided by law." My question for you is, what is loose about this amendment'?

**DELEGATE ETCHART:** If you'll look in-on page 5, line 29, you also struck out the words "if found to be signed by the required number of voters", and we think that this is important that the voters be counted by the Secretary of State so that there are enough voters there.

**CHAIRMAN ESKILDSEN:** Delegate Robinson.

**DELEGATE ROBINSON:** Mr. Chairman. In all due respect to the Secretary of State, who might not recognize that when he checked and certified the validity of the signatures, that he should also count them, I would concede in my amendment that sentence so that we might not avoid any problem and include that clause "and if found to be signed by the required number of voters" and add the proposed amendment to get rid of what we determined about 2 hours ago was statutory material.

**CHAIRMAN ESKILDSEN:** Delegate Robinson, did you amend that some more now? Did you amend this section some more?

**DELEGATE ROBINSON:** Yes, I did.

**CHAIRMAN ESKILDSEN:** Would you have your amendment ready please'?

**DELEGATE ROBINSON:** Yes.

**CHAIRMAN ESKILDSEN:** Delegate Melvin.

**DELEGATE MELVIN:** Would Delegate Robinson yield to a question?

**CHAIRMAN ESKILDSEN:** Would you yield to a question, Delegate Robinson?

**DELEGATE ROBINSON:** Yes.

**DELEGATE MELVIN:** Mrs. Robinson, suppose that on line 29 that phrase were kept in that states "if found to be signed by the required number of voters and cause the same to be published by the-as provided by law". Now, publishing includes, does it not, newspapers, radio, television, any of the known media?

**DELEGATE ROBINSON:** I don't know if publishing encompasses all of those things. I would not be opposed to that, if you would so care to offer a substitute amendment. I'm not really concerned about my own particular language. I'm just trying to clarify the section.

**DELEGATE MELVIN:** Thank you. Is such a suggestion in order, Mr. Chairman.

**CHAIRMAN ESKILDSEN:** Mr. Melvin, I don't know just where you're going to try to amend that, but we have a substitute motion to amend--for all motions pending--and I think we should take care of that motion first before we start amending it.

**DELEGATE MELVIN:** Thank you.

**DELEGATE ROBINSON:** Mr. Chairman.

**CHAIRMAN ESKILDSEN:** And a motion to that motion too, we also have--a substitute motion to that motion. So, we'll take care of those in order and then you can make any motions you wish. Would you read your motion?

**DELEGATE ROBINSON:** Mr. Chairman. I would withdraw my substitute motion if that would clarify things and enable Mr. Melvin to offer his.

**CHAIRMAN ESKILDSEN:** If there are no objections, it will be withdrawn.  
Mr. Melvin.

**DELEGATE MELVIN:** Mr. Chairman. I offer, as a substitute motion, line 29 of page 5--rather, at the end of line 30, "cause the same to be published as provided by law", and delete the rest of that paragraph on page 6.

**CHAIRMAN ESKILDSEN:** Mr. Melvin.

**DELEGATE MELVIN:** Mr. Chairman. I submit, Mr. Chairman, that this is probably a compromise between what Delegate Etchart and Delegate Robinson has in mind. Thank you.

**CHAIRMAN ESKILDSEN:** Is there any more discussion?  
Mr. Aronow.

**DELEGATE ARONOW:** Mr. Chairman, may I--Will Mr. Melvin yield to a question?

**CHAIRMAN ESKILDSEN:** Will Mr. Melvin yield?

**DELEGATE MELVIN:** I yield.

**DELEGATE ARONOW:** Mr. Melvin, as I get your amendment, you strike the rest of the paragraph at the top of page 6 after the words "as provided by law". May I--was it your intention to strike the words "2 months prior to the next regular statewide election, at which time the proposed election shall be voted on"?

**DELEGATE MELVIN:** Yes, sir.

**DELEGATE ARONOW:** You're not going to have anything about the vote?

**DELEGATE MELVIN:** No, I feel that that is a legislative matter, Mr. Aronow.

**DELEGATE ARONOW:** Mr. Chairman.

**CHAIRMAN ESKILDSEN:** Mr. Aronow.

**DELEGATE ARONOW:** In view of the answer I must oppose the amendment. I'd be willing to go along with the amendment if the provision for the vote was left in, but here we have no assurance that there'll be any legislation passed. There isn't anything on the books, and these things have to be self-executing; that is, you have to provide for an election. So, thank you.

**CHAIRMAN ESKILDSEN:** Mr. Johnson,

**DELEGATE JOHNSON:** Mr. Chairman. I rise in opposition to the amendment and the substitute motion on these grounds. Each refers a little more authority to the Legislature and, to make my position clear, I'm in favor--you'll find out through our legislative article, et cetera--to give the Legislature a little more leeway and more work and more power than it has had. However, I think that we can give the Legislature too much to do and too much power. Ladies and gentlemen, this is a--the original motion or the original proposal here states, simply, I think, and directly, the procedure that's to be carried out. And I see no argument with it at all. Thank you very much, Mr. Chairman.

**CHAIRMAN ESKILDSEN:** Is there any more discussion on the motion by Mr. Melvin?  
If not, would you care to close, Mr. Melvin?

**DELEGATE MELVIN:** I think enough has been said. Let's vote.

**CHAIRMAN ESKILDSEN:** You've heard the motion of Mr. Melvin to amend Section 13. As many as are in favor will say Aye.

**DELEGATES:** Aye.

**CHAIRMAN ESKILDSEN:** Opposed, No.

**DELEGATES:** No.

**CHAIRMAN ESKILDSEN:** The motion is lost.

We're now on-Delegate Robinson, I understood that you made two motions, your original motion and another motion.

**DELEGATE ROBINSON:** No, I did not. Mrs. Blend made the first motion; I offered a substitute motion to that motion.

**CHAIRMAN ESKILDSEN:** And then you made one more motion which you withdrew. Did you withdraw both motions?

**DELEGATE ROBINSON:** I withdrew my substitute motion to Mrs. Blend's motion.

**CHAIRMAN ESKILDSEN:** Thank you. We are now on Mrs. Blend's substitute motion.

**CLERK HANSON:** The amendment by Mrs. Blend is on page 6, line 1, Section 13, following the word "in", by striking the words "at least one newspaper" and inserting in lieu thereof the words "the communications media".

**CHAIRMAN ESKILDSEN:** Is there any more discussion?  
Mr. Heliker.

**DELEGATE HELIKER:** Mr. Chairman, I move a substitute motion. I move that on line 1, page 6, the words "in full in at least one newspaper in each county if such there be" be stricken and that there be substituted therefor the words "in such manner as shall be provided by law". This meets Mr. Aronow's may I speak on that? This meets Mr. Aronow's objection and I think should satisfy everyone concerned with this problem. I think that we should be concerned with the problem raised by Mrs. Blend, because in the next 20 years or 40 years or whatever, there may be a revolution in communications technology which we cannot now even imagine, and to include a provision in a constitution that the publication be in a newspaper seems, to me, to be the maximum of inflexibility.

**CHAIRMAN ESKILDSEN:** Is there any more discussion on Delegate Heliker's motion?  
Mrs. Blend.

**DELEGATE BLEND:** Mr. Chairman, I appreciate Mr. Heliker's support of my motion, and I am glad he agrees with me, because I agree with him. However, "by law" indicates to me that the Legislature, with the renewed faith I have gained in them after being here in this Convention, that they can well choose not to publish it at all as well as to set up an arrangement to do so. I would therefore oppose his amendment.

**CHAIRMAN ESKILDSEN:** Is there any more discussion on Mr. Heliker's motion? Mr. Heliker, would you care to close?

**DELEGATE HELIKER:** Well, I just want to respond to Mrs. Blend. I don't want to close, particularly, but the language as it reads with my rewording says "and cause the same to be published." There's no option to the Legislature there.

**CHAIRMAN ESKILDSEN:** Is there any more discussion on Mr. Heliker's motion?

If not, Mr. Heliker moved to amend Section 13. As many as are in favor will say Aye.

**DELEGATES:** Aye.

**CHAIRMAN ESKILDSEN:** Opposed, No.

**DELEGATES:** No.

**CHAIRMAN ESKILDSEN:** The motion is carried.

Are there any more amendments to Section 13? Is there any more discussion on Section 13? Do you wish to close, Mr. Etchart?

**DELEGATE ETCHART:** I close.

**CHAIRMAN ESKILDSEN:** The question now arises on the motion raised by Mr. Etchart: when this committee does arise and report, after having had under consideration Section 13, it recommend the same be adopted as amended. As many as are in favor will say Aye.

**DELEGATES:** Aye.

**CHAIRMAN ESKILDSEN:** Mr. Habedank.

**DELEGATE HABEDANK:** Mr. Chairman, I hope everybody knew what they were voting on. With Mr. Heliker's motion, was "twice each month for 2 months previous" left in? I hear both ways; I'm just wondering.

**CLERK HANSON:** The amendment reads beginning on page 6, line 1, beginning with the word "in", striking the word "in" and the following material "in full in at least one newspaper in each county, if such there be" and inserting in lieu thereof the following words: "in such manners as shall be prescribed by law."

**CHAIRMAN ESKILDSEN:** As many as are in favor will say Aye.

**DELEGATES:** Aye.

**CHAIRMAN ESKILDSEN:** As many are opposed will say No.

**DELEGATES:** No.

**CHAIRMAN ESKILDSEN:** Motion is carried. You now have before you Section 14. Clerk will read Section 14.

**CLERK HANSON:** (Reading) "Section 14: Legal voters. The number of votes cast for the office of governor in the general election immediately preceding the filing of any petition provided for in this article shall determine the number of legal voters." Mr. Chairman, Section 14.

**CHAIRMAN ESKILDSEN:** Mr. Etchnrt.

**DELEGATE ETCHART:** Mr. Chairman, I move that when this committee does rise and report, after having had under consideration General Government Proposal Number 2, Section 14, it recommend the same be adopted. Mr. Chairman.

**CHAIRMAN ESKILDSEN:** Mr. Etchart.

**DELEGATE ETCHART:** Section 14 of the article is merely an administrative and technical section in that it defines the number of legal voters for computation of the petition requirements. It does not, and cannot, be used to infringe and inhibit the initiative and referendum processes through technical circumvention. Indeed, this section, by setting up such a standard, guards against such abuses.

**CHAIRMAN ESKILDSEN:** Is there any more discussion on Section 14? If not, the motion now arises on Section 14, as made by Delegate Etchart, that when this committee does arise and report, after having had under consideration Section 14, it recommends the same be adopted. As many as are in favor will say Aye.

**DELEGATES:** Aye.

**CHAIRMAN ESKILDSEN:** Opposed, No. (No response)

**CHAIRMAN ESKILDSEN:** The motion is carried.

**CLERK HANSON:** (Reading) "Section 15, Submission. Should more amendments than one be submitted at the same election, they shall be so prepared and distinguished, by numbers or otherwise, that each can be voted upon separately." Mr. Chairman, Section 15.

**CHAIRMAN ESKILDSEN:** Mr. Etchart.

**DELEGATE ETCHART:** Mr. Chairman. I move that when this committee does rise and report, after having had under consideration General Government Proposal Number 2, Section 15, recommend the same be adopted.

**CHAIRMAN ESKILDSEN:** Mr. Etchart.

**DELEGATE ETCHART:** Mr. Chairman, Section 15 is designed to aid voters in casting their votes on constitutional issues and a check on the possible action of grouping several issues under one innocuous title. This is to insure that each issue is presented separately.

**CHAIRMAN ESKILDSEN:** Is there any more discussion on—  
Mr. Nutting.

**DELEGATE NUTTING:** Would the gentleman, Mr. Etchart, yield to a question, please?

**CHAIRMAN ESKILDSEN:** Would Mr. Etchart yield?

**DELEGATE ETCHART:** I yield.

**DELEGATE NUTTING:** I see we're down to the end and there is no limit. Is that the committee intention, that there be no limit to the number of amendments that could be offered?

**DELEGATE ETCHART:** This is correct, sir. The committee felt that the limit of amendments should be allowed to the discretion of the Legislature.

**CHAIRMAN ESKILDSEN:** Mr. Felt.

**DELEGATE FELT:** In line with the point just raised by Delegate Nutting, I move to amend Section 15 by inserting on line 15 of page 6, and after the word "submission", the words "not more than five amendments to this Constitution shall be submitted at the same election". That is the end

of the offered amendment, and Mr. Chairman, I would like to move then that the Section 15, as amended, be adopted.

Mr. Chairman.

**CHAIRMAN ESKILDSEN:** Mr. Felt.

**DELEGATE FELT:** I will not take much time of the Convention. I think it's quite clear that the purpose of this is to avoid a problem which could arise of having an extremely long list, of possible amendments proposed at any one election. From the experience that I have had, I can make a guess as to how legislators might react if there is no limitation and if this is left up to their discretion. I'll scratch your back if you'll scratch mine, and we could end up with 15 or 20 proposed amendments to the Constitution, to the detriment of all. Now I'm sure that legislators would realize that, by going to that extreme, they would be jeopardizing the amendment they were in favor of because there would be a strong likelihood that all amendments would be lost. But yet, if your choice is to get yours on in a pack or not get it on at all, you may go for putting it on. And I feel that, from those who are scientists in the matter of government and from the experience of people in states such as California, it has been found to actually be detrimental in preventing the people of the state from actually participating in the operation of their government when they are, potentially and actually, flooded by so many questions on a ballot that they are unable, and become unwilling therefore, to give full consideration to them. I find nothing magically correct in the figure of five and am perfectly willing to consider anywhere, certainly, from three to six as a reasonable number. But I chose five as a possible reasonable number that the people could handle without unduly burdening them with too many amendments at any one time. Thank you.

**CHAIRMAN ESKILDSEN:** Mr. Murray.

**DELEGATE MURRAY:** Mr. Chairman, may I inquire of Mr. Felt, please?

**CHAIRMAN ESKILDSEN:** Mr. Felt, would you yield to a question?

**DELEGATE FELT:** I yield.

**DELEGATE MURRAY:** Jim, I follow your thinking; if we remain under the present constitutional amendment processes, the Legislature would have all of the say, and so it could determine its number. But, where we have today

determined to submit to the public for adoption several methods by which this can be determined, who makes the question? Who arrives at the decision to determine which five, if more than five, are submitted to the public? Shall we have the public doing it by initiative now? Now, you follow me? The—

**DELEGATE FELT:** Yes.

**DELEGATE MURRAY:** -Legislature has five; how can the public then submit any? I think that's the reason—

**DELEGATE FELT:** Perhaps there would have to be a-the language that I proposed, I took from the present Constitution, and we could add a clause there so that it would read "not more than five amendments to this Constitution shall be submitted at the same election by the legislative assembly under"-or say "under Section 12" or whatever the final number it comes out to be for -that one that permits the Legislature itself. What I'm really trying to do is just limit the number that the Legislature itself can put on the ballot. If the people want to add more, by some other process, why, that would be all right with me. Does that answer the question you had?

**DELEGATE MURRAY:** Yes, Mr. Chairman, that answers my question, and without further amendment, I would resist Mr. Felt's amendment.

**CHAIRMAN ESKILDSEN:** Any more discussion?

Mr. Romney.

**DELEGATE ROMNEY:** I yield to Mr. Felt to let him conclude, and then I will speak.

**CHAIRMAN ESKILDSEN:** Mr. Felt.

**DELEGATE FELT:** To my previous wording, add the words "by action of the legislative assembly".

**CHAIRMAN ESKILDSEN:** Mr. Romney.

**DELEGATE ROMNEY:** Mr. Chairman. Delegate Murray put his finger on a very sore spot here, and Delegate Felt has indicated an effort to cure it. However, I want to call your attention to the procedure in the Legislature. In a bicameral session, you have two committees on constitution elections, one in the House and one in the Senate. The practice-I sat on those committees in two

sessions-and the practice is that many, many, many constitutional amendments are proposed in each house and then the two committees try to get together to select three under the present Constitution. There's a great deal of pride of authorship in these constitutional amendments, and everybody thinks that their constitutional amendment proposal is the best. And that's a natural, human attribute, but it leads to a lot of difficulty and there's a collision of interests. In the past, too often there have been-the better amendments have been discarded and three rather innocuous amendments have been selected for submission. That has not always been the case, but it sometimes has. And that was why we needed more than three. Delegate Felt has put his finger on five, and the situation has been cured by discussion between Delegates Felt and Murray concerning the proposals that come from the citizenry direct. So perhaps the matter is resolved, but even five is not going to be too easy. However, I'm willing to accept it. I think it'd probably be better a little more.

**CHAIRMAN ESKILDSEN:** Any more discussion'?

Mrs. Reichert.

**DELEGATE REICHERT:** Mr. Chairman, would Mr. Felt yield to a question?

**CHAIRMAN ESKILDSEN:** Would Mr. Felt yield?

**DELEGATE FELT:** I yield.

**DELEGATE REICHERT:** Mr. Felt. In Hawaii, I understand, they presented 21 amendments at one time to the voters. They didn't have the problem of submitting an entire constitution. And I understand all 21 of those amendments were passed. Do you know about this?

**DELEGATE FELT:** No, I'm not particularly familiar with what they did in Hawaii. I know that-I understood that they did revise their Constitution extensively, but I don't know whether one example--no matter what it was, whether it was a question of the ratio of success of the three amendments that we've presented from times to time in Montana, or anything else, would really give us much of a guide. I think we have to base this decision on our own general judgment of what would work best and whether-I think what we're trying to do here is through the constitutional amendment process-is give the people in

the state an opportunity to revise something if it seems to be supported strongly enough, so that it would either be presented through this initiative process or by obtaining a two-thirds vote of the legislative assembly. But I do think, myself, that it would lead to a deterioration of that if we don't place some limitation on it. I'm certainly not going to take a lot of your time, though, discussing it because I suppose it could work without a limitation. I think it's a pretty serious question, and I think we should give it some time and consideration here.

**CHAIRMAN ESKILDSEN:** Mr. Ask.

**DELEGATE ASK:** Mr. Chairman, I rise in support of Mr. Felt's amendment. I had an amendment very similar; I had the figure of four. I have no argument with five. I don't think there's any magic in numbers, but I think we should limit it if we're going to have an orderly and meaningful amendment process of this Constitution. If it's unlimited, I think it could get to the state where I don't think the people would understand what they were voting on. They may vote against all of them or for all of them. In fact, we see a lot of confusion here the last few days on what we're saying and what we're amending. And I think this would pass on to the voters. If we do a good job in revising this Constitution, I see no reason to have a lot of amendments each year. If you have five in an election every 2 years, my goodness, you could amend every article in the Constitution in about 10 years, and I would see no problem with this figure of five. So I would, therefore, support him.

**CHAIRMAN ESKILDSEN:** Mr. Aronow.

**DELEGATE ARONOW:** Mr. Chairman. If my memory serves me right, I think the people turned down an amendment to the present Constitution allowing to have submitted to them twice as many amendments as the present three. And therefore, in view of that action by the electorate, I am inclined to support the motion of Delegate Felt. It's less than what they turned down. It's one less, at least.

**CHAIRMAN ESKILDSEN:** Mr. Drum.

**DELEGATE DRUM:** Mr. Chairman, I would suggest that if the membership of the either bicameral or unicameral house in the future find that 5 amendments is not enough, that they-one of those 5 amendments could be an amendment which would permit 21 amendments at some

future time, and they can solve that problem in the future.

**CHAIRMAN ESKILDSEN:** Mr. Barnard.

**DELEGATE BARNARD:** Mr. President, I rise to a point of information. As I understand this situation now-maybe I'm a bit confused--we have an initiative process by which we can initiate changes in the Montana Constitution. Now, we also have, as I understand it, a proposal that we can-that the Legislature can do the same thing. Supposing the Legislature puts some on the ballot and the people themselves, through initiative, put some on the ballot? If I'm not mixed up, how many might we wind up with on the ballot at one time? I'd like to have somebody answer the question.

**CHAIRMAN ESKILDSEN:** Mr. Felt.

**DELEGATE FELT:** Mr. Chairman, Mr. Barnard. It is my opinion, Mr. Barnard, and I may be mistaken too, that there would actually be no limitation to the total number, because the people, by the initiative process, could place any number that they chose. As Mr. Marshall called my attention to the fact that needed-Mr. Murray--it's better than Mrs. Murray-(Laughter) that the-and I had then attempted by a few words to clarify the point. I might say that if it should develop that any part of this proposal is referred to the Standing Substantive Committee that dealt with it, I'd be glad to have them, after taking into consideration whatever feelings seemed to be predominant here, to pick the wording themselves that would make that clear. I don't like to be offering these amendments here in a few moments; and if I had the opportunity, I would--perhaps I do have the opportunity-that my amendment that I tacked on, I would now use slightly different words to be "other than those placed thereon by the initiative" in lieu of the words I said-"by action of the legislative assembly". And so, Mr. Chairman, I'd like to withdraw the amendment that I made to my motion and make instead this additional amendment to my motion, inserting the words "other than those placed thereon by the initiative". And, as I said, if any part of this does get referred to a standing committee, I'd be glad to have them review that.

**CHAIRMAN ESKILDSEN:** Mr. Murray.

**DELEGATE MURRAY:** Mr. Chairman, do we have a motion before the house?

**CHAIRMAN ESKILDSEN:** Yes, we have a motion before the house.

Mrs. Bates.

**DELEGATE BATES:** Mr. Chairman. I would like to ask Delegate Felt a question.

**CHAIRMAN ESKILDSEN:** Would Delegate Felt yield to a question?

**DELEGATE FELT:** I yield.

**DELEGATE BATES:** Mr. Felt, if the Legislature does pass several amendments and the Governor no longer has the right to veto constitutional amendments, what's going to happen if we hold to a specific number?

**DELEGATE FELT:** Of course, the Legislature can only propose constitutional amendments, so I suppose that's what you meant. What's going to happen to what? (Laughter) Well, the Governor--

**DELEGATE BATES:** If the next section is passed, that the Governor cannot veto, then what happens with a specific number?

**DELEGATE FELT:** To the specific number of proposals that can be presented to the voters?

**DELEGATE BATES:** Yes.

**DELEGATE FELT:** Well, what's going to happen to them depends on what we do.

**DELEGATE BATES:** That's right.

**DELEGATE FELT:** The proposal that I'm suggesting is that the Legislative Assembly be permitted to propose five amendments at any one election and that the voters will decide, by approval or rejection, each of those five separately. The next section does say that the Governor should not have the power to veto one which has passed by a two-thirds vote in both houses, but that's a question in itself, of course, and I don't know what's going to happen to that.

**CHAIRMAN ESKILDSEN:** Mr. Graybill.

**DELEGATE GRAYBILL:** Mr. Chairman, the rules provide that the President or any delegate can require that a rule be submitted in writing. I'm sorry, but I don't understand the sense of Mr. Felt's motion any more, because I don't know what it says. I would like to ask that

Mr. Felt put his motion in writing, that during the time he's putting it in writing we take a recess. We have a matter that we're going to take care of on recess. This would give him a chance to write it down and us a chance to see what we're voting on.

**CHAIRMAN ESKILDSEN:** You have a motion before you to recess. You will all stay in your seats. All those in favor will say Aye.

**DELEGATES:** Aye.

**CHAIRMAN ESKILDSEN:** Those opposed, No.

(No response)

**CHAIRMAN ESKILDSEN:** The motion is carried.

(Convention recessed — reconvened at 3:30 p.m.)

**CLERK HANSON:** (Reading) "Mr. Chairman, I move to amend Section 15, in line 15, by adding after the word 'submission' the following: 'not more than five (5) amendments to this Constitution shall be submitted at the same election, other than those placed thereon by initiative'. Signed: Felt."

**CHAIRMAN ESKILDSEN:** Mr. Felt.

**DELEGATE FELT:** Mr. Chairman. My motion is to amend, and as amended, that the article or-Section 15 be adopted. I will say only a few words because I-to make sure that it's understood. There's no limitation here as to the number of amendments that might be proposed by the petition-initiative process, but a limit of five as to the number that could be placed on the ballot for any one given election by action of the Legislative Assembly. I feel that five is a reasonable number. If it gets much larger than that, I think that you might as well say there wouldn't be any limitation at all; and I will close.

**CHAIRMAN ESKILDSEN:** Mr. Murray.

**DELEGATE MURRAY:** Mr. Chairman, a point of inquiry. How now does Section 5 read with the amendment of Mr. Felt added?

**CHAIRMAN ESKILDSEN:** Would you read the amendment again? Read the whole thing. Mr. Felt.

**DELEGATE FELT:** (Inaudible) the section is intact. This is just an additional sentence

which would become the first sentence. The present section would continue and would be the second sentence of the section.

**CHAIRMAN ESKILDSEN:** We'll have the clerk read the whole amendment and the section.

**CLERK HANSON:** (Reading) "Section 15: Submission." This is the amendment: "Not more than five (5) amendments to this Constitution shall be submitted at the same election, other than those placed thereon by initiative." End of amendment. "Should more amendments than one be submitted at the same election, they shall be so prepared and distinguished, by numbers or otherwise, that each can be voted upon separately."

**CHAIRMAN ESKILDSEN:** Mr. Harper.

**DELEGATE HARPER:** Mr. Chairman. I would like to hear some more discussion on this from the committee. For example, did the committee-I'm sure the committee considered this idea, because it is the kind of idea we have in our present Constitution-did they check into what other state constitutions embody? Do other states have similar restrictions? If there are states that have had for several years no restriction on the number of amendments, do they find an inordinate number being proposed in each election, and so forth? I see Mr. Felt's line of reasoning, I think quite clearly; if the committee has anything to offer in favor of its original proposal, I'd like very much to hear it.

**CHAIRMAN ESKILDSEN:** Mr. Habedank.

**DELEGATE HABEDANK:** Mr. Harper, I'm sorry I don't have the book with me right now, so the figure I give you will be inaccurate, but the great majority of the states who provide for constitutional amendments do not contain a limitation on the number, and we, in studying those as reported to us by our research analysts, found that they did not have an inordinate number of amendments. And by virtue thereof, we felt the thing would take care of itself. There may be a situation arise when, in some year, for very good reasons, you need seven, and that most of the time you won't even have five. And we felt that not to provide a limitation left it up to the discretion of the Legislature and their wisdom. We still feel-at least, I still feel-that is sound reasoning.

**CHAIRMAN ESKILDSEN:** Mr. Loendorf.

**DELEGATE LOENDORF:** Loendorf, Mr. Chairman.

**CHAIRMAN ESKILDSEN:** Loendorf.

**DELEGATE LOENDORF:** Closer than Lorello, though. (Laughter) Would Mr. Felt yield to a question?

**CHAIRMAN ESKILDSEN:** Would Mr. Felt yield?

**DELEGATE FELT:** I yield.

**DELEGATE LOENDORF:** Jim, I'm curious. I don't recall, and perhaps you do. You limit-your proposed amendment would impose a five amendment limitation on the present Constitution. Could an amendment include an amendment to an entire article? It seems to me there's some court decisions on that.

**DELEGATE FELT:** Yes. I don't think you are asking me to remember something so much, Jerry, as you are to discuss some rather difficult legal questions. The present Constitution-I didn't say the old one-has a provision which says that an amendment can only embrace one subject. I do not know how that provision of the present Constitution is faring, so any answer I gave would be totally qualified by depending upon what might have been done with that. All I can say is that, under our present Constitution, you can only deal with one subject and exactly what that means has been the subject of several court interpretations. I would not pretend that I carry that around in my memory box, nor that I could find the words to explain it even if I had it all photographically memorized. So I'm afraid my answer isn't very much help to you. I would think of this, myself, as saying that the five amendments, if they are authorized, would permit five separate subjects to be taken up by the amendment process at any one election time.

**CHAIRMAN ESKILDSEN:** Any more discussion?

**DELEGATE AASHEIM:** Chairman.

**CHAIRMAN ESKILDSEN:** Mr. Aasheim.

**DELEGATE AASHEIM:** Mr. Chairman and members of the assembly. I have talked on

this sometime in the past-I forget now when—but I have a kind of a kinship to this proposition, because when I was in the Legislature, I tried to have a constitutional amendment that would provide 10 amendments, and I can recall the Chairman of the Finance Committee standing up in the balcony and saying, "Will you settle for 7?"; and I said I'd settle for anything that's better than 3. We did get it through the House, and the inconsiderate Senate killed it at that time. Later, the Senate, in its wisdom, passed this proposal and the people, as someone has remarked, rejected it-to have, I guess it was six. However, let me again remind you: suppose we are in a unicameral body or a bicameral, and we had 30 amendments to make. I have 1 and 29 others, and we have a restriction on those amendments. I'm going to be concerned about mine, and I don't care how good yours is. I'm going to vote against it because I want mine on the-to be adopted; and you will find, as you look back over the number of proposals that have been submitted that very seldom have we had three, and there have been some good ones rejected because of this very thing. Good ones have been killed because of the restriction. Now, someone asked a minute ago and -when I give you this information, George, it's against my proposal. California doesn't have—didn't have-any restrictions. At one time, they had 24 proposals before them in one year, and they objected, naturally. That was too many. But I think this is something that's going to level off, and I believe that if we had had no restrictions, there would have been no need for a constitutional convention. I think the Legislature would have found, in its wisdom, the areas that needed correction and would have presented them to the people. So I am sorry to object-to be opposed to your amendment, Mr. Felt—but I really believe that we should not have this restriction.

**CHAIRMAN ESKILDSEN:** Mr. Rygg.

**DELEGATE RYGG:** I, too, have sat on the Committee on Constitutional and Federal Relations, and I see the same problem. We often knew we had only three--and we didn't know which ones to take; and as a result, many good amendments were lost because of this. I don't feel that the Legislature would have too many, but I think the threat of having a certain number does restrict one. I'm not a member of the committee you referred to, but I think the last list I saw was 46 states had no restrictions, three of them had three, and we were one of them, and one other one had

two. I frankly believe that we would be all right if we just let it go the way the committee has written it.

**CHAIRMAN ESKILDSEN:** Mr. James.

**DELEGATE JAMES:** Mr. Chairman. When I campaigned, I said we were going to give the state a more flexible government. I think this is what the committee report is trying to do. Let's help them out, for once, and make this government more flexible by adopting this section.

**CHAIRMAN ESKILDSEN:** Mr. Lorello.

**DELEGATE LORELLO:** I wonder if we remember a couple of years ago when people now do not have bingo and we have executive organization. In my hometown, we'd rather have bingo, and it happened because of this three-amendment ruling. I'd like you to stay with the committee report.

**CHAIRMAN ESKILDSEN:** Mrs. Cross.

**DELEGATE CROSS:** Mr. Chairman. I rise in opposition to the amendment. I would like to support subsection 15 as given in the report of the committee. In the arguments that have been presented the last 2 days on just about everything, I detect a reverence of the past, a fear of the future, a distrust of the Legislature and a doubt of the people. (Laughter)

**CHAIRMAN ESKILDSEN:** Mr. Melvin.

**DELEGATE MELVIN:** Mr. Chairman, I rise in support of Delegate Felt's motion. Since 1889, over 500 amendments have been submitted in the Legislature; 62 of them have come out, which means that they haven't averaged 3, their limit. 57 of those were voted on, because the courts ruled on the other 5; 40 of them were approved and 37 were put into effect. And I don't see that this limit would necessarily curtail the Legislature.

**CHAIRMAN ESKILDSEN:** Mr. Choate.

**DELEGATE CHOATE:** Mr. Chairman. I think it's all a matter of interpretation. In our study, we looked into many of the other states' systems that have been used. We learned that a number of years ago in Georgia, where they needed major revision to the Constitution, their Supreme Court ruled that one amendment could affect the entire constitution. So, the Legislature did a complete revision, submitted it as one amendment, and the people adopted it. So, really,

we come into a matter of court interpretation. I think that a limit has some merit, rather than to permit a major number to be submitted so that people don't understand what they're all about. But it doesn't necessarily mean that a limit would prevent a major revision through a court interpretation. But I don't think it makes very much difference. If we have no restriction on the number that can be placed before the people, we have to assume that the Legislature has some wisdom, and certainly the people should not be limited to a number of petitions if the Legislature is not. We felt that it was wise to try it at least. Thank you.

**CHAIRMAN ESKILDSEN:** Any more discussion on the motion by Mr. Felt? If not, the question now arises on the motion of Mr. Felt that when this committee does arise and report, after having had under consideration Section 15, it recommend the same be adopted as amended. As many are in favor will say Aye.

**DELEGATES:** Aye.

**CHAIRMAN ESKILDSEN:** Mr. Ask.

**DELEGATE ASK:** -have a roll call vote? And have seconds.

**CHAIRMAN ESKILDSEN:** Being there's sufficient seconds, there will be a roll call vote. You'll use your voting machine. As many as are in favor will vote Aye, opposed will vote No. Has everyone voted? Does anyone wish to change their vote?

Mr. McNeil.

**DELEGATE McNEIL:** Mr. Chairman, I have a question here on our procedure. Have we—we haven't voted on the amendment yet, have we?

**CHAIRMAN ESKILDSEN:** Mr. McNeil, the motion was by Mr. Felt that when we adopted his amendment, it include the whole section, and he also said that when we rise to report, so we are voting on the complete section as amended. The clerk will close the vote.

Aasheim	Nay
Anderson, J. ....	Nay
Anderson, .....	Nay
Arbanas .....	Nay
Arness .....	Aye
Aronow .....	Aye
Artz .....	Aye

Ask.	Aye
Babcock	Aye
Barnard	Aye
Bates..	Nay
Belcher	Nay
Berg	Aye
Berthelson	Nay
Blaylock	Nay
Blend	Nay
Bowman	Nay
Brazier	Aye
Brown	Nay
Bugbee	Nay
Burkhardt	A b s e n t
Cain	Nay
Campbell	Absent
Cate	Nay
Champoux	Absent
Choate	Nay
Conover	Nay
Cross..	Nay
Dahood	Nay
Davis	Nay
Delaney	Nay
Driscoll	Nay
Drum	Aye
Eck	Nay
Erdmann	Aye
Chairman Eskildsen	Absent
Etchart	Nay
Felt	Aye
Foster	Aye
Furlong.	Nay
Garlington	Nay
Graybill	Nay
Gysler	Nay
Habedank	Nay
Hanson, R.S.	Nay
Hanson, R.	Nay
Harbaugh	Aye
Harlow	Nay
Harper	Nay
Harrington	Nay
Heliker	Nay
Holland.	Absent
Jacobsen	Nay
James	Nay
Johnson	Aye
Joyce	Nay
K a m h o o t	Aye
Kelleher	Nay
Leuthold	Absent
Loendorf	Nay
Lore110	Nay
Mahoney	Nay

Mansfield.	Nay
Martin.	Nay
McCarvel	Nay
McDonough.	Nay
McKeon	Absent
McNeil	Aye
Melvin	Aye
Monroe	Nay
Murray	Nay
Noble	Nay
Nutting	Aye
Payne	Nay
Pemberton	Nay
Rebal	Nay
Reichert	Nay
Robinson	Nay
Roeder	Aye
Rollins.	Aye
Romney	Nay
Rygg	Nay
Scanlin	Nay
Schiltz	Aye
Siderius.	Absent
Simon	Nay
Skari	Nay
Sparks	Nay
Speer	Nay
Studer	Aye
Sullivan	Nay
Swanberg	Nay
Toole	Nay
Van Buskirk	Nay
Vermillion	Nay
Wagner	Nay
Ward	Nay
Warden	Nay
Wilson	Aye
Woodmansey	Nay

**CLERK HANSON:** Mr. Chairman, 23 delegates voting Aye, 69 voting No.

**CHAIRMAN ESKILDSEN: 23** having voted Aye, 69 having-voting No, the motion fails.

We now have before us the motion by Mr. Etchart. Is there any more discussion? The motion by Mr. Etchart is that when this committee does arise and report, after having had under consideration Section 15, that it recommend the same be adopted. As many as are in favor will say Aye.

**DELEGATES:** Aye.

**CHAIRMAN ESKILDSEN:** Opposed, No. (No response)

**CHAIRMAN ESKILDSEN:** The motion is carried.

You now have before you Section 16. The clerk will read Section 16.

**CLERK HANSON:** (Reading) "Section 16: Gubernatorial veto. The veto power of the governor shall not extend to proposed constitutional revisions or amendments." Mr. Chairman, Section 16.

**CHAIRMAN ESKILDSEN:** Mr. Etchart.

**DELEGATE ETCHART:** Mr. Chairman. I move that when this committee does arise and report, after having had under consideration General Government Proposal Number 2, Section 16, that it recommend that Section 16 be deleted.

Mr. Chairman.

**CHAIRMAN ESKILDSEN:** Mr. Etchart.

**DELEGATE ETCHART:** I move deletion of Section 16 because the same matter will be dealt with in the executive article on page 8, line 15, and also in the legislative article, page 6, line 24. And in order to—I'm sure this will have plenty of debate in these other two articles — and in order to move our business along today, I move deletion of this article—or of this Section 16.

**CHAIRMAN ESKILDSEN:** You've heard the motion of Mr. Etchart that Section 16 be deleted. As many as are in favor will say Aye.

**DELEGATES:** Aye.

**CHAIRMAN ESKILDSEN:** Opposed, No. (No response)

**CHAIRMAN ESKILDSEN:** Motion's carried.

Mr. Murray.

**DELEGATE MURRAY:** Mr. Chairman, I move we revert to Section 10.

**CHAIRMAN ESKILDSEN:** No objection, we'll be on Section 10. The clerk will read Section 10.

**CLERK HANSON:** (Reading) "Section 10: Constitutional amendment by the legislature. Amendments to this Constitution may be proposed by any member of the legislative assembly. if adopted by an affirmative roll call vote of two-thirds of all the members thereof elected to each

house, the proposed amendment shall become a part of the Constitution when approved by either of the following procedures."

**CHAIRMAN ESKILDSEN:** Mr. Habedank.

**DELEGATE HABEDANK:** Mr. Chairman. I do not believe the wording thereof is correct; "elected to each house", that wasn't carried, was it?

**CHAIRMAN ESKILDSEN:** No, it wasn't. We have to start all over again. John, if you would.

**CLERK HANSON:** (Reading) "Section 10: Constitutional amendment by the legislature. Amendments to this Constitution may be proposed by any member of the legislative assembly. If adopted by an affirmative roll call vote of two-thirds of all the members thereof, whether one or more bodies, the proposed amendment shall become a part of the Constitution when approved by either of the following procedures."

**CHAIRMAN ESKILDSEN:** Mr. Etchart.

**DELEGATE ETCHART:** I move that when this committee does arise and report, after having had under consideration General Government Article Number 2, Section 10, it recommend the same be adopted.

Mr. Chairman.

**CHAIRMAN ESKILDSEN:** Mr. Etchart.

**DELEGATE ETCHART:** I move this so that we can get along with the amendment of this section and the next section. I believe there's some language that has been prepared to incorporate the thinking of the Committee of the Whole.

**CHAIRMAN ESKILDSEN:** Any more discussion on Section 10?

**CLERK HANSON:** (Reading) "Mr. Chairman. I move to amend Section 10 of Proposal 2, on lines 17 and 18 of page 4 of the printed proposal, as follows: delete the word 'all' and the words 'thereof, whether one or more bodies', in line 17 and 18, and insert after the word 'members', in line 17, the words 'elected, present and voting in each house,'. Signed: Felt."

**CHAIRMAN ESKILDSEN:** Mr. Felt.

**DELEGATE FELT:** Mr. Chairman. This is actually the joint proposal of Mr. Aasheim and

myself-now, with perhaps his support or perhaps, at least, I hope he has a good day and succeeds in this. The matter has been discussed thoroughly enough. There will be some language problems due to the other changes which were made in Section 11. I'm sure that this can be clarified and dealt with totally by our committee on Style and Drafting, so unless someone has questions about this matter, I won't take the time of the Convention to discuss it further. The idea was to maintain the separate importance and integrity of two houses if we do have a bicameral legislative assembly.

**CHAIRMAN ESKILDSEN:** Is there any more discussion?

Mr. Habedank.

**DELEGATE HABEDANK:** I just want to call to your attention, so that you definitely know what you're doing, that the way the committee has this worded, it means that if two-thirds of your elected representatives, in whether one or more houses, vote for a proposed amendment, it's referred back to the people. The way Mr. Felt's amendment reads, you would have to have a two-thirds vote of each body if there are more than two bodies, and it was the thought of the committee that this was too stringent a requirement. The two-thirds vote of all members is really more than two-thirds of those present and voting, but it does give some leeway so that one body cannot completely stifle another.

**CHAIRMAN ESKILDSEN:** Is there any more discussion?

Mr. Romney.

**DELEGATE ROMNEY:** Would Delegate Habedank respond to a question?

**CHAIRMAN ESKILDSEN:** Would Delegate Habedank yield to a question?

**DELEGATE HABEDANK:** I yield.

**DELEGATE ROMNEY:** Previously, it was brought out that all of the two-thirds could be secured in one house, right?

**DELEGATE HABEDANK:** This is a possibility, not a probability.

**DELEGATE ROMNEY:** But, it's possible?

**DELEGATE HABEDANK:** It would be possible, yes. You'd have to admit that —

depending on the composition of the two houses. If you had a house 80 and 40, that would be correct.

**DELEGATE ROMNEY:** Mr. Chairman.

**CHAIRMAN ESKILDSEN:** Mr. Romney.

**DELEGATE ROMNEY:** In such a contingency, one house in a bicameral system could be playing the entire orchestra and the other would there play nothing.

**CHAIRMAN ESKILDSEN:** Mr. Harlow.

**DELEGATE HARLOW:** Mr. Chairman. You are worried about the effect of the proposal put in by the committee. Did you ever figure out the possibilities under the amendment put in by Mr. Felt? He says two-thirds of the elected members present and voting. Does that mean if we have a very poor day and we've got less than a majority in each house? It doesn't say that you have to have a majority in order to vote, it merely says you have to have a majority—that is, in the rules of the house and so forth—that you have to have a majority to call the session or quorum to call the session in session. Then, after that, half the members—two-thirds of the members—may be gone, and you come up and get two-thirds of those voting. You can get five or six in the House and five or six in the Senate and pass an amendment. I think this is a very—using the word dangerous—amendment, a very uncontrolled amendment; I stand in full support of the report of the committee as it is. Let's not go into this ambiguous, uncertain, unthought-out type of amendments.

**CHAIRMAN ESKILDSEN:** Mr. Scanlin.

**DELEGATE SCANLIN:** Mr. Chairman, will Mr. Felt yield to a question?

Mr. Felt, would you explain to me how members could get in the legislative assembly, to be present and vote, if they weren't elected. In other words, why do we have to have that tautological word "elected" in there?

**DELEGATE FELT:** I don't think we need it, Mr. Scanlin. But I don't think it does any harm, either. It's a word that's in our present Constitution, and it didn't seem necessary to take it out, but it could, certainly — if they're a member, I'm sure they got there by election, and I'm sure you would include the appointment of a member as a member too.

**CHAIRMAN ESKILDSEN:** Mr. Scanlin.

**DELEGATE SCANLIN:** Mr. Chairman, could I make a substitute motion to—I'm assured by the Chairman of another committee that it will be taken care of. Thank you very much.

**CHAIRMAN ESKILDSEN:** Is there any more —

Mr. Mahoney.

**DELEGATE MAHONEY:** Mr. Chairman. We're getting down, I think, to a lot of things that we'd better watch. Two-thirds--on this it says—of the entire membership. We will certainly, I'd think--would then have to show a roll call. If we use Mr. Felt's, I don't think we'd have to even show a roll call. This is—you're taking out the old roll call which was in the old Constitution. You took this out; how the members voted. You've also taken out of this so that it has to be spread on the journal. Now, I think, that two-thirds of the entire membership is a good item, because I've seen the time when one-third of that Senate, having a lot over in the House—this happened in the Annual Session Bill—the House was practically over; we got over two-thirds of the membership, but we couldn't get two-thirds of each body. At one time, under the old system where each county had a Senator, it was a little different. But, today, we now are all being elected on one member, one vote; and I think it's well to go along with this two-thirds. I'm convinced if we'd had some of these things in the Constitution, we wouldn't have been sitting here today. We could have had some of the amendments that the people were demanding, and I think the present thing, as the committee has stated—this I certainly agree with.

**DELEGATE AASHEIM:** Mr. Chairman. I'm just a little confused again. Here—it sounds like three or four people can be in the Senate and make an amendment to the Constitution. Well, I certainly disagree with this, because according to the rules, you got to have a majority of the people present before you can do any business. A majority isn't three or four or five or six, and I would like to ask you people—that this is the present reading of what Mr. Felt has introduced in this amendment, and I don't believe we have abused it; I don't believe any amendments have been proposed to the people which have been very far out. Would Mr. Felt yield to a question?

**CHAIRMAN ESKILDSEN:** Would Mr. Felt yield?

**DELEGATE FELT:** I yield.

**DELEGATE AASHEIM:** Isn't it your understanding that the amendment you have proposed will make it comparable to the present Constitution?

**DELEGATE FELT:** In general, yes. The addition of the words "present and voting" is not in the present Constitution and will make it easier for a proposed amendment to get the necessary number of votes than is the case under our present Constitution. But otherwise, yes, it's —

**DELEGATE AASHEIM:** Would Mr. Felt yield to another question?

**CHAIRMAN ESKILDSEN:** Will Mr. Felt yield to another question?

**DELEGATE FELT:** I yield.

**DELEGATE AASHEIM:** Isn't it true that you have to—[have a] majority in a House or Senate to do business?

**DELEGATE FELT:** Oh, yes, that's true; and of course, the language is that "if adopted by an affirmative roll call vote of two-thirds of the members present and voting".

**CHAIRMAN ESKILDSEN:** Mr. Nutting.

**DELEGATE NUTTING:** Mr. Chairman, one more comment, I think, is that, at the present time, any one member can require the rest of the members to come, so there is really no danger in the Legislature that you can slip something through if you have one member there who asks for a call of the House. All the members have to be there to vote on this issue. So—

**CHAIRMAN ESKILDSEN:** Is there any more discussion?  
Mr. Skari.

**DELEGATE SKARI:** I think in the defense of bicameralism, I don't think we should — I don't think it's fair to create a unicameral house here in this one particular area of voting. I think that if this state does adopt a bicameral system, that it should apply to all areas of voting and this one area shouldn't be set aside.

**CHAIRMAN ESKILDSEN:** Is there any more discussion? If not, Mr. Felt, would you care to close?

**DELEGATE FELT:** I close, Mr. Chairman.

**CHAIRMAN ESKILDSEN:** Mr. Felt closes. We now vote on the motion of Mr. Felt's that, when this committee does arise and report, that recommend Section 10 be adopted as amended. As many—we're voting on Mr. Felt's amendment to Section 10. As many—

Mr. Habedank.

**DELEGATE HABEDANK:** I request a roll call vote division.

**CHAIRMAN ESKILDSEN:** Having sufficient seconds, there will be a roll call vote. As many as are in favor will vote Aye. Those opposed will vote No.

Has everyone voted? Does anyone wish to change their vote? The clerk will close the vote.

Aasheim .....	Aye	Foster .....	Nay
Anderson, J. ....	..Aye	Furlong.....	Aye
Anderson, O.....	..Absent	Garlington.....	Aye
Arbanas .....	Nay	Graybill .....	Nay
Arness.....	Absent	Gysler .....	..Absent
Aronow .....	Aye	Habedank .....	Nay
Artz .....	..Aye	Hanson, R.S.....	Nay
Ask.....	Aye	Hanson, R. ....	Nay
Babcock .....	..Aye	Harbaugh .....	..Absent
Barnard.. .....	..Aye	Harlow .....	Nay
Bates .....	Nay	Harper .....	Nay
Belcher .....	Nay	Harrington .....	Nay
Berg .....	Nay	Heliker .....	Nay
Berth&on .....	Nay	Holland. ....	..Absent
Blaylock .....	Nay	Jacobsen .....	Nay
Blend .....	Nay	James .....	Nay
Bowman .....	Aye	Johnson .....	Aye
Brazier .....	Nay	Joyce .....	Aye
Brown .....	Nay	Kamhoot .....	Nay
Bugbee .....	Nay	Kelleher .....	Nay
Burkhardt .....	..Absent	Leuthold.....	..Absent
Cain .....	Nay	Loendorf.....	Nay
Campbell .....	Nay	Lorello .....	Nay
Cate .....	Nay	Mahoney .....	Nay
Champoux.....	Nay	Mansfield., .....	Nay
Choate .....	Nay	Martin .....	Nay
Conover .....	Nay	McCarvel .....	Nay
Cross. ....	Nay	McDonough.....	Nay
Dahood .....	Nay	McKeon .....	Nay
Davis .....	Nay	McNeil .....	Nay
Delaney .....	Nay	Melvin. ....	Aye
Driscoll .....	Nay	Monroe.. .....	..Aye
Drum .....	Absent	Murray.. .....	..Aye
Eck .....	Nay	Noble .....	Nay
Erdmann .....	..Aye	Nutting .....	Aye
Chairman Eskildsen .....	..Absent	Payne .....	Nay
Etchart .....	Nay	Pemberton .....	Nay
Felt.....	Aye	Rebal .....	Nay
		Reichert .....	..Aye
		Robinson .....	..Aye
		Roeder .....	Aye
		Rollins.....	Aye
		Romney .....	..Aye
		Rygg .....	..Aye
		Scanlin .....	Nay
		Schiltz .....	Aye
		Siderius.....	Aye
		Simon .....	Nay
		Skari .....	..Aye
		Sparks. ....	Nay
		Speer .....	Nay
		Studer .....	..Aye
		Sullivan .....	Nay
		Swanberg.....	Aye
		Toole .....	..Aye

Van Buskirk .....	Aye
Vermillion .....	Nay
Wagner.. ..	Nay
Ward .....	Nay
Warden.....	Nay
Wilson .....	Aye
Woodmansey ..	Nay

**CLERK HANSON:** Mr. Chairman, 32 delegates voting Aye, 50 voting No, 9 not voting.

**CHAIRMAN ESKILDSEN:** 32 having voted Aye, 59 have voted No, the motion is lost. We now have before us Section 10.

Mr. Habedank.

**DELEGATE HABEDANK:** I would move the amendment of Section 10 as it presently reads by striking, in line 19, the words following "by", striking "either of" and then changing "procedures" to "procedure". In other words, it will read, "the proposed amendment shall become a part of the Constitution when approved by the following procedure."

**CHAIRMAN ESKILDSEN:** You've heard the motion of Mr. Habedank. Is there any discussion? If not, all those in favor, say Aye.

**DELEGATES:** Aye.

**CHAIRMAN ESKILDSEN:** Opposed, No. (No response)

**CHAIRMAN ESKILDSEN:** Motion's carried.

Mr. Schiltz.

**DELEGATE SCHILTZ:** Mr. Chairman. Having voted on the prevailing side in the action taken by the committee this day in adopting General Government Proposal Number 2, Section 8, I move that the committee reconsider—

**CHAIRMAN ESKILDSEN:** Mr. Schiltz, we haven't taken the vote on Section 10 yet.

**DELEGATE SCHILTZ:** I thought you just took it.

**CHAIRMAN ESKILDSEN:** No, we just voted on the amendment.

**DELEGATE SCHILTZ:** All right.

**CHAIRMAN ESKILDSEN:** We're now ready to vote on the motion of Mr. Etchart's that when this committee does arise — did you make —

**DELEGATE ETCHART:** Mr. Chairman, I believe that we should vote on Mr. Habedank's amendment.

**CHAIRMAN ESKILDSEN:** We just did.

**DELEGATE ETCHART:** Oh, all right. Well, I would restate my motion, then, that when this committee does arise and report, after having had under consideration Section 10 of Proposal Number 2 of the General Government Committee, as amended, that it report the same be adopted.

**CHAIRMAN ESKILDSEN:** You've heard the motion of Delegate Etchart that Section 10 be adopted as amended. As many as are in favor will say Aye.

**DELEGATES:** Aye.

**CHAIRMAN ESKILDSEN:** Opposed, No. (No response)

**CHAIRMAN ESKILDSEN:** The motion is carried.

Mr. Schiltz.

**DELEGATE SCHILTZ:** I'm overly alert this afternoon because I was asleep this morning, Mr. Chairman. Having voted on the prevailing side in the action taken by the Committee of the Whole this day in adopting General Government Proposal Number 2, Section 8, I move that the committee reconsider that action.

Mr. Chairman.

**CHAIRMAN ESKILDSEN:** Mr. Schiltz.

**DELEGATE SCHILTZ:** I should confess in the beginning, in all candor, that I have no consciousness recollection of having voted one way or another this morning, but I checked up on the rostrum and I found out that nobody can prove that I didn't vote on the prevailing side, so I am now making this motion. (Laughter) I want the committee to know, however, that I wouldn't take an oath on the question. In looking at Section 8 this afternoon, I found, to my utter astonishment, that the Convention shall meet within 3 months after the election of the delegates, and then it goes on and says what the Convention shall do.

**CHAIRMAN ESKILDSEN:** Mr. Schiltz, what we need to know is exactly which section we are—

**DELEGATE SCHILTZ:** We're talking about Section 8.

**CHAIRMAN ESKILDSEN:** Okay, Section 8. Is that page 3, line 29?

**DELEGATE SCHILTZ:** Page 3, line 29. I'm only moving to reconsider at this time, but I will discuss the motion that I will eventually make.

**CHAIRMAN ESKILDSEN:** The reason I ask for this is because the ladies were having trouble finding it for the journal, the right spot. Okay, continue.

**DELEGATE SCHILTZ:** Are we all squared away up on the rostrum?

**CHAIRMAN ESKILDSEN:** Fine. Go ahead.

**DELEGATE SCHILTZ:** All right. I've found after I got back from lunch that what I had voted for was a provision that required the Convention to meet within 3 months after the election of the delegates and then go ahead and do whatever we're doing now. If the election is on November 7th, which is the latest date it can ever be, that means that the only time a convention can be held would be commencing no later than February 7th. If we go ahead and have annual legislative sessions, the greatest probability is that the Legislature will be in session when the Convention is supposed to be in session. Now, to me, this particular provision is a classic example of the danger of legislating in the Constitution. If we go up to Section 5, you will find that the entire matter could be taken care of by the Legislature, everything that is provided in Section 8. If a majority of those voting on the question shall declare in favor of a Convention, the Legislative Assembly shall, at its next session, provide for the calling thereof, and I assume that the legislative assembly could provide for all the ground rules that are laid out in Section 8. And therefore, if this motion to reconsider prevails, I will make a simple motion, with no further speeches, to the effect that Section 8 be deleted in its entirety. Thank you.

**CHAIRMAN ESKILDSEN:** Is there any more discussion on the motion by Mr. Schiltz? If not, the question now arises on the motion by Mr. Schiltz that to reconsider our action of this day and consider Section 8 of Proposal Number 2. As many as are in favor will say Aye.

**DELEGATES:** Aye.

**CHAIRMAN ESKILDSEN:** Opposed, No. (No response)

**CHAIRMAN ESKILDSEN:** The motion is carried. We now have before us Section 8.

**DELEGATE SCHILTZ:** Mr. Chairman.

**CHAIRMAN ESKILDSEN:** Mr. Schiltz.

**DELEGATE SCHILTZ:** I move that Section 8 be deleted in its entirety.

**CHAIRMAN ESKILDSEN:** Mr. Habedank.

**DELEGATE HABEDANK:** Mr. Chairman, thank you. I would ask Mr. Schiltz if he has considered the matter of the last part of Section 8, which has nothing to do with the Convention meeting within a specified time but does have to do with the fact that the amendments shall not be made unless ratified or rejected--allows for the ratification or rejection, either in whole or in separate articles, and that no revision, alteration or amendment should take effect unless it's passed by the people. And, if that were deleted, I don't know where in the Constitution we have protected the people in this respect.

**CHAIRMAN ESKILDSEN:** Mr. Schiltz.

**DELEGATE SCHILTZ:** I assume that that's an inquiry, and if it is, I will respond. I don't see any reason why the Legislature couldn't, under Section 5, put all the language that follows, and to which you referred, into its authorizing program for the holding of a Constitutional Convention. My biggest problem, however, if you have some better answer than this, is that I don't see how we can possibly have a Constitutional Convention when the Legislature is on unless we go build another hall around here somewhere.

**CHAIRMAN ESKILDSEN:** Mr. James.

**DELEGATE JAMES:** Mr. Schiltz lead—or yield? (Laughter)

**CHAIRMAN ESKILDSEN:** Will Mr. Schiltz yield to a question?

**DELEGATE SCHILTZ:** You lead and I'll follow, and I'll yield. (Laughter) Yes.

**DELEGATE JAMES:** Is there anything in the present or in the proposed Constitution, maybe I'll be enlightened by some of the other

members, that says that we have to meet in Helena? Can we meet in Libby, for instance?

**DELEGATE SCHILTZ:** Well, if you've got a hall up there, I assume you could get it through the Legislature somehow.

**CHAIRMAN ESKILDSEN:** Mr. Belcher.

**DELEGATE BELCHER:** Mr. Chairman. I think Mr. Schiltz is somewhat confused, too. On the bottom line on page 29-or line 29 of page 3—the Convention shall meet within 3 months after the election of the delegates. We were elected in June, if I remember correctly-or November-but it can be anytime.

**CHAIRMAN ESKILDSEN:** Is there any more discussion on the motion by Mr. Schiltz. Mr. McNeil.

**DELEGATE MCNEIL:** Mr. Chairman. I'm concerned about taking hasty action here without having had very much opportunity to examine the effect of it. My concern arises from just leaving it to the Legislature to call the Convention. I'm a bit apprehensive that the Legislature might call a Convention and limit its purpose, limit its scope; and if the sole concern is the time limit, we could simply strike "within 3 months", so that it would read: "The Convention shall meet after the election of the delegates and prepare"—so forth—especially—"revisions, alterations and amendments". And I'm quite concerned that, if that language is taken out, that a Legislature could, such as in the extraordinary sessions of the Legislature now, the Governor can restrict the scope and the purposes that can be accomplished. Mr. Chairman, I propose a substitute motion for Mr. Schiltz's motion to delete from line 29 the three words "within 3 months".

**CHAIRMAN ESKILDSEN:** Mr. McNeil, his motion is to kill it. We can go ahead and delete it, but —

**DELEGATE MCNEIL:** Mr. Chairman, I believe Mr. Schiltz's motion was to delete the entire section. I propose a substitute motion. The substitute motion is to delete the three words "within 3 months" from Section 8.

**CHAIRMAN ESKILDSEN:** Fine. Any more discussion?

You now have before you the substitute motion by Delegate McNeil to amend Section 8. As many as are in favor will say Aye.

**DELEGATES:** Aye.

**CHAIRMAN ESKILDSEN:** Opposed, No.

**DELEGATES:** No

**CHAIRMAN ESKILDSEN:** Motion is carried.

You now have before you in its entirety Section 8, as amended. As many as are in favor of adopting Section 8 as amended will say Aye.

**DELEGATES:** Aye.

**CHAIRMAN ESKILDSEN:** Opposed, No.

**DELEGATES:** No.

**CHAIRMAN ESKILDSEN:** Motion's carried.

Mr. Etchart.

**DELEGATE ETCHART:** Mr. Chairman, a point of information. Have we taken care of Section 1 1?

**CHAIRMAN ESKILDSEN:** Yes, we have -we've passed Section 11. We adopted Section 11.

**DELEGATE ETCHART:** And I believe this completes our Delegate Proposal Number 2.

**CHAIRMAN ESKILDSEN:** It does.

**DELEGATE ETCHART:** Then, Mr. Chairman, I would like to—having voted on the prevailing side, I move that the Committee of the Whole reconsider its action in adopting General Government Proposal Number 1, Section 4. Now, this is Proposal Number 1, Section 4. And the reason that I do this is so that we may open this section up for further improvement, and Delegate Davis has an amendment which I think would improve this section. So I ask your support in reconsidering our action in adopting Section 4 of Proposal Number 1.

**CHAIRMAN ESKILDSEN:** You've heard the motion of Mr. Etchart to reconsider our action in adopting Section 4 of Proposal 1. As many as are in favor will say Aye.

**DELEGATES:** Aye

**CHAIRMAN ESKILDSEN:** Opposed, No. (No response)

**CHAIRMAN ESKILDSEN:** Motion is carried.

You now have before you Section 4 of Proposal Number 1. What is your pleasure?

Mr. Davis.

**DELEGATE DAVIS:** Mr. Chairman. The clerk has a copy of my proposed amendment. Perhaps he could read it.

**CLERK HANSON:** (Reading) "Mr. President. I move to amend Section 4, line 18, page 2, of the majority proposal by inserting after the word 'vote'—"

**CHAIRMAN ESKILDSEN:** Mr. Davis.

**DELEGATE DAVIS:** I beg your pardon. There's some more to it than that. Do you want to go with the whole thing?

**CLERK HANSON:** Mr. Davis, it reads "vote", "for state officers".

**DELEGATE DAVIS:** All right. If you'd like, I will explain my amendment and give it, if I may, please. Starting in Section 4 reading "any person qualified to vote" in following "vote", I put "for state offices-or officers rather at general elections" and striking out "and for state officers in this state" and leaving in the rest of the sentence, followed with a semicolon "provided, however, that no person convicted of a felony shall be qualified to hold office except upon his final discharge from state supervision". May I speak to that please, Mr. Chairman?

**CHAIRMAN ESKILDSEN:** Mr. Davis.

**DELEGATE DAVIS:** In our efforts at our first opportunity for statesmanship yesterday and followed with televised statesmanship today and in our good government efforts, it seemed like that when you analyzed the two sections we handled yesterday, we really lowered the voting age to 18 and provided — which is contrary to our present Constitution — that you could vote if you were convicted of a felony as long as you were not physically confined within the limits of the penitentiary. That meant that if you got a 10-year sentence and did 5, during the next year-8 years or 5, you could still serve; you could vote. Well, then we came to 4-the only requirement for high office or any office in our state then was if you were eligible to vote, which meant that anyone convicted of a felony as long as he was not in prison, was eligible to hold office. Now, I don't know how we could call that responsible improvement of our government. I mean, we have all these

things about improving our government, but how we're going to explain that at the local level, particularly-it leaves the door open to say, well, we've now legalized the crooks to get in. An attempt was made-and this was left out inadvertently, I think-attempt was made in the amendment to Section 3 above by Mr. Aronow, but with a different purpose. It says "to insure the purity of elections and guard against abuses of electoral process" right after we've allowed someone who may have been convicted from any crime to hold office. I'm sure none of us really want to go home and try to explain that, so that's why I propose this amendment today. The Bill of Rights provides that as soon as a person's sentence is over with, he is restored all rights. So as soon as a sentence, by commutation of sentence or otherwise-he could hold office. He can vote even though he isn't physically imprisoned, but I don't think that he should have-we should open up our offices, in the guise of improving our government, to convicted felons. Thank you.

**CHAIRMAN ESKILDSEN:** Mr. Foster.

**DELEGATE FOSTER:** Mr. Chairman, I resist this motion. I was of the understanding that the motion by Mr. Etchart was to improve some wording, and I see that we're going to be involved in the whole review of the whole proposal of the committee. I think that we discussed this belaboredly yesterday. We've discussed this proposal belaboredly today, and I feel that if we go through the whole procedure of redebating and questioning the entire proposal, all sections in it, that we may be here forever. I felt that this was a motion to make some minor wording change, and I see that, in fact, it's a major substantive change, and I resist the motion.

**CHAIRMAN ESKILDSEN:** Mr. Davis.

**DELEGATE DAVIS:** May I ask-will you yield for a question, Mr. Foster?

**CHAIRMAN ESKILDSEN:** Will you yield, Mr. Foster?

**DELEGATE FOSTER:** No, I will not yield. (Laughter)

**CHAIRMAN ESKILDSEN:** Mr. Brown.

**DELEGATE BROWN:** Mr. Chairman. I am a member of the General Government Committee and helped prepare the majority report. We did discuss the qualification for voting

— I don't believe we discussed the qualification for holding public office. I am frank to say that that was an oversight, and I concur with Mr. Davis, and I believe the majority of our committee believes that this is a good amendment, and they should not be able to hold public office while on parole. So I will support Mr. Davis' motion.

**CHAIRMAN ESKILDSEN:** Is there any more discussion on Mr. Davis' motion?

Mr. Studer.

**DELEGATE STUDER:** Mr. Chairman. I think Mr. Davis has a very vital point there. We skipped over this a little bit too fast yesterday or else we overlooked it entirely, for one reason or another. We first qualify a man to vote and then after he's qualified to vote by just being out of prison, we now let him run for office. And you're really opening up something there that is very dangerous, to my way of looking at it. Here's a fellow that just gets out and released from prison on parole for some reason or another and 4 or 5 years to serve and probably been in for fraud for 3 or 4 times, and on this particular time he's let out, and now he can run for county treasurer the next morning. Just looks kind of rough to me to qualify a man to vote and then say he can hold office right afterwards on a flimsy deal like this. I go along with Mr. Davis.

**CHAIRMAN ESKILDSEN:** Mr. Artz.

**DELEGATE ARTZ:** I support the motion. I think it might be a little bit awkward if the parole regulations were that the Governor couldn't leave the state. I think it would be a little bit awkward for a Governor reporting to a parole officer. Thank you. (Laughter)

**CHAIRMAN ESKILDSEN:** Mr. Monroe.

**DELEGATE MONROE:** Mr. Chairman. I rise to speak against the amendment. I think that those people who have paid their so-called debt to society should be able to enjoy the right of running for and holding any public office. I don't think this measure of this amendment really would prevent any crooks from getting in office. I think they're already there. (Laughter)

**CHAIRMAN ESKILDSEN:** Mr. Choate.

**DELEGATE CHOATE:** Mr. Chairman. I don't think that the problem that Mr. Artz poses really amounts to much, because the Governor could issue himself a pardon, and then he could

leave the state if he wants to, so there's no problem there. But I join the rest of our committee in supporting the amendment, because we did overlook it during our deliberations, and I think that it should be included. Thank you.

**CHAIRMAN ESKILDSEN:** Mr. Dahood.

**DELEGATE DAHOOD:** I think this would then conform with the idea that we had in the Bill of Rights Committee, because when we discussed the rights of the convicted, we wanted to make sure that there would be no civil rights restored until that individual absolutely established that he was fit to return to society and be an active citizen. We provided in that that he would not have these civil rights restored until state supervision had been terminated. And I think Delegate Davis' amendment and the consensus of the committee now would place their report in line with the provision that we gave considerable consideration to. Thank you, Mr. Chairman.

**CHAIRMAN ESKILDSEN:** Any more discussion? Would you care to close, Mr. Davis? Mr. Romney.

**DELEGATE ROMNEY:** When this matter is presented, I'm going to ask for a roll call and want five supporters, please.  
(Supporters stand)

**CHAIRMAN ESKILDSEN:** Mr. Davis, would you wish to close?

**DELEGATE DAVIS:** Thank you, Mr. Chairman, and thank you for my fellow delegates. We don't want--we're-I hope we can correct, if we do pass over anything, and try to rise-bring our level of inexperienced statesmanship up a little higher as we go along. To clear up any misunderstanding by Mr. Monroe or Mr. Foster, a person has not necessarily paid any debt to society when he's sentenced. The sentencing theory now is to keep people out of prison, so a person can very easily be convicted of a serious crime and get a 10-year deferred sentence, a 10-year suspended sentence or do 2 years and be out on parole 8. That's the principal thing; and another thing, when you go home and when you try to explain one of these situations, you debate on these other articles that nobody knows anything about. But when you go home and tell the people that we have now publicly endorsed the right of someone-of Henry Plumber to stay on as sheriff, for instance; or the county treasurer could be convicted of stealing but can continue to stay in office; it's just

beyond responsible government, as far as I'm concerned. Thank you very much.

**CHAIRMAN ESKILDSEN:** You now have before you the motion by Delegate Davis to amend Section 4. All those in favor—

Mr. Blaylock.

**DELEGATE BLAYLOCK:** Could we have it read again to make sure exactly how it is now?

**CHAIRMAN ESKILDSEN:** Would the clerk read the amendment. Would the clerk read the whole section as amended.

**CLERK HANSON:** (Reading) "Section 4: Any person qualified to vote for state officers at general elections is eligible to any public office except as otherwise provided in this Constitution, subject to any additional qualifications provided by the legislature."

**CHAIRMAN ESKILDSEN:** Now, there has been a roll call vote asked for.  
Mr. Davis.

**DELEGATE DAVIS:** Do you wish me to read it?

**CHAIRMAN ESKILDSEN:** Would you read the amendment, the whole section?

**DELEGATE DAVIS:** "Section 4: Any person qualified to vote for state officers is eligible to any public office except as otherwise provided in this Constitution, subject to any additional qualifications provided by the legislature; provided, however, that no person convicted of a felony shall be qualified to hold office except upon his final discharge from state supervision."

**CHAIRMAN ESKILDSEN:** Having had sufficient seconds, we'll now have a roll call vote. All those in favor of Delegate Davis' motion to amend Section 4 will vote Aye, and those opposed will vote No.

Anyone wish to change their vote? Has everyone voted? The clerk will close the vote.

Aasheim	Aye
Anderson, J.	Aye
Anderson,	0.
Arbanas	Aye
Arness	Aye
Aronow	Aye
Artz	Aye

Ask	Aye
Babcock	Aye
Barnard	Aye
Bates	Aye
Belcher	Aye
Berg	Aye
Berthelson	Aye
Blaylock	Aye
Blend	Aye
Bowman	Aye
Brazier	Aye
Brown	Aye
Bugbee	Aye
Burkhardt	Absent
Cain	Aye
Campbell	Nay
Cate	Absent
Champoux	Aye
Choate	Aye
Conover	Aye
Cross	Aye
Dahood	Aye
Davis	Aye
Delaney	Aye
Driscoll	Absent
Drum	Absent
Eck	Aye
Erdmann	Aye
Etchart	Aye
Felt	Aye
Foster	Aye
Furlong	Aye
Garlington	Aye
Graybill	Aye
Gysler	Aye
Habedank	Aye
Hanson, R.S.	Aye
Hanson, R.	Aye
Harbaugh	Aye
Harlow	Aye
Harper	Aye
Harrington	Aye
Heliker	Nay
Holland	Aye
Jacobsen	Aye
James	Aye
Johnson	Aye
Joyce	Aye
Kamhoot	Aye
Kelleher	Nay
Leuthold	Absent
Loendorf	Aye
Lorello	Aye
Mahoney	Aye
Mansfield	Aye

Martin .....	Aye
McCarvel .....	Aye
McDonough .....	Aye
McKeon .....	Absent
McNeil .....	Aye
Melvin .....	Aye
Monroe .....	Nay
Murray.. .....	Aye
Noble .....	Aye
Nutting .....	Aye
Payne .....	Aye
Pemberton .....	Aye
Rebal .....	Aye
Reichert .....	Aye
Robinson .....	Aye
Roeder .....	Aye
Rollins. ....	Aye
Romney .....	Aye
Rygg .....	Aye
Scanlin .....	Nay
Schiltz .....	Aye
Siderius .....	Aye
Simon .....	Aye
Skari .....	Aye
Sparks .....	Aye
Speer .....	Nay
Studer .....	Absent
Sullivan .....	Aye
Swanberg .....	Aye
Toole .....	Aye
Van Buskirk .....	Aye
Vermillion .....	Aye
Wagner .....	Aye
Ward .....	Aye
Warden .....	Aye
Wilson .....	Aye
Woodmansey .....	Aye
Mr. Chairman .....	Absent

**CLERK HANSON:** Mr. President, 86 delegates voting Aye, 6 voting No, 8 not voting.

**CHAIRMAN ESKILDSEN:** 86 having voted Aye, 6 having voted No, the motion carries. You now have before you Section 4.

Mr. Murray.

**DELEGATE MURRAY:** Mr. Chairman, I move that when this committee does arise and report, after having had under consideration Section 4 as amended, that it do adopt the same.

**CHAIRMAN ESKILDSEN:** You've heard the motion of Mr. Murray. As many as are in favor will say Aye.

**DELEGATES:** Aye.

**CHAIRMAN ESKILDSEN:** Opposed, No. (No response)

**CHAIRMAN ESKILDSEN:** Motion is carried.

Mr. Murray.

**DELEGATE MURRAY:** Mr. Chairman. I move that the committee rise and finally report.

**CHAIRMAN ESKILDSEN:** You've heard the motion of Mr. Murray to rise and finally report. All those in favor will say Aye.

**DELEGATES:** Aye.

**CHAIRMAN ESKILDSEN:** Opposed, NO. (No response)

**CHAIRMAN ESKILDSEN:** The motion is carried. (Chair assumed by Mr. Toole)

**CLERK HANSON:** Mr. President. Oh—

**VICE-PRESIDENT TOOLE:** The Convention will be in order.

**CLERK HANSON:** "Mr. President, we your Committee of the Whole, having had under consideration Report Number 1, Suffrage and Elections, of the Committee on General Government and Constitutional Amendment, recommend as follows: 'that Section 1 be adopted; that Blaylock amend Section 2, as amended by Joyce, be adopted as follows: strike the following word in line 11, page 2, of the printed committee report, 'of the state and political subdivision' and insert in lieu thereof 'as provided by law'. At this time Delegate Pemberton was recognized as present. That Section 2, as amended, be adopted by the following vote: Ayes 74, Noes 26; roll call vote requested by Romney with sufficient seconds; that Section 3 of minority report on roll call vote requested by Delegate Lore110 with sufficient seconds be adopted by the vote following: Ayes 52, Noes 46, Absent 2; that Section 4 be adopted; that Section 5 be amended on line 25 by striking the word 'is' and inserting in lieu thereof 'shall be declared' and as amended be adopted. Amended by Murray. Leuthold amendment Section 6 be added in the language of Section 4, Article IX, of the present Constitution, which reads 'electors shall in all cases except treason, felony, or breach

of peace be privileged from arrest during their attendance at election and in going to and returning therefrom'; on roll call vote requested by Kelleher with sufficient seconds, Section 6 was added with the following vote: Ayes 50, Noes 48; that the committee rise and report and beg leave to sit again. Leo Graybill, Chairman.

February 17, 1972. Mr. President, we your Committee of the Whole, having had under consideration Report Number 1, Suffrage and Election, Report 2, Constitutional Revision, on the Committee of the General Government and Constitutional Amendment recommend as follows: Delegate Artz, having voted on the prevailing side, moved that the committee consider action taken previously this day in adopting Section 3 of Report 1 in Suffrage and Election-motion carried; substitute motion of Delegate Harlow to amend Section 3 of the majority report by adding the following: 'the legislature shall provide for a system of poll booth registration, insure the purity of elections and guard against abuses of the electoral process'-failed to be adopted by the following roll call vote asked for by Foster with sufficient seconds: Ayes 49, Noes 51; substitute motion of Delegate Aronow to amend Section 3 of the majority report by adding the following: 'the legislature may provide for a system of poll booth registration and shall insure the purity of elections and guard against abuses in the electoral process' was adopted by the following roll call vote asked for by McNeil with sufficient seconds: Ayes 76, Noes 22; that Section 3 be adopted as amended; at 3:30 p.m., the Committee of the Whole stood at recess until 3:45 p.m.

3:45 p.m. Delegate Eskildsen in Chair. Chairman of the Constitutional Amendment Committee noted the following corrections approved by the committee in their report: that Delegate Robinson's motion be adopted as follows: 'amend Section 1, subsection 2, page 2, line 22 and 23, of the General Government Committee Proposal Number 2 by deleting the words 'to the legislative assembly' and further amend Section 1, subsection 2, page 2, line 24, by inserting the word 'next' between the words 'the general' and placing a period after the word 'election' and deleting the remainder of the subsection; that Delegate Robinson's motion be adopted, which is as follows: amend Section 1, subsection 4, line 2, in the majority proposal by deleting the words and punctuations 'the legislature prior to a' and inserting the following words in lieu thereof, 'at the session' insert 'and following an affirmative' and in line 3 by inserting

the words 'the legislature' between the comma and the word 'shall'; and amend Section 1, subsection 4, page 3, line 5, by placing a period after the word 'question' and deleting the following words and punctuations; 'to assist the voters and if a convention is authorized', and insert the following language before the word 'continued': 'the commission may be'; that the committee rise and report progress and beg leave to sit again. Signed: Eskildsen, Chairman.

February 18, 1972. Mr. President, we your Committee of the Whole, having had under consideration business under General Orders, Report Number 2, Constitutional Revision on the Committee of General Government and Constitutional Amendment recommend as follows: the Chairman announced that according to the rules, the committee must consider and vote on each section and subsection separately; therefore, we will start with Section 1, subsection 1, of Proposal Number 2; that Section 1, subsection 1, be adopted on roll call vote asked for by Habedank with sufficient seconds; Aasheim's motion to delete subsection 2 in its entirety was not adopted by the following vote: Ayes 24, Noes 69, Absent 6; that subsection 2 be changed to read 'Section 2, Constitutional Convention'-adopted as amended; that remaining subsection be changed to read Section 3, et cetera; Section 3, formerly subsection 3, be adopted; roll call vote was asked by Romney with sufficient seconds and the subsection adopted by the following vote: Ayes 50, Noes 40, Absent 10; that Section 4, formerly subsection 4, be deleted in its entirety; that Section 5, formerly subsection 5, be amended by striking the last sentence thereof and inserting in lieu thereof the following: 'delegates shall be elected on a nonpartisan basis and they shall be elected at the same time and in the same districts as the legislative body determining the number of delegates'; on roll call vote by Kelleher with sufficient seconds, the amendment failed to be adopted by the following votes: Ayes 27, Noes 62, Absent or not voting 11; that Section 5 be adopted. Signed: Eskildsen, Chairman. That Section 6, formerly subsection 6, be adopted; that Section 7, formerly subsection 7, be adopted; that Section 8, formerly subsection 8, be adopted; that Section 9, formerly subsection 9, be deleted; that the committee recess until 1 o'clock p.m. this day; that Section 2 of the original proposal be called Section 10 for the purpose of debate; that consideration of Section 10 be passed; that Section 11, formerly subsection 1 of Section 2, be amended in line 21 by deleting the word 'may' and insert in lieu thereof

the word 'shall'; motion by Harper; on roll call vote requested by Delegate Habedank with sufficient seconds, the amendment was adopted by the following vote: Ayes 51, Noes 35, Absent-not voting 14; that Section 11 be amended by striking the following: 'in such event the secretary of state shall cause the amendment or amendments to be published in full in at least one newspaper in each county in which a newspaper is published, twice each month for the 2 months previous to the next general election for members to the legislative assembly'; that Section 11 be adopted as amended; that Section 12, formerly Section 2, subsection 2, be amended by deleting Section 12 in its entirety; this amendment by Harper on roll call vote requested by Romney with sufficient seconds was adopted by the following vote: Ayes 64, Noes 22, Absent or not voting 14; that Section 13, formerly Section 3, be amended in lines 23 and 24 by changing the figure '15' in each instance to '10'; that Section 13 be further amended in line 1, page 6, by striking the following: 'in full in at least one newspaper in each county, if such there be', and inserting in lieu thereof the following: 'in such manner as provided by law'; that Section 13 as amended be adopted; that Section 14 be adopted; that Section 15, formerly Section 5, be amended in line 15 by adding, after the word 'submission', the following 'not more than five amendments to this Constitution shall be submitted at the same election other than those placed thereon by initiative' and, as amended, Section 15 be adopted as amended; this motion of Felt's was now adopted and roll call vote requested by Ask with sufficient seconds by the following vote: Ayes 23, Noes 69, Absent or not voting 8; that Section 15 be adopted; that Section 16, formerly Section 6, be deleted; without objection on motion by Murray, the Chair reverted to Section 10 for reconsideration; that Section 10 be amended on lines 17 and 18 of page 4 of the printed proposal as follows: delete the word 'all' and the words 'thereof, whether one or more bodies' in line 17 and 18 and inserting after the word 'members' in line 17 the words 'elected present and voting in each house'; on requesting of roll call vote requested by Habedank with sufficient seconds, the amendment made by Felt failed to be adopted in the following vote: Ayes 32, Noes 59, Absent or not voting 9; that Section 10 be amended in line 19 by deleting the words 'either of and by striking the 's' on procedures in line 20; that Section 10 as amended be adopted; having voted on the prevailing side, Delegate Schiltz moved that the committee reconsider action on Section 8 beginning on line 29

of page 3; motion carried that Section 8 be amended by striking the words 'within 3 months' in line 29 and, as amended, Section 8 be adopted; having voted on the prevailing side in adoption of Section 4 of Proposal 1 of the General Government and Constitutional Amendment Committee, Etchart moved to reconsider--motion carried; that Proposal Number 1, Section 4, be amended in line 18, page 2, of the majority proposal by inserting, after the word 'vote', the words 'for state officers'; and further amend in line 19, page 2, by deleting, after the word 'elections', the following: 'and for state officers in the state'; and further amend in line 22, page 2, by deleting the period and inserting in lieu thereof a semicolon; and further amend line 22, page 2, by inserting the following new material after the semicolon: 'provided, however, that no person convicted of a felony shall be qualified to hold office except upon his final discharge from state supervision'; Romney requested a roll call vote and sufficient seconds arose; the amendment of Delegate Davis was adopted by the following vote: Ayes 86, Noes 6, Absent or not voting 8; that Section 4 of Proposal Number 1 be adopted; that the committee rise and finally report. Signed: Eskildsen, Chairman."

**VICE-PRESIDENT TOOLE:** Mr. Murray.

**DELEGATE MURRAY:** I move that the report of the Committee of the Whole be adopted as read and Proposal Number 1 and 2 from the Committee on General Government be referred to the Committee on Style.

**VICE-PRESIDENT TOOLE:** The question now arises on the adoption of the Committee of the Whole report. All those in favor signify by saying Aye.

**DELEGATES:** Aye.

**VICE-PRESIDENT TOOLE:** Those opposed, No.  
(No response)

**VICE-PRESIDENT TOOLE:** The Ayes have it, and so ordered.

Members of the Convention, I would now like to move to Order of Business Number 1. There's a method in my madness, which you will see shortly. The auditor's office will be open until 6:00 to pick up your checks. Now, with your indulgence, I would like to move to Order of Business Number

1, Reports of Standing Committees.

Mrs. Cross.

**DELEGATE CROSS:** Mr. Chairman. We, the Committee on Natural Resources and Agriculture respectfully report as follows: that the Natural Resources and Agriculture Committee majority proposal is ready to be duplicated and submitted to the Committee of the Whole for consideration and that the Natural Resources and Agriculture Committee minority proposal is ready to be duplicated and submitted to the Committee of the Whole for consideration.

**VICE-PRESIDENT TOOLE:** Thank you, Mrs. Cross. Your report is accepted and referred to Committee of the Whole.

Mr. Rygg.

**DELEGATE RYGG:** Mr. Vice-President. We, the Committee on Revenue and Finance respectfully report as follows: that the Report [Revenue] and Finance Committee majority proposal is ready to be duplicated and submitted to the Committee of the Whole for consideration; that the Revenue and Finance Committee minority proposal is ready to be duplicated and submitted to the Committee of the Whole for consideration. I want to say that the fact that all members have signed the majority report doesn't mean that they're all in full accord with what is in it, and, of course, out of the 14 sections, we do have 2 on the minority report. I don't have the transmittal letter because it's down at the printer, but I would want to say that this committee has worked on this proposal with a very progressive spirit. We believe this document can open the door to a prosperous future for Montana. We have removed the restrictions which have prevented past legislatures from passing laws which have been badly needed to insure progress, and we have really not locked many things in the proposal that should maybe have been of legislative nature. We've had an exceptional committee and very talented assistance from our research analysts, economists and interns. We would especially ask the Convention to read our rationale, as the report itself is quite short in most instances. So, we feel our rationale is very important. And I suppose I should also say that-tell this group that the Mitchell gang has now moved out of its headquarters across the street, and for the time being, at least, we will be right here in the Capitol building.

**VICE-PRESIDENT TOOLE:** Thank you, Mr. Rygg. Your report is accepted and referred to General Orders.

Order of Business Number 2, Reports of Select Committees.

Mr. Champoux.

**DELEGATE CHAMPOUX:** Is this out of place? The Education Committee, 5 minutes after this is over. That all right?

**VICE-PRESIDENT TOOLE:** Yes.

**DELEGATE CHAMPOUX:** Thank you.

**VICE-PRESIDENT TOOLE:** Order 01 Business Number 2, Reports of Select Committees.

**CLERK HANSON:** None.

**VICE-PRESIDENT TOOLE:** Order of Business Number 3, Communications.

**CLERK HANSON:** "February 17, 1972. Honorable Leo Graybill, Jr., President, Montana Constitutional Convention, The Capitol, Helena, Montana. Dear Mr. President: In accordance with the provisions of Section 15 (2), Extraordinary Senate Kill Number 6, Chapter Extraordinary Number 1, Laws of Montana, 1971, the license of Robert A. Ellard, License Number 72-72, has been reinstated as of February 17, 1972. Sincerely yours, Frank Murray, Secretary of State."

**VICE-PRESIDENT TOOLE:** Order of Business Number 4, Introduction and Reference of Delegate Proposals.

**CLERK HANSON:** None.

**VICE-PRESIDENT TOOLE:** Number 5, Final Consideration of Proposals.

**CLERK HANSON:** None.

**VICE-PRESIDENT TOOLE:** Number 6, Adoption of Proposed Constitution and Ballot.

**CLERK HANSON:** None.

**VICE-PRESIDENT TOOLE:** Number 7, Motions and Resolutions.

**CLERK HANSON:** None, sir.

**VICE-PRESIDENT TOOLE:** Number 8, Unfinished Business.  
President Graybill.

**DELEGATE GRAYBILL:** Mr. President. Today is Friday and 2 weeks from the time I last spoke to you about the budget, and under the rules, it's my privilege to again discuss with you the budget. If you'll take the budgets that have been

laid on your desks early this morning, we'll talk about it for a minute. First of all, as I think you all know, the budget is accrued through the weekend, and the first two columns are the budget as amended because it's necessary for us to constantly amend the budget but we are staying within the \$499,281. Now, for your information, the budget before you differs in the first two columns from the one that we gave you 2 weeks ago in the following particulars: under contracted services, about halfway down, the last item, court reporter, has been adjusted upward to \$15,000 from \$10,000 where it was 2 weeks ago. This is because we got into a situation where we found we did not have a firm contract or, at least, a firm total contract with the court reporter and thanks to Vice-President Brown, we have now worked out an arrangement with the court reporter which substantially reduces the per-page that we're paying for the transcript. On the other hand, it recognizes that we were not anywhere within the budget based on either the new or the old per-page allowances. Whether or not we can stay within \$15,000 depends on how long we debate, and I'm not too hopeful this afternoon, but I do see that we might get along better next week. And if we can finish up somewhere in the week of the 20th of March, we'll be within that figure. So, we have adjusted the budget to \$15,000, hoping that we can get by for about that. We will keep our eye on that account and let you know again next time we report. In order to cover the \$5,000 that we've raised the court reporter item, we have lowered the public information item, that was \$11,000, to \$6,000. That's down fourth to the bottom there. Now we had originally \$11,000 under public information for a film that MSU was going to do for us at Bozeman, and you'll remember we told you—and many of you, of course, know by now—that because of the June 6th submission date that we have chosen, it became impossible to accomplish the film the way that we had originally planned. And so, in place of the film, which was going to cost as our share, \$11,000, we are now doing some video taping which we hope to have available for public information, and the cost of this will be substantially less than the \$11,000, and although we still have the \$6,000 in the budget, I think that will certainly cover it. And that allowed us to move \$5,000 from that item up to court reporter. This fortuitous or unfortuitous event, depending on your point of view, allows us to balance the budget again in the first two columns. Now, if you'll look with me for a moment at the third column, expenses to date, I can tell you

that most of those items are within the proportional share that they should be of our total moneys, except the following. Wages for staff are somewhat over their proportionate share of what they should be on a Y-week convention; however, I think most of us are aware now that there will be some lessening of the staff as functions phase out as we debate various committee proposals, and it is anticipated that, although we're over now, we will not be over by the end of the 9 weeks if this phasing out continues to take place. On communications, under telephone, you will notice an item there accrued only of \$3,500. The telephone is causing me and Mr. Toole grave concern. We worked on it yesterday, and we will work on it again, I think, next Monday with the telephone company, but allow me to tell you, that as of the moment, we have a telephone bill of \$4,400 for the first month and a half. This will make it impossible for us to stay anywhere within the \$6,000 budget, and so we are doing two things. First of all, we're going to make drastic changes in the telephone system, as I'll mention in a moment. Secondly, we are negotiating with the telephone company on some of the changes that were made already. I think the problem is that we—that our staff arranged for what they considered to be the necessary telephones without ascertaining from the telephone company exactly what those necessary telephones were going to cost. Now that we've ascertained what they're going to cost—we just got the bill the day before yesterday—we are going to reassess what is necessary. Now, the first thing we're going to do, unless you instruct the staff otherwise—officers otherwise—we're going to cut out the two WATS lines which are now in the state system. We're going to put in one WATS line which will be independent of the state system and which will have three main outlets, one in the President's office complex, one in public information and one in the clerk's office. Now, that doesn't mean that you can't use the WATS line; you can wherever you can get ahold of it and when you can, but we are simply going to have to cut down on the two WATS lines, which were costing us 2,400 bucks so far, and this will save us, we think, substantial moneys. It's a little over \$600 a month for one. The second thing that we are going to do is that we are going to review, as soon as the telephone company gives us an accurate list of what the other lines are, and we're going to cut out some unnecessary telephone lines. We're going to cut a couple of lines out of the President's office and the complex that it involves, because we have too many in there; we have about four, not just to

my office but to those three or four offices there. There are four separate lines, and we don't need that many. Secondly, in the telephone service that's available here in the hallways for you, we're going to cut out some of those phones. We've got about six of one kind and three or four of another; we've got somewhere in the neighborhood of 9 or 10 available lines there. While I'm sure we all use them, I'm sure we might be able to get by with three or four available lines there. Third, some of your committees have had two phones per committee because of room separations; we're going to cut that to one. We're going to hope that upstairs we can get by with one phone in the middle room. We're going to eliminate a few other phones here and there where we think it's possible. Now, if we hurt you really bad, let us know; but I do think it's necessary to cut back somewhat. These phones alone for local service are costing us somewhere in the neighborhood of \$1,000 to \$1,100 a month, and we must cut that back to some more-realistic figure if we expect to go on until the last week of March without being in desperate shape telephonewise. So much for the telephone situation.

The other item I want to comment on in the expenses-to-date column is the commission expense, which jumped from about \$700 or \$800 last time to \$1,763. The reason for that is that the \$700 or \$800 we had there previously was a group of small expenses which we picked up for the commission which I explained to you last time, mostly books and some miscellaneous expenses in connection with all of our affairs since last December. We have now accrued on the printing downstairs \$1,033 that it cost to print the three books that were not printed by January 17th. And so, adding that \$1,033 is what brings that up to \$1,763. So there's that much additional expense of the commission which, at the moment, we're carrying unless it can be adjusted or arranged with the printing department in some other manner. Now, except for those items, the other items are within or approximately at the correct proportional share, and so if you'll bear with us and continue not to spend money unless you really need it, I think we may get by. Thank you very much. I'll move that this be placed in the journal unless someone has a question.

**VICE-PRESIDENT TOOLE:** Any questions on the budget? Therefore—if not, they will be placed in the budget. President Graybill, do you wish to make your remarks now on scheduling?

**DELEGATE GRAYBILL:** Let's take a

vote on my motion to place it in the budget so everybody is with me here.

**VICE-PRESIDENT TOOLE:** All right. All in favor of approval of the budget--acceptance of the budget will signify by saying Aye.

**DELEGATES:** Aye.

**VICE-PRESIDENT TOOLE:** Opposed, NO.

(No response)

**VICE-PRESIDENT TOOLE:** Motion carried.

**DELEGATE GRAYBILL:** Mr. Toole, I'd handle the other matter on announcements.

**VICE-PRESIDENT TOOLE: Yes.** Do you wish to speak on your other matter now? Or would you

**DELEGATE GRAYBILL:** May I handle the other matter on announcements?

**VICE-PRESIDENT TOOLE:** Mr. Murray.

**DELEGATE MURRAY:** Mr. Vice-President. I move that we pass consideration of any Orders of Business under Orders of Business 9 and 10 and advance to Order of Business Number 11.

**VICE-PRESIDENT TOOLE:** The Convention heard Mr. Murray's motion. All in favor signify by saying Aye.

**DELEGATES:** Aye.

**VICE-PRESIDENT TOOLE:** Opposed, NO.

(No response)

**VICE-PRESIDENT TOOLE:** Motion carried.

Mr. Graybill.

**DELEGATE GRAYBILL:** Very well. On announcements, it was our intention, of course, to start the legislative article debate today. And after consulting with the Rules Committee and some others, we've decided not to start the legislative article today and not to have a night session, although we had considered that. So, we will start the legislative article tomorrow morning.

Now, if you will allow me to indulge myself for a minute, I'd like to make a few suggestions, which you can either take or ignore. But it seems to me, in listening to debate yesterday and in listening

today, that we should all examine carefully what we are going to do from now on on these other proposals. Many times we speak and we only echo what someone has already said. It seems to me we must avoid that. Secondly, many times we make remarks which are really terribly funny, but they are only time-consuming unless we're ahead of schedule. When we get ahead of schedule, we'd like to have that. Many times we have collectively been guilty of making amendments which quite clearly fall on Style and Drafting's prerogative, and Style and Drafting is an excellent committee—well staffed—and intends to go over these proposals with a fine-tooth comb and make lots of stylistic changes. Now, when they make those changes, they must bring their report back to this body, and if I may use a nasty phrase, we may nit-pick them again then, but let's try not to do it until Mr. Schiltz and his excellent crew has had a chance to do it. Now, that means that we should concern ourselves with major issues that we can determine or discover in the articles that we're debating. So let's—let me ask you to do the next thing; that is to study the material. We're not going to meet tonight. Let's read the yellow book tonight, and then tomorrow we'll all know what we're talking about, and as you read the yellow book, let's pick out major areas of concern that are real issues in terms of constitutional matters. Let's not worry about how the clause reads or how—where the comma is—or what minor areas you might like to change. If you have that kind of change in mind, I'm sure Jack Schiltz would at least accept a piece of paper from you, and you can, you know, try to make it in his committee. Then, when it comes back, if he has really failed miserably to catch some terrible blunder in English, then we'll catch him up and do it. But, let's not do it twice. Now, before you do study tonight's proposal, I must confess that when I studied it, it was somewhat confusing, and I'd like to spend one minute with you on tomorrow's proposal. If you happen to have it before you, fine; if not, just listen and I think you'll get the sense of it. On page 3, you'll find the majority proposal, which happens to be couched in unicameral language, and on page, I believe it's 22—well, it's earlier than that, I guess, or later—here it is, on page 32, you'll find another majority proposal which happens to be couched in bicameral language. So this committee is coming in with a proposal both on page 3 and on page 32 which are quite obviously inconsistent or duplicitous, and the purpose, as I think all of us understand, is to place with the Style and Drafting Committee this

dual proposal, leaving with them the problem of how to place this dual matter on the ballot for the public. Now, the first three sections of both of these majority proposals are greatly different; one calls for unicameral, the other calls for bicameral, but after that, Sections 4, 5, 6, 7, and so on, are identical. So the committee is going to propose tomorrow that we start with Section 4, and if we deal with the ones where the committee is in complete agreement first, and that we deal with the first three sections, which are the distinction between unicameral and bicameral, second or last. Now, furthermore, and this is where it gets a little hairy, you'll find that Sections 4, 5 and 6—which the majority agrees on in both proposals—nevertheless have minority reports to them. So we will be debating a majority and minority position on Sections 4, 5 and 6. Furthermore, when we finished all of those sections—that's Section 4 clear through the end of the proposals, the majority proposal, that's through 16—and come back to Section 1, you'll find that Mr. Kelleher has a parliamentary alternative to the unicameral Section 1. And when the unicameral Section 1 is debated, he tells me, it's his intention to move a minority report, and that's when we'll get to the parliamentary matter. And then, after that, we can go through the Section 1, 2 and 3 of the unicameral and the Section 1, 2, 3 of the bicameral and change them as we please. But, at that point, we will have then adopted the whole thing. You see, the first three sections are going to be both unicameral and bicameral, supported by the majority; the Section 4 through 15, or whatever it is, will be only one section, but there will be three amendments proposed to it, and Mr. Kelleher has an amendment to Section 1 on the unicameral side only. Now, with that little explanation, let's all study tonight and find out what it is they've done wrong. Thank you very much.

**VICE-PRESIDENT TOOLE:** Thank you, Mr. Graybill. Are there other announcements?  
Mrs. Eck.

**DELEGATE ECK:** Yes, Mr. Chairman. As long as you are intending to go home and do your homework, we have another little bit that will be covered in Section 16 of the legislative article. There has been a study done on the Ombudsman, or Citizens' Advocate. Our intern, Kayle Jackson, did this; I believe the Legislative Committee and General Government Committee have five or six copies each. There are five copies that have been placed in the Legislature, and I think Mr. Foster

and Mr. Kelleher and a number of others who have been interested in this have copies. And this might also be a good item to study in case you have doubts about this proposal.

**VICE-PRESIDENT TOOLE:** Are there other announcements?

Mr. McNeil.

**DELEGATE MCNEIL:** Mr. Vice-President. I note by the fact that most of the delegates are topless that they are as bothered by the heat as I. The temperature in this room was 82° the last time I checked it; I urge our officers to do whatever they can with the maintenance department of the Capitol to control the temperature in this room. Thank you.

**VICE-PRESIDENT TOOLE:** As Chairman of Administration Committee, I'll attempt to do something about that Mr. McNeil.

Mr. Joyce.

**DELEGATE JOYCE:** Executive Committee will meet tomorrow morning at 8:30 o'clock in the committee room.

**VICE-PRESIDENT TOOLE:** Mr. Rygg.

**DELEGATE RYGG:** Revenue and Finance immediately on adjournment; and I don't know the number of that room over there, but I think it's referred to as Marshall Murray's community room.

**VICE-PRESIDENT TOOLE:** Any other announcements?

Mrs. Warden.

**DELEGATE WARDEN:** The Public Information Committee will meet at 8 o'clock sharp in the morning. Please be there on time.

**VICE-PRESIDENT TOOLE:** Mr. Champoux.

**DELEGATE CHAMPOUX:** Education Committee, 5 minutes after adjournment. Please be on time.

**VICE-PRESIDENT TOOLE:** Mr. Etchart.

**DELEGATE ETCHART:** General Government, 8:30 in the morning, Room 410.

**VICE-PRESIDENT TOOLE:** Any further announcements? If not, Mr. Murray.

**DELEGATE MURRAY:** Mr. Vice-President, I move that the Convention adjourn until the hour of 9:00 a.m., February 19, 1972.

**VICE-PRESIDENT TOOLE:** Convention has heard the motion for adjournment. All in favor, signify by saying Aye.

**DELEGATES:** Aye.

**VICE-PRESIDENT TOOLE:** Opposed, NO.

(No response)

**VICE-PRESIDENT TOOLE:** Motion carried.

(Adjournment 5:12 p.m.)

February 19, 1972  
9:00 a.m.

**Twenty-Eighth Day**

**Convention Hall  
Helena, Montana**

**PRESIDENT GRAYBILL:** The Convention will be in order. If we will all rise, Father Arbanas will lead us in an invocation this morning.

**FATHER ARBANAS:** This past week I received the following letter. It said, I'm a lobbyist and I pray this prayer for you every day and then I thought that you might want to use it when you pray for the Montana Constitutional Convention. It is a meditation on brotherhood from John XXIII: "May everyone be able to say of me that I have never sowed dissention or mistrust; that I have never grieved any single soul by engendering suspicion or fear; that I've been frank, loyal, trusting; that I've looked into the eyes of others with brotherly sympathy, even into those person's who do not share my ideas, so as not to hinder the realization of the Great Commandment that they may be one." Amen.

**PRESIDENT GRAYBILL:** We'll take roll this morning by voting Aye on the voting machines.

**CLERK HANSON:** Delegate Aronow, Delegate Artz, Delegate Burkhardt, Delegate Driscoll, Delegate Drum, Delegate Kelleher, Delegate Melvin, Delegate Toole, Delegate Spew. Mr. President, may Delegates Dahood and Delaney be excused, please?

**PRESIDENT GRAYBILL: Yes.**

**CLERK HANSON:** Delegate Burkhardt, Delegate Melvin.

**PRESIDENT GRAYBILL:** All right, we'll close the ballot. Will you take the recorded vote?

Aasheim	..	..	Present
Anderson, J.	..	...	Present
Anderson,	0..		Present
Arbanas	..	.. ..	Present
Arness	.....		Present
Aronow	..	..	Present
Artz	..	.. ..	Present
Ask	.....		Present
Babcock	.....		Present
Barnard	.....		Present
Bates	.....		Present
Belcher	..	.. ..	Present
Berg	.....		Present
Berthelson			Present

Blaylock	.....	Present
Blend	.....	Present
Bowman	.....	Present
Brazier	.....	Present
Brown	.....	Present
Bugbee	.....	Present
Burkhardt	.....	Absent
Cain	.....	Present
Campbell	.....	Present
Cate	.....	Present
Champoux	.....	Present
Choate	.....	Present
Conover	.....	Present
Cross	.....	Present
Dahood	.....	Excused
Davis	.....	Present
Delaney	.....	Excused
Driscoll	.....	Present
Drum	.....	Present
Eck	.....	Present
Erdmann	.....	Present
Eskildsen	.....	Present
Etchart	.....	Present
Felt	.....	Present
Foster	.....	Present
Furlong	.....	Present
Garlington	.....	Present
Gysler	.....	Present
Habedank	.....	Present
Hanson, R.S.	.....	Present
Hanson, R.	.....	Present
Harbaugh	.....	Present
Harlow	.....	Present
Harper	.....	Present
Harrington	.....	Present
Heliker	.....	Present
Holland	.....	Present
Jacobsen	.....	Present
James	.....	Present
Johnson	.....	Present
Joyce	.....	Present
Kamhoot	.....	Present
Kelleher	.....	Absent
Leuthold	.....	Present
Loendorf	.....	Present
Lore110	.....	Present
Mahoney	.....	Present
Mansfield	.....	Present
Martin	.....	Present
McCarvel	.....	Present
McDonough	.....	Present
McKeon	.....	Present

McNeil .....	Present
Melvin. ....	Absent
Monroe.. ....	Present
Murray .....	Present
Noble .....	Present
Nutting .....	Present
Payne .....	Present
Pemberton .....	Present
Rebal .....	Present
Reichert .....	Present
Robinson .....	Present
Roeder .....	Present
Rollins. ....	Present
Romney .....	Present
Rygg .....	Present
Scanlin .....	Present
Schiltz .....	Present
Siderius .....	Present
Simon .....	Present
Skari .....	Present
Sparks .....	Present
Speer .....	Present
Studer .....	Present
Sullivan .....	Present
Swanberg.....	Present
Toole .....	Present
Van Buskirk .....	Present
Vermillion .....	Present
Wagner .....	Present
Ward .....	Present
Warden .....	Present
Wilson .....	Present
Woodmansey .....	Present
Mr. President .....	Present

**CLERK HANSON:** Mr. President.

**PRESIDENT GRAYBILL:** Yes?

**CLERK HANSON:** 95 Delegates present, 2 excused, and 3 absent.

**PRESIDENT GRAYBILL:** Would you tell me the absentees so I can watch for them?

**CLERK HANSON:** Delegate Burkhardt, Delegate Melvin, Delegate Kelleher.

**PRESIDENT GRAYBILL:** Very well, that's a quorum. The journal will so show. Order of Business Number 1, Reports of Standing Committees.

**CLERK HANSON:** None.

**PRESIDENT GRAYBILL:** Order of Business Number 2, Reports of Select Committees.

**CLERK HANSON:** None, sir.

**PRESIDENT GRAYBILL:** Order of Business Number 3, Communications. On Communications, I would like to say to the Convention for the journal, as a record of it, that we had Charles A. Lindbergh here yesterday morning, who spoke to the delegates at a meeting of the delegates, and who met with various members of the delegates on Thursday evening and discussed topics involving the environment and ecology. Mr. Kelleher, we'll now recognize your presence and call you present. Order of Business Number 4, Introduction of Delegate Proposals.

**CLERK HANSON:** None.

**PRESIDENT GRAYBILL:** Order of Business Number 5, Final Consideration.

**CLERK HANSON:** None.

**PRESIDENT GRAYBILL:** Order of Business Number 6, Adoption of Proposed Constitution.

**CLERK HANSON:** None.

**PRESIDENT GRAYBILL:** Order of Business Number 7, Motions and Resolutions. The Chair will recognize Mr. Murray.

**DELEGATE MURRAY:** Mr. President, I move to suspend the provisions of Rule 44 for the specific purpose of asking the Convention to ratify the receipt of some committee proposals, particularly those from Natural Resources and Agriculture and Revenue and Finance which were received on the 18th, and proposals from the Executive and Judiciary committees, which were received on the 17th, and asking for authorization to receive the proposal from the Bill of Rights and from the Education Committee and from Public Health, Welfare and Labor, which will be received on the 22nd and for the purpose of authorizing the receipt of proposals from Local Government and General Government which will be received on the 23rd. Actually, my motion at this time is to suspend the provisions of Rule 44 and the rest of my comments relate to the motions that I will make if those provisions are suspended.

**PRESIDENT GRAYBILL:** Very well, It's the understanding of the Chair that Mr. Murray's motion is to suspend Rule 44 because the Executive and Judicial committees actually reported on the 17th instead of the 16th. Natural

Resources and Revenue and Finance actually reported on the 18th instead of the 17th, and to allow Bill of Rights, Public Health and Education to report on the 22nd, and to allow Local Government and General Government to then report on the 23rd. The reason for this is that the schedule was set up with these other dates in it but enough of the early committees have reported so there's absolutely no danger of not having enough matter on your desk to debate, and we would like to suspend Rule 44 to allow for this leeway. Is there debate on this motion?

(No response)

**PRESIDENT GRAYBILL:** All those in favor of suspending Rule 44 as set forth, please say Aye.

**DELEGATES:** Aye.

**PRESIDENT GRAYBILL:** Opposed, No.  
(No response)

**PRESIDENT GRAYBILL:** The Ayes have it and so carried.

**DELEGATE BURKHARDT:** Mr. President.

**PRESIDENT GRAYBILL:** Mr. Burkhardt, your presence is now noted and you may be excused.

**DELEGATE BURKHARDT:** Thank you.

**PRESIDENT GRAYBILL:** I've just been informed that Mr. Melvin is here and will be here shortly. He had to go to the airport. I forgot to report yesterday—I guess I didn't have an opportunity—and I'd like to report today that we all know that Mr. Harrington was able to have a child while he was here. Mr. Melvin hasn't done quite that well, but he's had a grandchild while he was here, and so we should be happy about that (Applause) Very well, are there other motions or resolutions?

(No response)

**PRESIDENT GRAYBILL:** Mr. Murray, the journal would like to point out that you made a motion to suspend Rule 44. Now, would you like to move the ratification of the matters that we discussed?

**DELEGATE MURRAY:** Yes.

**PRESIDENT GRAYBILL:** Let's make a motion to that effect.

**DELEGATE MURRAY:** Mr. President, I felt that I probably should do that; however, I thought that you might have cured it by your remarks. At this time, I move to ratify the action of the Convention in Committee of the Whole in receiving committee proposals from the Executive and Judiciary committees on the 17th, one day in violation of the rules; and to ratify the action of the Convention in Committee of the Whole in receiving proposals from the committees on Natural Resources and Revenue and Finance on the 18th, one day in violation of the rules; and to authorize the receipt of committee proposals from the Committee on Bill of Rights, Committee on Education and Public Lands and the Committee on Public Health, Welfare and Labor which will be received on the 22nd, in violation of the rules, and authorizing the receipt of the committee reports from Local Government, the last report—well—the committee report from Local Government and the last report from General Government to be received on the 23rd, which will also be in violation of the rules.

**PRESIDENT GRAYBILL:** All those in favor of that motion, say Aye.

**DELEGATES:** Aye.

**PRESIDENT GRAYBILL:** Opposed, Nay.  
(No response)

**PRESIDENT GRAYBILL:** Now, we're correct. Thank you. Are there other motions and resolutions?

**CLERK HANSON:** None, sir.

**PRESIDENT GRAYBILL:** Unfinished Business, Order of Business 8.

**CLERK HANSON:** None.

**PRESIDENT GRAYBILL:** Special Orders, Order of Business 9.

**CLERK HANSON:** The following proposals are on General Orders as of February 19, 1972: Legislative, Executive, Judiciary, Natural Resources, Revenue and Finance.

**PRESIDENT GRAYBILL:** Very well, any other special orders?  
(No response)

**PRESIDENT GRAYBILL:** No. All right,

General Orders, Order of Business Number 10.

Mr. Eskildsen.

**DELEGATE ESKILDSEN:** Mr. President, I move the Convention resolves itself into Committee of the Whole for the purpose of handling business-General Orders-business under General Orders.

**PRESIDENT GRAYBILL:** You've heard the motion to move the Convention into Committee of the Whole. All in favor say Aye.

**DELEGATES:** Aye.

**PRESIDENT GRAYBILL:** Opposed, Nay.

(No response)

**PRESIDENT GRAYBILL:** So ordered.

(Mr. Graybill in Chair of Committee of the Whole)

**CHAIRMAN GRAYBILL:** Members of the Committee of the Whole, please be in order. Members of the committee, you have before you for your consideration Proposal Number 3 from the Legislature. If you don't have your book marked, it might help you to mark it now. Proposal Number 3 from the Legislative Committee. Chair will recognize Mr. Aasheim.

**DELEGATE AASHEIM:** Mr. President and delegates. I have a few corrections to make that I think we should make now. If you'll turn to page 13 in your legislative book and line 14, strike "93" and insert in lieu thereof, "90". And the same page 13, line 14 strike "are",-strike "are" and insert "killed were". I'll repeat. On page 13, line 14, strike "93" and insert in lieu, "90". Page 13, line 14, strike "are" and insert "killed were". Page 13, line 15, following origin, strike "period" and insert this phrase: "in the 1971 session." I'll read it again. Page 13, line 15, following the word, "origin", strike "period" and insert the phrase, "in the '71 session." Page 53, line 5, strike "bicameral",

**CHAIRMAN GRAYBILL:** Page 53?

**DELEGATE AASHEIM:** Yes. Page 53, line 5, strike "bicameral" and add an "s" to "proposal". In page 53, line 5, strike the word, "bicameral", and to "proposal", add "s", so it'd be "proposals". Page 55, line 5, strike "bicameral" and add an "s" to "proposal", so it would be "proposals". Page 55, line 5, strike "bicameral"

and add "s" to "proposal". Page 56, line 5, strike "bicameral" and add an "s" to "proposal". Page 56, line 5, strike "bicameral" and add an "s" to "proposal". Page 57, line 5, strike "bicameral" and add an "s" to "proposal". Page 57, line 5, strike "bicameral" and add an "s" to "proposal".

**CHAIRMAN GRAYBILL:** Mr. Aasheim, may I ask at this time-that's all your corrections, right?

**DELEGATE AASHEIM:** No, I have one that I'm going to pass out.

**CHAIRMAN GRAYBILL:** All right.

**DELEGATE AASHEIM:** The pages will come and do this. This is an insert. There were several corrections and this matter of clarification that the present is being passed out to you and you can just insert it on page 36. We probably won't have it today but there isn't much change. It's a matter of clarification. One to each one, thank you.

**CHAIRMAN GRAYBILL:** It goes on page 36? Page 36?

**DELEGATE AASHEIM:** Yes, it's on the sheet. Before we go into the discussion of the Legislative Article, I have a few comments to make. We were wondering how to present the Legislative Article to you in this assembly. There was a majority of people who felt the unicameral was the way to correct the ills of our legislative process, and there was a minority who favored the bicameral. And inasmuch as the unicameral structure is quite a revolution in the State of Montana, we felt that the two proposals should be worked out to the best of our ability because we do not know today, we did not know the past 4 weeks, which would be accepted. So we have, to the best of our ability--and I assure you we have not agreed--there are many compromises here in both the unicameral and bicameral proposals--and someone has said, let's just accept this so we can go home for the weekend. You would disappoint us very much if you were to do that and I'm quite positive you're not going to do it. However, in lieu of this fact that we are giving you two major proposals, worked out to the best of our ability, we are going to debate the two proposals and we are asking that you--the committee is asking that you debate these two proposals in the same light--in the light that we are going to have to live with one or the other. And I am going to ask that you will go

along with the committee in this respect, and I am going to move that we do this in just a minute—that we place both proposals on the ballot. Now, this does not preclude that after we have drawn up the two proposals, it does not preclude your right to reconsider your action and we'll take it at that time as you wish. But today, I'd like to move that the matter of a bicameral and unicameral structure be sent to Style and Drafting as a dual proposal. I guess the matter is open for debate.

**CHAIRMAN GRAYBILL:** Very well, I understand it to be the sense of Mr. Aasheim's remarks that he moves this Convention that the proposal of style of the Legislative Committee be sent to Style and Drafting as a dual proposal, including both bicameral and unicameral provisions. The Chair would entertain debate on this subject with the view that if this passes, then Style and Drafting will decide the form in which it should go on the ballot, if any.

Mr. Felt.

**DELEGATE FELT:** Mr. President, your last comment may have answered the question I was going to ask Mr. Aasheim, if he would yield, but I think it could be clearer for my information so I'll ask if Mr. if the gentleman, Mr. Aasheim, would yield to a question?

**CHAIRMAN GRAYBILL:** Mr. Aasheim?

**DELEGATE AASHEIM:** Yes.

**DELEGATE FELT:** In placing them both on the ballot, does this particularly specify that both would be separate from the body of the document that we propose, or could one of them conceivably be in, let's say as a preference choice, and the other as an alternate, or is that just left open for future decision?

**DELEGATE AASHEIM:** That is to be left open for future decision because we have several alternatives and I think that when we have drawn up the two proposals we'll be in a better position then to decide which way we want to put it on the ballot, if we do decide to put both on the ballot.

**DELEGATE FELT:** Yes, well, with that explanation, it helps me know how I might wish to vote. Thank you.

**CHAIRMAN GRAYBILL:** Mr. Loendorf.

**DELEGATE LOENDORF:** Mr. Chairman, I rise in support of Chairman Aasheim's

motion. Our committee has unanimously supported the idea that we place both proposals on the ballot, and it seems to me it would be very difficult now to choose between one or the other. After both of our proposals have gone through the floor amendment process, either one of them could come out substantially different than they are right now, so it seems to me this question should logically be determined last by a motion for reconsideration. Plus I understand that the Rules Committee has under consideration the method in which some of these questions may be placed on the ballot, which we do not know yet. And therefore, I would urge the members of the Committee of the Whole to support the motion at this time, and if you wish to oppose it, do so by motion for reconsideration.

**CHAIRMAN GRAYBILL:** The Chair will merely interject that it's the Style Committee that will eventually make a recommendation on the form of the ballot, but other than that, that's correct. Is there other discussion?

(No response)

**CHAIRMAN GRAYBILL:** Very well, the issue is on the motion of Mr. Aasheim that the Legislative Committee's proposal here be sent to Style and Drafting as a dual proposal for Style and Drafting, to then recommend in its report the nature of the way it would be put on the ballot. So many as are in favor of that motion say Aye.

**DELEGATES:** Aye.

**CHAIRMAN GRAYBILL:** Opposed, No.

**DELEGATES:** No.

**CHAIRMAN GRAYBILL:** The Ayes have it.

**DELEGATE AASHEIM:** Mr. Chairman.

**CHAIRMAN GRAYBILL:** Mr. Aasheim.

**DELEGATE AASHEIM:** May I continue my remarks, preparatory to the discussion on Article-Legislative Article? I wish you would turn to page 13—no, page 11 of your books. We-the committee has decided that going through the article with the comments will give you an opportunity to read the comments as we go through the discussion of the sections. We have also, as Mr. Graybill mentioned to you yesterday, decided to ask to pass consideration of Sections 1, 2 and 3. So, at this time, if the motion is in order, Mr.

Chairman, I am going to move to pass consideration of Sections 1, 2 and 3.

**CHAIRMAN GRAYBILL:** Well, unless there's objection from someone on the floor, the Chair will rule that we are going to start with Section 4.

(No response)

**CHAIRMAN GRAYBILL:** Very well, we're ready to go to Section 4. Now, do you want to start or should I ask for Mr. Cate?

**DELEGATE AASHEIM:** Just a minute. I'll have some comments, please. We will then start with Section 4 and we shall, to the best of our ability, draw up a Legislative Article for the unicameral. Now, the Chair has done most of the talking in the committee and he has decided to let the committee have its chance to voice its opinions, particularly in presenting the different sections. So, the committee members have been given an assignment on sections and they will vocalize now since they haven't had an opportunity to do so before. So, with that, I will turn it back to you, Mr. Chairman.

**CHAIRMAN GRAYBILL:** Very well, will the clerk read Section 4?

**CLERK HANSON:** "Section 4, page 3. Qualifications. A legislative candidate shall be a qualified voter. He shall be a resident of the state for at least 1 year, and a resident of the district from which he seeks election for at least 6 months preceding the general election."

**CHAIRMAN GRAYBILL:** Members of the committee, you now have before you for your consideration Section 4. What is your pleasure?

Mr. Cate.

**DELEGATE CATE:** Mr. Chairman, I move that when this committee does rise and report, after having under consideration Section 4 of the Legislative proposal, that it recommend the same be adopted. Mr. Chairman.

**CHAIRMAN GRAYBILL:** Mr. Cate.

**DELEGATE CATE:** Section 4 of our proposal, which would be the same—

**CHAIRMAN GRAYBILL:** Mr. Cate, hold that down about a carrot's length from your chin.

**DELEGATE CATE:** -which would be the

same for both bicameral and unicameral articles, is a replacement for Section 3 of original Article V of the present Constitution, which requires that a representative be 21 years of age and a senator at least 24. The committee proposal requires a legislator to be a qualified voter. This follows the line of reasoning in the Bill of Rights Committee recommendation that 18 year olds be considered adults for all purposes. This would allow, the committee felt, the young to participate in elections as candidates as well as voters. The committee also believes that state and district residence requirements are needed to prevent candidates from moving into a district shortly before the election to run for a legislative seat, thereby defeating one of the main purposes for single member districts, which is representation of a district by a true representative of that district. The-majority proposal provides for residency in the State of Montana for at least 1 year preceding the general election, and residency in the district from which the individual would seek election at least 6 months preceding the general election. There is a minority proposal, Minority Proposal Number 3, is essentially the same except for the fact that it requires that the candidate be a resident of the district for 60 days prior to the primary election. The majority report-the majority felt that general election was a more stable date than the primary, the primary having been moved in the past to September and then back to June, and so forth, and therefore elected the general election date as the date for filing rather than the primary.

**CHAIRMAN GRAYBILL:** Very well. Mrs. Bates.

**DELEGATE BATES:** Mr. Chairman, I would like to substitute at this time the minority proposal on page 55. This gives the qualifications of 1 year in the state and 60 days prior to the primary election to be a resident of the district. My reasoning here is that, 6 months before a general election, you could come in the day you filed, move into the district, under the 6-months proposal, and file the day that you moved into the district, and your 6 months would be up by the date of the general election. If we took the 60 days prior to the primary election, this then would guarantee a 30-day residency in the district before you filed and, Mr. Chairman, I move for the—

**CHAIRMAN GRAYBILL:** Substitute motion. Very well, Mrs. Bates's substitute motion is

that Proposal Number 3, Minority Proposal Number 3 on page 55, replace Section 4, the sense of which is—that it's identical or very similar to Section 4 except that it requires residence before you can run for the Legislature 60 days before the primary instead of 6 months before the general.

Mr. Driscoll.

**DELEGATE DRISCOLL:** Mr. Chairman, I rise in opposition to any residency requirements in any district. We can see the possible benefits from districting, but residency requirements should not be included. It is possible that in an urban area a person may be not be able to win in his own district but he able to win in any other district in which he is located. I can state this from personal thing. I would run fourth or fifth in my own district and first in the county.

**CHAIRMAN GRAYBILL:** Mr. Scanlin. (Laughter)

**DELEGATE SCANLIN:** Mr. President, there seems to be an obvious omission in this matter of qualifying for election. The problem that is omitted in either one of the proposals seems to be of continuing qualification and I ask if Delegate Rollins would yield to a question?

**CHAIRMAN GRAYBILL:** Mr. Rollins, will you yield?

**DELEGATE ROLLINS:** I yield.

**DELEGATE SCANLIN:** Mr. President, Mr. Rollins, what seems to be the problem in Yellowstone County right now? (Laughter)

**DELEGATE ROLLINS:** Mr. Scanlin, I'll speak in general terms. The problem could arise in any district when a person elected to the Legislature subsequently moves during the term of office. As it is now, he could continue to represent that district from which he had been elected in spite of the fact that he no longer resides therein. Mr. President.

**CHAIRMAN GRAYBILL:** Mr. Rollins.

**DELEGATE ROLLINS:** I—at the appropriate time, wish to make a further amendment to Section 4 but I am at a loss to know just when is the proper time to move that amendment.

**CHAIRMAN GRAYBILL:** Well, if you want to wait until we've disposed of the substitute motion so we know which one you're amending, it

might be helpful.

**DELEGATE ROLLINS:** Thank you, sir.

**CHAIRMAN GRAYBILL:** Mr. Blaylock.

**DELEGATE BLAYLOCK:** I rise to support the minority amendment. I don't believe that it's unreasonable to ask somebody filing who wants to serve a district to have at least lived within that district for 60 days before filing for the primary election.

**CHAIRMAN GRAYBILL:** Is there further discussion?  
Mr. Romney.

**DELEGATE ROMNEY:** I also support the minority amendment-proposition. I cannot feel that it is wise to have people in a position to move from one district to another. I think it's a good idea to have people who are candidates for the Legislature reside within the district at least long enough to become familiar with the problems and even the geography of the district. If you carried this proposition to its logical conclusion, it would be possible for people living with--residents of Montana living without the various districts to elect enough people to control a small-sized Legislature. I realize this is not likely, but it's a possibility and I think that we should take care of this by adequate length of residence within the district. I am wondering if Delegate Driscoll was going to buttress his remarks with another amendment to supersede the other two propositions which are before us, but he did not do so, so I assume there's no use addressing myself to that matter.

**CHAIRMAN GRAYBILL:** Mrs. Robinson.

**DELEGATE ROBINSON:** Yes. Will Mrs. Bates yield to a question?

**CHAIRMAN GRAYBILL:** Mrs. Bates, will you yield?

**DELEGATE BATES:** Yes.

**CHAIRMAN GRAYBILL:** Mrs. Robinson.

**DELEGATE ROBINSON:** Yes. Mrs. Bates, is it your intent in Minority Proposal Number 3 to lengthen the residency requirement?

**DELEGATE BATES:** Yes.

**DELEGATE ROBINSON:** It is? Well—the district residency requirement? That's your purpose, to lengthen that period of time?

**DELEGATE BATES: Yes.** There isn't any the way it's stated now, under 6 months.

**DELEGATE ROBINSON:** The majority report shows a 6-months residency requirement prior to the general election. My question is, do you know time certain for the next year or 10 years after when the primary election is going to be? I can see if this—if your proposal were in effect, just for our election the primary was September 14th; the general was November. Under the majority report you would have had to have been aresident in May. Under your minority report you would have to have been a resident only by the end of July. I think that your intent may be very good but I don't think that in very many cases you will have accomplished your purpose. We do know that general elections fall on November—in November. If we establish a (i-month time limit prior to that, we have establish a time certain. Ifwesay 60 days prior to a primary election, there is no time certain in Montana for a primary election.

**DELEGATE BATES:** Thank you, Mae Nan. I would like to answer that.

**CHAIRMAN GRAYBILL:** All right, just a minute, Mrs. Bates. Do you want the floor now?

**DELEGATE BATES: Yes,** please.

**CHAIRMAN GRAYBILL:** Very well. Mrs. Bates, let's see if there's any other discussion. Then I'm going to let you close. Is there other discussion on this? All right, Mr. Artz.

**DELEGATE ARTZ:** Mr. Chairman, would Delegate Schiltz yield to a question?

**DELEGATE SCHILTZ: Yes, I** yield.

**DELEGATE ARTZ:** The question is real simple. There apparently is difference in the qualifications required here in this article and the ones we passed yesterday. Could Style and Drafting correct that difference or would it require motion from the floor?

**DELEGATE SCHILTZ:** Well, if it's substantive, there isn't much we can do about it under the rules. I think we can point out that there is a conflict and hope that somebody will take care of it. I don't see exactly what you have in mind though, Mr. Artz.

**CHAIRMAN GRAYBILL:** Why don't you take that up with Style and Drafting on the side unless it's—you're out of order. It doesn't pertain to the matter being discussed, Mr. Artz.  
Mr. Driscoll.

**DELEGATE DRISCOLL:** Is an amendment in order?

**CHAIRMAN GRAYBILL:** Depends what the amendment is.

**DELEGATE DRISCOLL:** Amendment to Section 4.

**CHAIRMAN GRAYBILL:** Well, now, I'm going to give Mr. Rollins a chance to amend on the matter of residency—I think that's what he's talking about. And you're talking about—I'd like to decide whether we're going to have the majority or the minority report first, \$0—

**DELEGATE DRISCOLL:** I wouldn't like this section to go out onto the floor without a chance of amending it, Mr. President.

**CHAIRMAN GRAYBILL:** All right, I'll certainly see that you have a chance to amend it.  
Mr. Champoux.

**DELEGATE CHAMPOUX:** Mr. President, there may be a question here in the minority report. May I direct a question to Mrs. Bates?

**CHAIRMAN GRAYBILL:** Mrs. Bates, will you yield?

**DELEGATE BATES: Yes.**

**DELEGATE CHAMPOUX:** If, Mrs. Bates—do you notice Mr. Cate's, or the majority—it specifies from the election, from the district from which the person comes and there could be some confusion, I think, about yours where it says residence of the district. What district?

**DELEGATE BATES:** The district from which he runs. Mr. Chairman, could I—

**CHAIRMAN GRAYBILL:** You've answered his question, Mrs. Bates. Is there any other discussion?  
Mr. Johnson.

**DELEGATE JOHNSON:** Mr. President, I'd like to point out one thought in support of the minority proposal that we had. If the primary election date is set up to August or even

September, 60 days prior to that would still show responsible intention of the candidate filing and it still would be that would probably be less than even the 6 months required in the majority proposal.

**CHAIRMAN GRAYBILL:** Mr. Aronow.

**DELEGATE ARONOW:** Mr. Chairman, there is one defect, I think, in both the majority and minority reports. Under qualification, a legislative candidate should be [a] qualified voter. Now, in yesterday we amended part 1, Section 4, "the General Government Committee report, stating no one serving a sentence in an institution or under state supervision shall not be qualified to hold state office. And I would like to call this attention to both the sponsors of the majority and minority report. I think it's a substantive matter that Style and Drafting cannot take care of and it ought to be called to the attention of this Convention. Thank you.

**CHAIRMAN GRAYBILL:** I think your point is well taken. We'll take it up as we come—Mr. Loendorf.

**DELEGATE LOENDORF:** Mr. Chairman, first of all, I see no problem with the question Mr. Aronow has raised in either the majority or the minority report. If he looks at Section 2 of Report Number 1, which we adopted 2 days ago, this defines what a qualified voter is and only this person may vote. Secondly, regarding whether we should have a residency requirement or not, I feel the 6 months prior to the general election proposed by the committee is very reasonable. It's a short term and some terms that may be shorter than that proposed by the minority report—other times it may be longer. Let me give you an example—make one comparison. Suppose a primary election is set back to April or March, 60 days prior to that time would then be January. We know in years when we have a reapportionment that sometimes it takes the court a considerable time to determine just where the district lines will be. For example, this past reapportionment moved East Missoula into the district with Anaconda. Assuming there was an elected representative in East Missoula now, if—by the time the court had come down with its decision, if that was less than 60 days prior to the primary election, this person couldn't even move into his community, which is actually Missoula and run for office. He would have to run in Anaconda if he chose to run. So, looking at it from that side, I think you see that our proposal is

reasonable.

**CHAIRMAN GRAYBILL:** Mr. Cate.

**DELEGATE CATE:** Mr. Chairman, I'd like to speak on opposition to the minority report. What we're talking about here is 30 days under the present system—a difference of 30 days. I think that's nit-picking. Under the minority proposal you would have to file in April for a legislative seat. Under the majority proposal you would have to file in May. It's a difference of 30 days. Now, you recall a few years ago that the primary in Montana was in September. Under the minority proposal there would have been a residency requirement of 4 months. Under our proposal there would still have been a residency requirement of 6 months. I think the general election date is more stable and that's why we recommended it as a majority and that's why I'm supporting it. Thank you.

**CHAIRMAN GRAYBILL:** Now, we'll just stand in recess for one moment. Just a moment.

(Convention recessed at 9:47 a.m.—reopened at 9:49 a.m.)

**CHAIRMAN GRAYBILL:** Convention will be in order. Mrs. Bates, would you like to close on your motion?

**DELEGATE BATES:** Yes. Mr. Chairman, fellow delegates, my motion is to require 30 days within the district, regardless, because filing deadline is from—is usually 40 days. This could be changed—the filing deadline before the election. But this would guarantee almost 30 days before even filing, but at least 60 days before the primary election. We don't know when the date of the primary will be, so it is true that the 6 months could be that you could come in today and file for that office even though you have not resided in the district. Now, do we want district residency or do we not. Even if you wanted to up this to 3 months, this would be fine, but I think 60 days is a fair time and I ask you to accept this. Thank you.

**CHAIRMAN GRAYBILL:** Very well, the issue is on the substitute motion of Mrs. Bates which is contained on page 55, the substance of which is to say that the legislative candidate must be a resident of the district for 60 days before the primary election, instead of for 6 months before the general election. So many as shall be in favor of the substitute motion, say Aye.

**DELEGATES:** Aye.

**CHAIRMAN GRAYBILL:** So many as shall be opposed, say No.

**DELEGATES:** No.

**CHAIRMAN GRAYBILL:** The Noes have it.

**DELEGATES:** Division.

**CHAIRMAN GRAYBILL:** All right, division without--we'll open the ballot without recording. Vote Aye if you are in favor of the substitute amendment; vote No if you're against it. Have all the delegates voted?

(No response)

**CHAIRMAN GRAYBILL:** Does any delegate wish to change his vote?

(No response)

**CHAIRMAN GRAYBILL:** The ballot is closed. 56 Noes, 35 Ayes. It fails. Mr. Rollins. Mr. Rollins has an amendment. Will the clerk read Mr. Rollins' amendment?

**CLERK HANSON:** "Mr. President, I move to amend Section 4 of the Legislative Committee Proposal Number 3, on page 3, and on page 3, line 25—"

**CHAIRMAN GRAYBILL:** Line 23.

**CLERK HANSON:** Line 23. Okay.

**DELEGATE AASHEIM:** Point of order.

**CHAIRMAN GRAYBILL:** Just a moment. Mr. Aasheim?

**DELEGATE AASHEIM:** It should be on page 14.

**CHAIRMAN GRAYBILL:** Well, he's amending the language that appears in Section 4 of Article V and it also appears on page 3.

**DELEGATE AASHEIM:** But we're talking--the committee has asked that we stay on page 14, if we could--to be together, otherwise we won't be able to follow him.

**CHAIRMAN GRAYBILL:** Well, it makes no difference. All right, you can find it on page 3 or page 14. Go ahead, read his amendment. Read just the text of his amendment.

**CLERK HANSON:** The following words,

"the office shall be vacant when any elected member of the legislature ceases to reside in the district from which elected."

**CHAIRMAN GRAYBILL:** Mr. Rollins.

**DELEGATE ROLLINS:** Mr. President, I'm reminded a little of a debate that Jack Benny and Fred Allen once had. Jack Benny finally concluded by telling Fred, "You wouldn't do so well if I had my writers here." I consulted Mr. Schiltz on the wording of this and I feel that it will clear a problem that arises when an elected legislator, during his term of office, moves from one district to the other. At the present time there is nothing to prevent that person from continuing in the Legislature in spite of the fact that he no longer resides in the district from which he is elected. I hope that this is stated in such a way that that problem might be solved.

**CHAIRMAN GRAYBILL:** Is there debate on the motion?

(No response)

**CHAIRMAN GRAYBILL:** Are you through, Mr. Rollins?

**DELEGATE ROLLINS:** Thank you.

**CHAIRMAN GRAYBILL:** Mr. Murray.

**DELEGATE MURRAY:** Mr. Chairman, it seems to me that the sense of that motion is to declare a vacancy, and if I understand it right, it would better appear in Section 7 than in Section 4, and so I resist the amendment.

**CHAIRMAN GRAYBILL:** Very well. Is there other discussion?  
Mr. Cate.

**DELEGATE CATE:** Mr. Chairman, I would concur with Mr. Murray. Section 7 is intended to cover vacancies and if such a change should be made it should probably be made there.

**CHAIRMAN GRAYBILL:** Very well. Mr. Rollins, you may close.

**DELEGATE ROLLINS:** Mr. President, I may have consulted the wrong writer. (Laughter) I would not object to the change suggested by Mr. Murray and would support that change.

**CHAIRMAN GRAYBILL:** You're going to have to withdraw your motion or be defeated or win before you can get it into 7.

DELEGATE ROLLINS: I shall withdraw my motion.

CHAIRMAN GRAYBILL: Mr. Rollins' motion is withdrawn unless there is objection. Mr. Rollins.

DELEGATE ROLLINS: After having withdrawn that motion, I now wish to make the same motion pertaining to Section 7.

CHAIRMAN GRAYBILL: Well you're out of order, Mr. Rollins. We're discussing 4. Mr. Driscoll.

DELEGATE DRISCOLL: Mr. President, I propose that Section 4 be amended as follows: after the word on line 21, strike all the words on line 21, 22 and 23, and after the word "year", add "that in cities or districts of over 15,000 population, the representatives may run at large." Styling and Drafting will have to take care of that. At least half the representatives can run at large. Style and Drafting could take care of the details, but this is my amendment.

CHAIRMAN GRAYBILL: All right, the motion is that in cities and districts over 15,000 the candidates can run at large?

DELEGATE DRISCOLL: Can run at large.

CHAIRMAN GRAYBILL: Well, I just want to ask how we determine which 50 percent?

DELEGATE DRISCOLL: I don't know.

CHAIRMAN GRAYBILL: Well, the Chair is not the Chair can't accept a motion unless he can understand it. Now (Laughter) can't you say that the candidates shall run at large? Let's try that one.

DELEGATE DRISCOLL: Let's try candidates shall run at large.

CHAIRMAN GRAYBILL: I realize that that's a great burden for all of you. All right, it's my understanding that Mr. Driscoll's amendment would change the residency requirements and it would say that a resident—that in cities and districts of over 15,000 the candidates shall run at large.

Mr. Aasheim.

DELEGATE AASHEIM: I rise in opposition to this motion of Mr. Driscoll's. I think Mr.

Driscoll would like to have that when we come to single districts, rather than at this time, and if you would put it in now it would ruin the concept of single districts.

CHAIRMAN GRAYBILL: Mr. Driscoll, would you like to take that up when we take up single districts?

DELEGATE DRISCOLL: No, I think this is the proper time to take it up. We're determining the qualifications of the legislative candidates and the—he shall be residential requirements. I think this is the proper time to take it up.

CHAIRMAN GRAYBILL: Mrs. Bates.

DELEGATE BATES: Mr. Chairman, if Mr. Delegate Driscoll will yield to a question?

CHAIRMAN GRAYBILL: Mr. Driscoll, will you yield?

DELEGATE DRISCOLL: I yield.

DELEGATE BATES: Mr. Driscoll, then would this be all right for me to come to Butte and file and run for office there under this—

DELEGATE DRISCOLL: Perfect—perfectly all right. (Laughter)

CHAIRMAN GRAYBILL: Mr. Drum.

DELEGATE DRUM: Mr. President, I would like to rise in support of the intent of Mr. Driscoll's motion and I would like to remind the Body that Franklin Roosevelt never carried Hyde Park and I think these are—this may be part of the thinking behind some of the folks that live in the cities. Really, when you consider the concentration—and I shouldn't say of talent—but of the concentration sometimes of the people who desire to serve Montana as a legislator, you find in a fairly restricted area people who really should be representatives of the people. Now, these people are not just going to represent the block or the neighborhood in which they live—they are people who have a good deal of knowledge, not only of the county, the county problems or the city government problems, but of the state. And if we make this so restrictive that only those that live on Block A or Block B are going to be able to serve the people of Montana in this house, we are certainly going to leave a good deal of talent at home that should be up here representing the people. Now, I exclude—I certainly exclude myself from this particular

category of talent, but in my case I happen to have property several places scattered around and some different business addresses and I don't feel I represent the block in which I live because I don't spend much time there. But I certainly feel that I represent a lot of the farmers who I do business with, scattered throughout the county, and I would think that the people who are voting for representation in this house would feel much more comfortable if they could pick out the people who they wanted to represent them. And if they wished a person to run in their district, or if a person had the courage to go into a district and thought that he could be successful in an effort to represent those people, I think that should be a decision of those people when they come to the ballot box and make that decision. Now, the people that seem to be most in support of this measure were the ones who believed in open poll-booth registration. I'm surprised that we don't have open poll candidacy because I think there's a somewhat of a similarity there. Now, if we're going to ask for and try to seek the best representation of the people, I think that we certainly are restricting, or very restrictive in this language and in its intent. Thank you.

**CHAIRMAN GRAYBILL:** Mr. Blaylock.

**DELEGATE BLAYLOCK:** Mr. President, with Mr. Driscoll and Mr. Drum speaking in tandem, I would suggest that that's an unholy alliance of the two parties of the State of Montana. And I would further suggest that Poly Drive in Billings, Montana, has misrepresented Laurel long enough. (Laughter)

**CHAIRMAN GRAYBILL:** Mr. Foster.

**DELEGATE FOSTER:** Mr. Chairman. Mr. Driscoll, would you yield to a question?

**DELEGATE DRISCOLL:** No. (Laughter)

**CHAIRMAN GRAYBILL:** Mr. Driscoll. Mr. Foster.

**DELEGATE FOSTER:** Mr. Driscoll, was there any reason you wished to discriminate against the towns less than 15,000?

**DELEGATE DRISCOLL:** No, Mr. Foster, I have no reason to discriminate against towns of 15,000 population. I would have everybody elected at large. I would eliminate your single member districts; however, I know that is impossible.

**CHAIRMAN GRAYBILL:** Mr. Foster.

**DELEGATE FOSTER:** Mr. Chairman, would Mr. Driscoll yield to another question?

**CHAIRMAN GRAYBILL:** Mr. Driscoll?

**DELEGATE DRISCOLL:** I yield.

**DELEGATE FOSTER:** Mr. Driscoll, would you be in agreement to striking the entire portion that you've stricken and put in no substitute, just strike the residency requirements?

**DELEGATE DRISCOLL:** I certainly would. I would say that somehow or another I achieved a victory if that would occur.

**CHAIRMAN GRAYBILL:** Mr. Foster.

**DELEGATE FOSTER:** Mr. Chairman, it would be my intent and my personal feeling that the residency requirements in the districts are really not wise or really not necessary, and in many cases will prove to be a real difficult problem. I cite the instance in our district where individuals live in one district at the present time, do business, they ranch in another. This brings a question of where do they really reside? The situation is going to increase where the districts become smaller under the single member district concept, and I submit that the basic idea that we're trying to attain in single member districts is that the residents of that district voting for a representative have the right to choose the best representative that they may. I fully concur with the state requirements, but I feel that if the people of that district want to elect an individual to represent them, they should not be limited in their choice of candidates to the people that actually reside in that particular district. I think we should have faith in the voters to select the representative that they feel can represent them, and if someone can come from outside the district and represent that district to the satisfaction of those voters—and I don't think that the situation that Mr. Blaylock pointed to is really appropriate. If the people in Laurel elect someone from Billings, knowing full well that he comes from Billings, I say more power to them. But, I think to restrict as candidates members that actually live in that particular single member district is going to limit the availability of representation for that district, and I feel that it's basically unwise. I think that the voters—the basic concept of what we're

working on is enlarging the representation and enlarging the ability for the voters to express themselves. And when we say that the voters cannot vote for someone just because they're not in that district, I think we're limiting their right of voting-the right of suffrage-and I feel that the residency requirements in the districts are unwise.

**CHAIRMAN GRAYBILL:** Mr. Foster, is it your intention to make a substitute motion for Mr. Driscoll's to eliminate the residency requirements in lines 21, 2 and 3?

**DELEGATE FOSTER:** I would prefer that Mr. Driscoll would yield to that and amend it himself.

**CHAIRMAN GRAYBILL:** Mr. Driscoll?

**DELEGATE DRISCOLL:** I so amend.

**CHAIRMAN GRAYBILL:** All right, we've changed Mr. Driscoll's amendment now, unless there's objection. You're withdrawing your first one and changing it so that he is now eliminating the residency requirements after the comma in line 21 on page 3. Is that correct, Mr. Driscoll?

**DELEGATE DRISCOLL:** (Nodding yes)

**CHAIRMAN GRAYBILL:** That's okay. All right. So that the point that we are now debating is Mr. Driscoll's amendment, which would eliminate the last two clauses of Section 4. Section 4 would say: "A legislative candidate shall be a qualified voter. He shall be a resident of the state for at least 1 year." And it eliminates the residency requirements in the district entirely. All right, that's what we're debating.

Mr. Aasheim:

**DELEGATE AASHEIM:** I might expound a little on how the discussion went in the committee on this matter. There were some who felt there should be no residency requirements, particularly when you think about the large metropolitan areas. We might find three candidates, as Mr. Drum said, who might feel-have a civic pride and a desire to run and they might find themselves limited, restricted, because of residency in one district. And of course, you have in the minority report the expression that we should have a definite restriction because of the fact that we might have, as one man said, a carpetbagger coming in. I am not going to belabor you any further. My personal feeling is there should be no local resi-

dence requirement, but my people say you'd better put it in there, or else. And I go along with Mr. Drum and those of you people who say there should not be because of this single member district proposition coming up and the restrictive nature of the single member district as far as residency is concerned, but I find considerable opposition to this concept.

**CHAIRMAN GRAYBILL:** Mr. Joyce.

**DELEGATE JOYCE:** Mr. Chairman, I rise in support of my distinguished colleague from Silver Bow. It seems to me that this precise thing will solve this problem that keeps going back and forth about single member districts and multi-districts. And I see nothing wrong with anybody filing in any particular district even if they don't live there. After all, filing doesn't get you elected. The people in the district are the ones who vote on you. If they don't want you, if you're a carpet-bagger, presumably they won't vote for you. On the other hand, if they do want you, it is absolutely the American privilege for them to vote for you. It seems to me this will solve this problem in one amendment. We can still have single member districts, anyone can run in those districts, the voters will choose the best man, they will choose their representative, and it will solve the city versus rural problem. If I want to go over to my distinguished colleague, Mr. Kamhoot's district and run for the Legislature, I won't win, I'll have no chance of winning, the people won't want me, but if they do, I will be the representative of those people. So, therefore, I think that this is a-the precise way to handle it and I think we should strike the residency requirements and I urge the assembly to solve this problem very simply by adopting the amendment of Delegate Driscoll.

**CHAIRMAN GRAYBILL:** Mr. Arbanas.

**DELEGATE ARBANAS:** I would like to rise and first of all recognize the very cogent reasons that have been given for doing away with the residency requirements, but there is a problem that no one has mentioned that occurs to me, and that is whether or not the abolition of this part of the section would not be discriminatory toward some of our lower social economic sections of cities. We have to face the fact that by and large, taking a larger city, that the people who come to a Legislature or to a body like this are upper middle class people. And if you analyze those poorer sections that every city has and wonder why they

don't have the representation, I think it is because we have somehow allowed-not opened it up in such a way that they can run or get the majority of a smaller district where they actually live than represent the people. And-I feel that to leave this in the article would guarantee a representation from some of our unrepresented people in the cities.

**CHAIRMAN GRAYBILL:** Mrs. Bates.

**DELEGATE BATES:** Thank you, Mr. President. I would like to ask Delegate Joyce a question.

**CHAIRMAN GRAYBILL:** Mr. Joyce.

**DELEGATE JOYCE:** I yield.

**DELEGATE BATES:** Thank you. Do you realize that if you were filing in an outlying district that you would not even be able to vote for yourself or your neighbors to vote for you?

**DELEGATE JOYCE:** Certainly, and I'd have to take that chance. If I-I'm just answering the question--amplifying on that, I can file in a district where I can't vote for myself. I can purport to represent the poor people and I am rich--(Laughter)-but still, the poor people have the choice. Maybe they want to send some radical liberal like me up to represent them in the assembly and--after all, it's their choice. If I don't get a single vote in the district because I can't vote for myself, that's my tough luck. I should assess the situation beforehand and this will absolutely solve this problem, so that Laurel can have a representative and at the same time the people from Poly Drive can still run for office, and it seems to me it's the only sensible way to solve the problem.

**CHAIRMAN GRAYBILL:** Mr. Harbaugh.

**DELEGATE HARBAUGH:** I would like to speak against the proposal, Mr. Chairman. I think we ought to be aware that this type of representation would certainly make for an intensification of special interest groups within the Legislature.

**CHAIRMAN GRAYBILL:** Mr. Kamhoot.

**DELEGATE KAMHOOT:** Mr. Chairman, I think perhaps I should rise and speak. My esteemed seatmate and colleague has indicated that he may like to run in my district. I am sure he has much more charisma, and I may even vote for him myself but if we extended this on a little further,

why have any residency in the State of Montana? Now, we had a very capable man up here speaking before the house the other day from California. If we extended this out, perhaps this gentleman could file in Montana and be elected, if we wanted to go for this concept. I don't think I would be representing eastern Montana very well if I voted for something like this, because I don't believe that someone that can come in and make a real fine TV appearance, has a lot of this charisma--a very fine fellow-people may vote for him. But I don't think that he could represent that district very well because he certainly wouldn't know the problems of that district. Thank you. Mr. Chairman.

**CHAIRMAN GRAYBILL:** Mr. Barnard.

**DELEGATE BARNARD:** Mr. President, I rise in opposition to the motion of Delegate Driscoll. I wouldn't want to go home and tell the people in my district that I voted for a motion that would permit anyone outside of their district to come in and run in their district. The people there want single member districts and they want their delegates to be from those single member districts.

**CHAIRMAN GRAYBILL:** Mr. Johnson. Oh, no-Mr. Jacobsen.

**DELEGATE JACOBSEN:** I rise in opposition to Mr. Driscoll's amendment. We are in a one man-one vote era. I had a proposal in for even county districting where the county commissioners would be elected from and voted on just from their district. A good example of that is my being here as a Constitutional Convention candidate. We had 26, 25 people running in our county-5 from Columbia Falls, myself from Whitefish. We had from Lakeside, Bigfork. We had the entire county, people running for this office. I am the only one elected from outside of Kalispell and the reason for this is that Kalispell can predominate, as it can in many other areas, and really vote in the candidate of their choice, not the choice of the people in the single member districts as I would like to see it. Thank you.

**CHAIRMAN GRAYBILL:** Mr. Harrington.

**DELEGATE HARRINGTON:** Mr. Chairman, I rise in favor of Mr. Driscoll's motion. When I first came to this Convention, I opposed quite

harshly any single member districts. Now I feel that they are the only answer, but I do feel we cannot limit ourselves, especially in bigger cities, to the fact that we cannot run in other areas, and I think this is very important. I don't think there's a question of actually crossing over into another district. If the people--as was said before--if the people want to elect anyone from another district, I think it's up to the people. I don't think this Convention should limit this. Thank you.

**CHAIRMAN CRAYBILL:** Mr. Kelleher.

**DELEGATE KELLEHER:** Mr. Chairman, I have always wanted to run for the state house from Silver Bow County. (Laughter) I want to support Morris'-Mr. Driscoll's motion, and this is a reversal for me. I agree with our revered Chairman, Mr. Aasheim, and I want to apologize for bringing up the word carpetbagger. I was the one who brought it up in our committee and I'm sorry I brought it up. There are a handful of us—and this is the first time I've ever been elected, of course—but from our area where Dave Drum and I live, up and down Rimrock Road, that have been representing Yellowstone County. But I would never, under this single member--under our single member district, there is no way that I could go over into Laurel and ever beat Chet Blaylock. It's impossible. Now, two problems bother me. One is, under our present law an elector can register at the place of his residence and with wealthy lawyers like they have over in Silver Bow County, what is a person's residence? He may have a summer home and a fishing cabin, and as Dave Drum says, where is my residence? Is it where I spend all my working hours? All you do is sleep someplace, is where your residence is. But we do allow under present law that you can vote in the precinct where you have your so-called legal residence or else you can vote where you are registered--where you--your place of employment if it is more convenient for you. Another problem on residency is, is it really a residence? We have a man that runs down in our county--it wasn't one that Delegate Rollins and Delegate Scanlin were talking about--but another man, I believe, who owns a ranch up near Absarokee, and he spends most of his time and surely that's where his economic interest is, and he has been running successfully for office in Yellowstone county for many years. So as a practical matter, I suggest that we strike this because it's almost going to be, I think, unenforceable. If I rent a room in--what's the old hotel in Butte that they are--the Finlen Hotel, permanent-

ly, and I come over there and visit with my friend Morris, once a month--I mean, that--and I declare that my residence--s" I support the--Mr. Driscoll's motion.

**CHAIRMAN GRAYBILL:** Mr. Monroe.

**DELEGATE MONROE:** Mr. President, I support Mr. Driscoll's motion for the same reasons that Mr. Arbanas did not support it. He was speaking in terms of some people on the lower socio-economic spectrum "four society and I was thinking of a case, maybe, of where a person was born and reared in the lower south side of Billings, Montana, or my home community in Great Falls, Montana, and they were able to raise themselves up economically and socially over the years and have to move to a different part of the community, but they felt they could best represent the people that they grew up with that happened to be on the other end of the spectrum. And I wouldn't like to see them be limited to just running in their own particular district. I think that they should be able to run someplace else. Thank you.

**CHAIRMAN GRAYBILL:** Mr. Harlow.

**DELEGATE HARLOW:** Mr. Chairman, I am again amazed at the concepts that have developed here this morning. We have all been elected on a residency requirement that we live within the district from which we were elected. It's in our present Constitution. Just because we change the size of our districts, why should we change the residence requirements that have worked so effectively, so well, throughout the many years that Montana has been a state? We want better representation. We want the person to live or have residence where he is serving. The gentleman from Billings who has his ranch up in the Absarokee mountains and yet continually represents Billings, he has declared his residency in Billings. Of course I realize that it's a difficult situation to declare your residency or to define it according to the various lawyers on what residency is, but you declare that this is your residence and that is where you can vote. Disallowing this promiscuous running of various legislators from any part of the state I think is destroying and defeating the thought and the purpose of a single member district. Although Delegate Driscoll and I worked hand in hand many years ago to achieve our common aim of adult education, I am sorry I cannot support him today in his desire to have promiscuity in legislators all over Montana. (Laughter)

**CHAIRMAN GRAYBILL:** Mrs. Eck.

**DELEGATE ECK:** Mr. Chairman, I believe that one of the problems we are going to face in single member districts, and I think that we are pretty well all committed to them, is the fact that districts will not necessarily be natural districts and we're going to find that every 10 years the boundaries are changed. Now this can make a real difference within a city where boundary changes are likely to rule a person out of a district which he has been representing, and I think that within the cities you do have natural areas. I can think of one splendid example in our district where Dorothy Bradley would not be in the same district as the university, and these are very much—you know—this is very much the group that she does represent in our district. I think it could happen just as well in rural areas where, when you have a district that is bounded primarily for population reasons, without taking into consideration what the natural social-economic area is, that you could very well have a person who really represents a rural area, too, and who by change in the district line is ruled out of it. I think that the question that Mr. Rollins brought out about moving from one district to another makes a difference, too, and here again the university district is a good example, because a student who would be running as a legislator and then have to move out of university housing—and they do have to move out, you know, when they're not students any more—would really be cut out of his representation, possibly half way through his term of office. As a matter of fact, he would be cut out of his housing as soon as he came to Helena, I guess, unless he wanted to pay extra rent in the dorm and I don't think they'd let him do it. I just think that we're asking for a lot of trouble. I don't think that this is going to be misused. I don't think people are going to elect people who don't really represent them. Thank you.

**CHAIRMAN GRAYBILL:** Mr. Arness.

**DELEGATE ARNESS:** Mr. Chairman, I think that it should be recognized that the proposal that's been made is essentially in derogation of the citizen Legislature concept and that it's best adapted to a parliamentary system where the legislators are not paid anything, so that's the wealthy and the educated and the beautiful can run for office and, of course, be recognized by their constituents as the best class and best suited for that type of thing. Certainly, if we're going to have representation according to

interest groups, this type of thing would be best suited for that. If we're going to have a citizen Legislature, it won't work at all.

**CHAIRMAN GRAYBILL:** Mr. Drum.

**DELEGATE DRUM:** Mr. Chairman, Mr. President, I apologize for getting up twice in the same morning; however, I'm speaking to Mr. Foster's motion. I would like to point up a possible happening in some of the larger areas. In Yellowstone County there are approximately 18 people at the present time that come over to Helena to represent the people. There could be the situation where one of these districts has no one that wishes to run or who may not be qualified. Mr. Harlow, would you like to speak or may I have the floor, please? This is not a likelihood, but it certainly is a possibility that for some reason one district may not have a candidate who wishes or is economically able or for some reason is not going to file. So we may be faced with the situation where one district does not have representation here in Helena because of the residence requirement. Now I would like, if I may, to go back to the impassioned speech that was given by Mr. Dahood 2 days ago regarding the 18-year old vote. And, it again, I hope they put that on tape because I think it would be one that legislators of the future should witness. It was a fine speech. But in his speech, if I can recall your memory to the comments he made regarding an 18 year old, if he is outstanding enough, if he is capable enough, if he has a winning personality, if he has all these other qualities to become elected Governor as an 18 year old, he said, I for one am in favor of this man being Governor of the State of Montana. Well, I think we should give the voters of a district that same privilege. If a person can come into a district and file as a candidate for this house, if he is able to convince those people—and it appears that the TV situation, the charisma that has been mentioned, is something that we're going to have to live with in the future, and the people are going to be able to make that choice if they want him to represent them, they may. And I think that rather than take the chance of having empty chairs in this assembly in years to come, that we've got to rectify this situation that is being placed among us here this morning.

**CHAIRMAN GRAYBILL:** Mr. Scanlin.

**DELEGATE SCANLIN:** Mr. Chairman, would Delegate Driscoll yield to a question?

**CHAIRMAN GRAYBILL:** Mr. Driscoll?

**DELEGATE DRISCOLL:** With pleasure.

**DELEGATE SCANLIN:** Mr. Driscoll, what effect do you see your amendment having on the basic concept of single member districts?

**DELEGATE DRISCOLL:** I see it enhancing the single member districts, Mr. Scanlin, giving the people in those districts the chance to select the person whom they would like to represent them—the best possible person, regardless of his residency.

**CHAIRMAN GRAYBILL:** Mr. Leuthold.

**DELEGATE LEUTHOLD:** I'd like to speak against the substitute motion in favor of the section in our proposal. First, I must disagree with my gentleman on my left here in his example that was given and which apparently you're using as a basis for your thinking. The gentleman is not here to defend himself so I wish to at least try to defend him. He did have a dual interest in two different counties, but in defense of his residency, he maintained his residency in Yellowstone County for at least 30 years. He voted there for at least 30 years, his children grew up there and they went to school, and it is true that he did own a ranch in our county, and we're happy to have him as an owner of a ranch, but he still has dual interests. And he has interests in Yellowstone County and justifies his candidacy in that county. I think we're losing sight of the fact that we're here to prepare the best possible Constitution for the State of Montana and I think we should keep in mind that in proposing single member districts, we're trying to get a cross section of the people of Montana. And the only way that we can get a good cross section of the people of Montana is to have residents from each of these districts. And I disagree with Delegate Drum that you won't find candidates. I'm sure there'll be candidates out of some 7,000 people in each district, and we'll find good candidates. And I think we should stick to the original recommendation of our committee.

**CHAIRMAN GRAYBILL:** Mr. Johnson.

**DELEGATE JOHNSON:** Mr. President, fellow delegates, I think I'm going to have to point out to you at this time that you have on your desk a Legislative Committee proposal and, I wasn't going to bring this up till later, but I think now it looks like an opportune time. It would divide Montana into approximately 50 senatorial districts

and you'd have three representatives, a multiple of three. This would solve some of these problems that you're worrying about, moving back and forth from one district to another. Would you think about that a little while because that's going to come up later. Mr. President, may I make a substitute motion on Article IV—or, Section 4?

**CHAIRMAN GRAYBILL:** Yes, I suppose you can. Let's hear it.

**DELEGATE JOHNSON:** I'd like to have in Section 4 on line 21, I guess it is—they're a little off-set there—where it says, "for at least 6 months"—delete "6 months" and put in "1 year", so it would read, "resident of the district from which he seeks election for at least 1 year preceding the general election." You'd have—

**CHAIRMAN GRAYBILL:** All right, Mr. Johnson, it seems to me that that substitute motion doesn't go to the issue that we are trying to debate here. Now, I'll be glad to come back to you, but the issue we're trying to debate here is whether you have to be a resident or not and now you're back to a time matter. And I'll be glad to let you do that later but it seems to me that we should solve the problem that we're debating—we've had a lot of debate on this—

**DELEGATE JOHNSON:** Thank you.

**CHAIRMAN GRAYBILL:** -and I'm going to rule you out of order at the moment and I'll make a note that you want to be talked to. Mr. Swanberg.

**DELEGATE SWANBERG:** Mr. President, it appears to me that Delegate Driscoll's motion to eliminate this sentence has considerable merit. In the first place, it does not say, or would not say that a long-time resident in a particular district was disqualified from running in that district, but it does allow a stranger to come in and file for office against him, and if he can get enough support in that district, he's going to get elected. This would cover that situation where you might perhaps—well, it wouldn't apply to that—strike that. I'm also thinking in terms of a situation where there was no delegate in a district. A person could simply file in that area and seek office from it. You have the third situation where a person's constituents live in a certain area—he doesn't happen to be a resident in that area—he could run in that area and represent those people in the Legislature. As the situation now stands,

you'd have situations, I fear, where a person would live in a certain district but who might be philosophically antagonistic to the residents of it and therefore could never run for the Legislature for that reason. And for these reasons, I support Delegate Driscoll's proposal to eliminate that last sentence.

**CHAIRMAN GRAYBILL:** Mr. Gysler.

**DELEGATE GYSLER:** Mr. Chairman, I rise to oppose Delegate Driscoll's amendment. One thing that hasn't been mentioned here, and I think we'd all better start thinking about it pretty seriously, is the fact that someone else votes on this after we do, and I know what the sentiment is in the districts I represent and that is why I rise to oppose.

**CHAIRMAN GRAYBILL:** Mr. Aasheim.

**DELEGATE AASHEIM:** Mr. Chairman, I'm going to try to compromise this some way. We—according to Mr. Driscoll's suggestion--and I'm not opposed to the idea at all—but I can see that if we have no further restrictions, a man might file in three-districts. He might play tic-tac-toe. So we have complications with single member districts if we are specific in the Constitution about what we are to do or what we are not to do. We may run into serious complications later on because these boundaries are going to change. And is a man going to jump from one district to another to change his place of residence just to be able to be eligible for the Legislature? Consequently, Mr. Driscoll, I'm going to ask--would you yield to a question?

**CHAIRMAN GRAYBILL:** Mr. Driscoll?

**DELEGATE DRISCOLL:** I yield.

**DELEGATE AASHEIM:** Would you be amenable to adopting a slight change in your proposal? If you were to look on line 20—"he shall be a resident of the state for 1 year, period. Other qualifications may be provided by law." We are then leaving this matter up to the Legislature to take care of any complications that may arise.

**DELEGATE DRISCOLL:** Mr. Aasheim, would you repeat that, please?

**DELEGATE AASHEIM:** On line 20, period after year.

**DELEGATE DRISCOLL:** On line 20?

**DELEGATE AASHEIM:** On page 14.

**DELEGATE DRISCOLL:** On page 14-I was looking here-okay.

**DELEGATE AASHEIM:** On page 14—

**DELEGATE DRISCOLL:** All right.

**DELEGATE AASHEIM:** —on line 20, after "year", and then, "other qualifications may be provided by law."

**DELEGATE DRISCOLL:** I would accept that.

**CHAIRMAN GRAYBILL:** Do I understand you want to incorporate that into your amendment?

**DELEGATE DRISCOLL:** I would accept it, Mr. President-or Mr. Chairman.

**CHAIRMAN GRAYBILL:** Very well, it's the sense of the amendment we are now debating to eliminate the residency requirement language but to add the sentence, "other qualifications may be provided by law."

Mr. Martin.

**DELEGATE MARTIN:** Are we voting on Driscoll's amendment or Foster's amendment?

**CHAIRMAN GRAYBILL:** No, Mr. Foster did not make an amendment. It's Mr. Driscoll's amendment and it is the same as Mr. Foster's, and the sense of it is to make the Section 4 read as follows: "A legislative candidate shall be a qualified voter. He shall be a resident of the state for at least 1 year, period." Now we've just added, "other qualifications may be provided by law." That's the sense of what we're voting on.

Mr. Cate.

**DELEGATE CATE:** (No response)

**CHAIRMAN GRAYBILL:** All right, Mr. Driscoll.

**DELEGATE DRISCOLL:** I can't go with Mr. Aasheim's proposal. I'd rather go right down the line—

**CHAIRMAN GRAYBILL:** All right, let's—

**DELEGATE DRISCOLL:** -1 would accept something like withdrawing the word,

“district”, and inserting the word, “county”—something of that nature.

**CHAIRMAN GRAYRILL:** Well, let's go ahead and vote on Mr. Driscoll's motion and we'll see where we stand and we can go ahead.

Mr. Cate.

**DELEGATE CATE:** Mr. —

**CHAIRMAN GRAYBILL:** So that everybody understands, Mr. Aasheim's language is in abeyance. Okay, Mr. Cate.

**DELEGATE CATE:** Mr. Chairman. there are a few things that haven't been brought up here that should be brought up regarding single member districts. Our committee, of course, heard all the arguments. In fact, for 17 days we listened to arguments. We studied single member districts, single member district, British system, multi-member district, combination single member-multi-member districts, proportional representation, all kinds of districts. And the consensus of our committee was that the real answer to the problem, to open up the Legislature to the people, was the single member district. Now, the federal courts-part of what we tried to take into consideration in our decision was what is happening on the national scene. And our committee felt that single member districts were going to be imposed eventually by the federal courts. They have been imposed in Alabama. They have been imposed in Minnesota. And I would remind the Convention that our present plan is on appeal in the Ninth Circuit District Court with the request that single member districts be mandated for the State of Montana. And the reason for that is the reason that Chet Blaylock brought out, and I'd like to quote for you some comments from the court brief in that case. The exhibits that were introduced in that case show that five legislators have been elected from Laurel in this century. Now, Laurel is the 17th largest city in Montana. No senator has been elected from Laurel in the history of Yellowstone County, and no senator or representative has been elected from the south side of Billings since 1907. In essence, the people of Laurel and the people from the south side of Billings are not represented by our present multi-member district system. And that's the argument that is being used in the federal court. Our committee arrived at at least seven arguments for single member districts and I would like to read them for you. Number one: The district is relatively small in area and population. This fosters personal

identification between constituent and Legislature from campaign through legislative service. By the intimacy of the constituent-legislator relationship, the legislator is kept more responsible. People know to whom they should address their desires and can watch voting performance. Secondly, lower campaign costs in the smaller district opens the candidacy to people who would be precluded by the cost and rigorous running in the larger constituency. It opens public offices to the poor. In the last legislative rare one candidate on the Democratic Party, of the two who were elected to the House of Representatives, had to spend around \$4,500 to get elected. That's an awful lot of money for an office but it's the only way that a Democrat can get elected in Yellowstone County. Number three: Localized minorities within a larger community gain representation that would be denied them by dominant majorities of the larger constituency, and that's the situation we have in Yellowstone County with the south side. Number four: A smaller list of candidates on the ballot gains the voter a more rational choice than where he has to choose from a dozen or more candidates, and encourages voter participation on the entire ballot. In Yellowstone County for this election and for our last legislative election we had 24 candidates for the people to choose from, and that's an impossible thing for anybody, including intelligent voters, to do. Number five: A smaller district to campaign in a large state in which some districts presently include several counties is another advantage. With single member districts you're not going to have these big seven or eight county districts for people to run in. Recognition of natural barriers, such as mountain ranges, rivers and highway access is more easily accomplished by single member districts. And lastly, but probably most importantly, the rural interests are represented by single member districts in that the cities-the rural areas on the fringe of cities and elsewhere can be assured some representation. And when the Towe-Gunderson Bill was prepared, for instance, they had prepared with that bill a 94-member house, single member district plan, and that plan showed, for instance, in Yellowstone County that the rural people would be entitled to at least three representatives, while under the present system, if the city wished to exercise its power of vote, they would have none. In short, I think that this matter has been adequately considered by our committee. We've heard a lot of testimony on the subject. We arrived at the decision to support single member districts as a majority and we would ask the Convention to

support us in that decision. It was not without deliberation and thought. **Thank** you.

**CHAIRMAN GRAYBILL:** Mr. McNeil.

**DELEGATE MCNEIL:** Mr. Chairman, I believe that before we vote on Mr. Driscoll's amendment that we ought to consider retaining the last four words that he has deleted. Without those four words it would be possible for a person to be born in Montana, live here 1 year, leave the state for 20 years and then come back and file for election immediately. If those last four words are retained, I believe Mr. Driscoll's intent would be met, and it would then read: "He shall be a resident of the state for at least 1 year preceding the general election." While I'm on my feet, after having made that observation, I oppose his amendment and support the majority committee report.

**CHAIRMAN GRAYBILL:** Mr. Driscoll, do you see the point and do you wish to accede to it?

**DELEGATE DRISCOLL:** Mr. Chairman, I do not accede to the proposal.

**CHAIRMAN GRAYBILL:** Very well. Mr. Burkhardt.

**DELEGATE BURKHARDT:** (Inaudible)...like to ask Mr. Cate a question, if he will yield, Mr. President.

**DELEGATE CATE:** Certainly.

**DELEGATE BURKHARDT:** You spent 17 days with this and some of us are tiring in an hour or so, and I am wondering, is the weakness of the district-the single district system--really inherent in the gerrymandering process which comes about as you try to be sure that those who have had positions of power maintain it? Are you going to assure us that as lines are drawn for a district that we won't have the same situation that Mr. Driscoll's amendment would put us into?

**DELEGATE CATE:** In answer to that, Mr. Burkhardt, part of our proposal includes a reapportionment commission which would be made up, as proposed, of nonlegislative members and we would ask you and the citizens of Montana to have faith in those people that they would not exercise the gerrymandering that could be possible in single member districts. I would like to point out, however, that gerrymandering is very possible

today with multi-member districts, and the classic example is the Anaconda district that shoots all the way over to Missoula, and gerrymandering can be done either way. And single member districts do create more opportunity for it but we feel that the commission would protect the people against that.

**CHAIRMAN GRAYBILL:** Mr. Burkhardt.

**DELEGATE BURKHARDT:** I would oppose Mr. Driscoll's amendment. It seems to me the committee has given careful thought to this and there are some major problems inherent in what he describes and would speak in opposition to it.

**CHAIRMAN GRAYBILL:** Mr. Joyce.

**DELEGATE JOYCE:** I don't believe Mr. Chairman, I don't believe my distinguished colleague, Mr. Driscoll, understood Mr. McNeil's motion, so I make a substitute motion that Section 4 be amended in line 21, striking out the comma after the word, "year", and continuing to strike out the following words: "and a resident of the district from which he seeks election for at least 6 months." And leaving in the section the words, "preceding the general election", so that the sentence would now read: "He shall be a resident of the state for at least 1 year preceding the general election."

**CHAIRMAN GRAYBILL:** Very well, we'll accept your substitute motion. Mr. Driscoll.

**DELEGATE DRISCOLL:** My apologies to Mr. McNeil. At that time I was engaged in something. I would accept that, Mr. McNeil. Thank you.

**CHAIRMAN GRAYBILL:** Very well. All right, now that's the issue we're debating on--whether or not to eliminate the residence in the district but to leave the residence in the state for a year preceding the election. Let's see, Mr. Felt hasn't been up for quite a while.

**DELEGATE FELT:** Mr. Chairman, as a matter of fact, I haven't spoken on this, on any of the motions, and I believe that we now have before us a substitute motion of Mr. Joyce. I wish to rise in support of that motion. The essential issue which has been touched upon occasionally in this debate which has quite often consisted of explain-

ing a vote rather than debate, is whether or not we are going to trust the voters when they are selecting the person who will represent them. They have expanded the eligibility of the voters and yet seem to feel that we cannot give them freedom of choice. The matter of single member districts is related to this, although I'm sure--I'm quite sure that when we really get to the matter of single member districts some of the speeches have already been made that might otherwise have been made then. We have had experience in Montana with single member districts and it worked quite well. At least, I noticed that some of the senators who were elected from the 56 single member districts that we had were highly qualified people and they were well known by the people in their district and were returned to office regardless of political clearance. They did represent, I'm sure, the large majority of the people in their district but they were not entirely regional in their point of view. That is the only thing about single member districts that has disturbed me. And if anything, I am losing my interest in single member districts as some of the comments are made around here. It is true, anyway, that we had single member districts in the election of our state senators for quite a long while. I can recall I think this might be of interest as an example. Certainly the number of times this would occur will expand if we have 100 or more districts. But, a Senator James Shaw was chosen by the electorate of Dawson County to be their state senator. His ranch lay on the border of Wibaux and Dawson Counties. A careful survey showed that the county line ran between the main house and what was a type of hired man's house. Mr. Shaw's parents lived in the larger home, he lived in the hired man's house, and it was after the state Senate spent a fair amount of its valuable time deciding whether or not he was qualified to hold office, they decided that he was qualified; that the hunk in which he spent most of his time lay in the county which had chosen him to be its state senator. And the same question, of course, was debated to some extent when Senator Robert Kennedy chose to become a candidate from the State of New York. Other persons have recently become candidates for United States Senate from a state where there was some question as to their residence. We will eliminate questions of that nature if we adopt the amendment proposed. I'm very glad that there is no limitation on 25 years of age, or 30 years of age, or any other age requirement. I would wish that we could end up here with a constitutional provision

which gives the people the freedom to choose the person who will represent them and that in the guise of what we call qualifications we are not, in fact, limiting this. Examples have been mentioned of people who ran from Yellowstone County. I know, for instance, that this can come up in many other counties. In the Colstrip area they have a high school, a large number of people maintain a type of residence in Colstrip so that their children can attend that school, but they do not live nearby the rest of the year. And I think you would find that the rural areas would actually benefit substantially if they go along with this type of proposal because there they choose people to represent them that they know, and they will not be choosing a carpetbagger from outside of their district. They will get someone that they have known for a long while and they know how he thinks. Thank you.

**CHAIRMAN GRAYBILL:** Please keep your remarks brief, Mr. Johnson.

**DELEGATE JOHNSON:** Mr. Chairman, I rise in opposition to this amendment on the grounds that we are not here to write privileges for politicians to run around any place they please. We are here to support the will and the rights of the people in the districts. I think they're entitled to positive representation in their own districts.

**CHAIRMAN GRAYBILL:** Mr. Schiltz.

**DELEGATE SCHILTZ:** Mr. Chairman, I arise in opposition to the motion, and I intend to be very brief. I want to say that I do not agree with what Mr. Felt said to the effect that the essential question is whether we are going to trust the voters. I think the essential question in this debate is whether or not everyone is going to be represented. Thank you.

**CHAIRMAN GRAYBILL:** Mr. Melvin.

**DELEGATE MELVIN:** Mr. Chairman, I would like to report myself present in the event we get to a vote.

**CHAIRMAN GRAYBILL:** Very well, you're present.  
Mr. Romney.

**DELEGATE ROMNEY:** Mr. Chairman.

**CHAIRMAN GRAYBILL:** Please keep your remarks brief, Mr. Romney.

**DELEGATE ROMNEY:** Mr. Chairman, I assume that I, as a delegate, have the right to speak to the length that I desire.

**CHAIRMAN GRAYBILL:** You do, sir.

**DELEGATE ROMNEY:** A little while ago, Delegate Arbanas spoke about the possible inequity of representation in some places and I think he placed a finger upon a matter which is of great importance. There has been considerable talk about the representation from Laurel and from the south side of the tracks in Billings, for example. Delegate Cate mentioned that there has never been, since 1907, a representative from the south side of the tracks in Billings in the Montana Legislature and I believe very few have represented the area of Laurel in the House and none in the Senate. However, I point out that there is already representation in Laurel and in the south side district in Billings in some cases because of districting and because of residence, and I refer to the city councils of Laurel and the membership in the city council of Billings from the south side of the tracks. There residents and districting, which is single districting, does show and the people of Laurel and the people south of the tracks have had representatives on the city councils of those respective communities. I think it shows that single member districts does work and I think it provides representation. Now, of course, in cosmopolitan Silver Bow where Butte is the entire city and where everybody—practically—and where everybody knows everybody else, it's a little bit difference, so there ought, perhaps, to be a different law for Butte and the rest of us should get along with single member districts.

**CHAIRMAN GRAYBILL:** Mr. Swanberg. Please keep your remarks brief.

**DELEGATE SWANBERG:** Thank you, Mr. President. I would simply like to point out that the proposal offered by Mr. Driscoll does not eliminate the single member district. It merely eliminates the residence requirement for the single member district. Secondly, if an alien, so to speak, moves into one of these single member districts and succeeds in getting elected by the people at a vote, he is no longer a carpetbagger. He has been chosen by the people to represent him—to represent them at the Legislature, and for these reasons, I submit that the amendment is proper.

**CHAIRMAN GRAYBILL:** Mr. Martin, please keep your remarks brief.

**DELEGATE MARTIN:** Mr. Chairman, I've been getting exercise getting up and down, but let me say that I have a little kinship with Chet Blaylock. I think we're both political accidents. In our district, which is District 11, Gallatin County has two and a half times the population of Park County. That's how I happened to say that I think it was purely a political accident that I came here and for that reason, I would oppose the amendment.

**CHAIRMAN GRAYBILL:** Mr. Foster, please keep your remarks brief.

**DELEGATE FOSTER:** Thank you, Mr. Chairman. I realize in some way I was somewhat responsible for kicking this lengthy debate off, but I would like to speak directly to the rural representatives of Montana. I do more business with Petroleum County than any other county and there's no county that is much more rural than Petroleum County, and I think that the rural people are extremely interested in single member districts. They want to be represented. And I submit that the question of single member districts has not been totally settled in this Convention, and you that represent rural Montana should keep in mind that in a way this is somewhat of a compromise. You of rural Montana should realize that this is somewhat of a compromise in the question of single member districts because it does not insure you that someone in that district is going to be elected. But I also submit to you that the residents of rural Montana will never elect someone that does not live in rural Montana. I know Montana rural people very well and they're not about to elect somebody who comes in from the city to be running in their district, and I think you're overlooking the fundamental point. You may very well lose single member districts on a few words that would allow someone to run in your district who would never be elected, and if you lose your representation because you're so concerned about allowing someone else in some other area of Montana where there is a need for someone to run in that district, you would be sorry indeed, in my opinion, in representing the people of rural Montana. Thank you, Mr. Chairman.

**CHAIRMAN GRAYBILL:** Mr. Skari, keep your remarks brief, please.

**DELEGATE SKARI:** Thank you, Mr. President. I think Mr. Foster's remarks are well taken. I can see some difficulties here, and I'm sure

we all can. There are some disadvantages to both systems. I don't know, Mr. President, if a substitute amendment is in order?

**CHAIRMAN GRAYBILL:** It is not now. We have two substitutes. We're going to vote.

**DELEGATE SKARI:** I see. I would just like to discuss a possibility without making a formal amendment, Mr. President.

**CHAIRMAN GRAYBILL:** Yes sir, you may discuss the possibility of another amendment.

**DELEGATE SKARI:** I see some real problems with redrawing these reapportionment lines every 10 years. I think that in many cases this could be unfair to a district. They might lose seniority in their representation. I see the possibility of a senator or representative living a mile or a block outside his own district and I think the people of his district would be happy to have him represent them. I would like to suggest that we might possibly consider that, a candidate for an office be a resident of that district or a resident of an adjoining district. Thank you.

**CHAIRMAN GRAYBILL:** Very well, the question arises on Mr. Joyce's substitute motion, the substance of which is to eliminate residency requirements in the district but retain residency requirements in the State of Montana for a period of 1 year preceding the election. So many as shall be—

Mr. Foster.

**DELEGATE FOSTER:** (Inaudible)...for a roll call vote.

**CHAIRMAN GRAYBILL:** Roll call vote? Five seconds having stood, we'll have a roll call vote. All in favor of this motion will vote Aye and all opposed will vote Nay.

**UNIDENTIFIED VOICE:** Mr. Chairman, could we have the motion read again?

**CHAIRMAN GRAYBILL:** All right, the motion is to eliminate the residency requirements in the district but to retain 1 year residency requirement in the state for the year preceding the general election. Section 4 would then read: "A legislative candidate shall be a qualified voter. He shall be a resident of the state for at least 1 year preceding the general election." Has every delegate voted?

(No response)

**CHAIRMAN GRAYBILL:** Any delegate wish to change his vote?  
(No response)

**CHAIRMAN GRAYBILL:** Close the vote,

Aasheim .....	..Absent
Anderson, J. ....	Nay
Anderson, O. ....	Nay
Arbanas .....	Nay
Arness .....	Nay
Aronow .....	Nay
Artz .....	Nay
Ask .....	Nay
Babcock .....	..Absent
Barnard .....	Nay
Bates .....	Nay
Belcher .....	Nay
Berg .....	Nay
Berthelson .....	Nay
Blaylock .....	Nay
Blend .....	Nay
Bowman .....	..Aye
Brazier .....	..Aye
Brown .....	..Aye
Bugbee .....	..Aye
Burkhardt .....	Nay
Cain .....	Nay
Campbell .....	Nay
Cate .....	Nay
Champoux .....	Nay
Choate .....	Nay
Conover .....	Nay
Cross .....	Nay
Dahood .....	Excused
Davis .....	..Absent
Delaney .....	Excused
Driscoll .....	Aye
Drum.. .....	..Aye
Eck .....	Aye
Erdmann .....	Nay
Eskildsen .....	Nay
Etchart .....	Nay
Felt .....	Nay
Foster .....	Nay
Furlong .....	Nay
Garlington .....	Nay
Gysler .....	Nay
Habedank .....	Nay
Hanson, R.S. ....	Nay
Hanson, R. ....	Nay
Harbaugh .....	Nay
Harlow .....	Nay
Harper .....	Nay
Harrington .....	Aye

Heliker .....	Aye
Holland .....	Absent
Jacobsen .....	Nay
James .....	Nay
Johnson .....	Nay
Joyce .....	Aye
Kamhoot .....	Nay
Kelleher .....	Aye
Leuthold .....	Nay
Loendorf .....	Nay
Lorello .....	Aye
Mahoney .....	Nay
Mansfield .....	Nay
Martin .....	Nay
McCarvel .....	Aye
McDonough .....	Aye
McKeon .....	Aye
McNeil .....	Nay
Melvin .....	Nay
Monroe .....	Aye
Murray .....	Aye
Noble .....	Nay
Nutting .....	Nay
Payne .....	Nay
Pemberton .....	Nay
Rebal .....	Absent
Reichert .....	Aye
Robinson .....	Aye
Roeder .....	Aye
Rollins .....	Nay
Romney .....	Nay
Rygg .....	Aye
Scanlin .....	Aye
Schiltz .....	Nay
Siderius .....	Aye
Simon .....	Nay
Skari .....	Absent
Sparks .....	Aye
Spew .....	Aye
Studer .....	Nay
Sullivan .....	Aye
Swanberg .....	Aye
Toole .....	Absent
Van Buskirk .....	Nay
Vermillion .....	Nay
Wagner .....	Nay
Ward .....	Nay
Warden .....	Nay
Wilson .....	Nay
Woodmansey .....	Nay
Mr. Chairman .....	Aye

**UNIDENTIFIED VOICE:** Could we ask for a call of the house?

**CHAIRMAN CRAYBILL:** You can't ask for a call of the house in Committee of the Whole. Will the Clerk please announce the vote!

**CLERK HANSON:** Mr. Chairman, 30 delegates voting Aye, 61 voting No, 9 not voting.

**CHAIRMAN GRAYBILL:** Mr. Joyce's motion is defeated. Mr. Joyce's was a substitute for Mr. Driscoll's which is considered defeated. Mr. Aronow, did you have a matter you wanted to bring up? If not, just say so.

**DELEGATE ARONOW:** No.

**CHAIRMAN GRAYBILL:** No? Mr. Johnson, you had a matter you wanted to bring up.

**DELEGATE JOHNSON:** Thank you, Mr. President. In Section 4, I would like to amend by striking out the 2 words, "6 months", on line 21 and substituting "1 year". So it shall read: "He shall be a resident of the state for at least 1 year, and a resident of the district from which he seeks election for at least 1 year preceding the general election." Thank you.

**CHAIRMAN GRAYBILL:** Very well, Mr. Johnson's motion is to make the residency 1 year in both the district and the state. Is there any discussion?

(No response)

**CHAIRMAN GRAYBILL:** If not, on Mr. Johnson's motion that we amend Section 4 by making the residency 1 year in the districts, all those in favor say Aye.

**DELEGATES:** Aye.

**CHAIRMAN GRAYBILL:** Opposed, No.

**DELEGATES:** No.

**CHAIRMAN GRAYBILL:** The Noes have it and the motion fails. Mr. Aasheim, you had a matter you wanted to discuss. Do you still have it? If not, don't worry about it.

**DELEGATE AASHEIM:** Mr. Chairman.

**CHAIRMAN GRAYBILL:** Mr. Aasheim.

**DELEGATE AASHEIM:** I move to-on line 20, page 14-insert after "year", period; strike the balance of the sentence; insert in lieu thereof, "other qualifications may be provided by law, period". I won't discuss it any further.

CHAIRMAN GRAYBILL: Very well, Mr. Aasheim's motion is to the effect that Section 4 be amended by putting a period at the end of 1 year. In other words, "he should be a resident of the state for 1 year"; then adding, "other qualifications may be provided by law." Is there discussion?

Mr. Swanberg.

DELEGATE SWANBERG: I heartily concur in Delegate Aasheim's amendment here. It's evident from the debate we've had here for the last hour or so that we are dealing with a fairly controversial subject that has never been tried in our state. Under the amendment as proposed, the residency requirements could be set by the Legislature and if it turns out that the period of residency was not workable, they could establish a law that says no residency at all was needed. In any event the problem is sufficiently controversial, I think, and experimental, that legislative action would be preferable over constitutional action.

CHAIRMAN GRAYBILL: Does everyone understand the sense of the amendment which would be to leave to the Legislature the matter of setting residence requirements? If so, I will certainly--will entertain debate on it as long as I don't feel you are repetitious. If I feel you are repetitious of what we have already talked about, I'm going to gavel you down.

Mr. Arbanas.

DELEGATE ARBANAS: Thank you, Mr. Chairman. I notice in the--from the committee, when the time came to discuss apportionment, it was decided that you had to have a commission because it was pretty well recognized the Legislature couldn't do this itself. I wonder if the sense of the motion is not to ask the same thing be done--that the Legislature decide this themselves, which I don't think they can do.

CHAIRMAN GRAYBILL: Mr. Nutting.

DELEGATE NUTTING: Mr. Chairman, would gentleman, Mr. Aasheim, yield to a question?

CHAIRMAN GRAYBILL: Mr. Aasheim, will you yield to a question?

DELEGATE AASHEIM: No.

CHAIRMAN GRAYBILL: No, he won't.

DELEGATE NUTTING: Mr. Chairman,

my only concern is the way this is worded. I also believe that it's worded such that the legislative candidate shall be a qualified voter--that also could be changed by law. In other words, we could have 24-year-old, 21-year-old requirements and I would not wish to see that in there.

CHAIRMAN GRAYBILL: Mr. Nutting, we're going to entertain an amendment on that problem in a minute. Mr. Brown's got one ready. Mr. McNeil.

DELEGATE MCNEIL: Mr. Chairman, my same suggestion, I believe--the last four words of that sentence should be retained.

CHAIRMAN GRAYBILL: Mr. Aasheim, will you retain the words, "preceding the general election", in order to make the fact that he has to be a resident for 1 year preceding the election, not for 1 year some time in the past?

DELEGATE AASHEIM: Mr. Chairman, for the moment I believe I will resist that amendment. Otherwise, we might as well leave it as it is.

CHAIRMAN GRAYBILL: You're going to have to call on Dave Drum to straighten you out here. You want to resist that? Mr. Aasheim, let me explain. The point is, if you don't put the last four lines in, then a man could have been a resident of Montana 30 years ago and move into the state and file without any prior notice. Now, if that's what you mean, why that's fine, but Mr. McNeil's point is to make it 1 year before the election. So, if you just tack on the last four words, it does that.

DELEGATE AASHEIM: Mr. Chairman, doesn't it say that he shall be a resident of the state for at least 1 year?

CHAIRMAN GRAYBILL: Yes, but it doesn't say when, and Mr. McNeil's point is that his brother who has moved to California may have been a resident of the State of Montana for 1 year, now can he come back and run without filing--that's the whole point.

DELEGATE AASHEIM: May I hear what the amendment goes, please?

CHAIRMAN GRAYBILL: It would be: "He shall be a resident of the State of Montana for at least 1 year preceding the general election."

DELEGATE AASHEIM: That's fine

**CHAIRMAN GRAYBILL:** Very well, Mr. McNeil, I think we got your point across that time. Is there any other discussion?

Mr. Davis.

**DELEGATE DAVIS:** Mr. President, I would support that motion. To me, it gives some flexibility to take care of the changing population—we're looking, maybe, 50 years or a long time. It doesn't lock in a rule. When you're shifting population, your Supreme Court decisions—many, many things can happen in the next 50 years, and give enough flexibility so we can write this in the Constitution without fixing a firm, unworkable rule we may not be able to live with. Thank you.

**CHAIRMAN GRAYBILL:** Very well. Mr. Blaylock.

**DELEGATE BLAYLOCK:** Mr. President, I rise to resist the amendment. I believe we should leave it as it is in the majority report. I should just like to say to Mr. Drum, whom I consider to be one of the finest businessmen in the State of Montana, that if he wants to represent Laurel, I'd like to have him move to Laurel and do it.

**CHAIRMAN GRAYBILL:** All right, that's repetitious. Now, is there other debate?  
Mr. Champoux.

**DELEGATE CHAMPOUX:** I will be very brief, Mr. President. I believe that this is an attempt—I'm against the amendment. I believe this is an attempt, the purpose of which is to achieve what we just defeated.

**CHAIRMAN GRAYBILL:** Very well, is there other discussion?  
Mr. Harbaugh.

**DELEGATE HARBAUGH:** Mr. President, I would just like to point out that the language in the original proposal says, "he shall be a resident", and you cannot be a resident legally unless you are a resident.

**CHAIRMAN GRAYBILL:** Well, I think that's something we'll let Style and Drafting take care of. Is there any other discussion?  
Mr. Nutting.

**DELEGATE NUTTING:** Mr. Chairman, would you have the clerk read the motion as it is right now? I don't understand it.

**CHAIRMAN GRAYBILL:** All right, I'll

read it. "A legislative candidate shall be a qualified voter. He shall be a resident of the state for at least 1 year preceding the general election. Other qualifications may be provided by law." Is there any further discussion?  
Mr. Choate.

**DELEGATE CHOATE:** I would resist the motion, Mr. Chairman, on the basis that, when you say "other qualifications" it would leave to the Legislature to set any kind of a qualification they wanted, regardless of whether or not it had to do with residence or any of that sort.

**CHAIRMAN GRAYBILL:** Is there any other discussion?  
(No response)

**CHAIRMAN GRAYBILL:** Very well, the question—  
Mr. Burkhardt.

**DELEGATE BURKHARDT:** Well, I think—it took a minute for this to dawn, but I wanted to say what Mr. Choate has just said, Mr. President. It does seem to me this opens the whole area up for reexamination. We're not delineating residence requirements in this. We're opening the entire thing up and I would oppose it.

**CHAIRMAN GRAYBILL:** All right, the question is—  
Mrs. Eck.

**DELEGATE ECK:** Mr. Chairman, would Mr. Aasheim yield to a question?

**CHAIRMAN GRAYBILL:** Mr. Aasheim?

**DELEGATE AASHEIM:** Yes.

**DELEGATE ECK:** Mr. Aasheim, would you be willing to add on your amendment that "other residency requirements may be required by law"?

**DELEGATE AASHEIM:** I would be happy to add that.

**DELEGATE ECK:** Is it in order to—I mean, can he just do it, or—

**CHAIRMAN GRAYBILL:** I've already done it, Mrs. Eck.

**DELEGATE ECK:** Very good. Thank you.

**CHAIRMAN GRAYBILL:** All right, I understand, Mr. Aasheim, for it to be the sense of your answer that you will allow your amendment to be amended to say, "other residency qualifications may be provided by law." Is there further discussion?

Mrs. Robinson.

**DELEGATE ROBINSON:** I would like to voice opposition to the motion. I do not feel that the Legislature should be able to determine its own qualifications, just as the judiciary doesn't determine their qualifications, nor does the executive branch determine their qualifications. We should determine them in this Constitution.

**CHAIRMAN GRAYBILL:** Is there other debate?

(No response)

**CHAIRMAN GRAYBILL:** Very well. The question arises on Mr. Aasheim's amendment, the sense of which would be to change the second sentence of Section 4 by putting a period after "year", so that it read: "He shall be a resident of the state for at least 1 year preceding the general election, period. Other residency qualifications may be provided by law."

**UNIDENTIFIED VOICE:** Mr. Chairman, may we have a roll call vote?

**CHAIRMAN GRAYBILL:** All right--roll call vote. So many as shall be in favor of the amendment please vote Aye; so many as are opposed, vote Nay. Have all the delegates voted?

(No response)

**CHAIRMAN GRAY BILL:** Does any delegate wish to change his vote?

(No response)

**CHAIRMAN GRAYBILL:** The ballot is closed.

Aasheim	Aye
Anderson, J. . . . .	Nay
Anderson, O. . . . .	Nay
Arbanas . . . . .	Nay
Almess . . . . .	Nay
Aronow . . . . .	Aye
Artz . . . . .	Nay
Ask . . . . .	Nay
Babcock . . . . .	Nay
Barnard . . . . .	Aye
Bates . . . . .	Nay
Belcher . . . . .	Nay

Berg . . . . .	Nay
Berthelson . . . . .	Aye
Blaylock . . . . .	Nay
Blend . . . . .	Nay
Bowman . . . . .	Aye
Brazier . . . . .	Aye
Brown . . . . .	Nay
Bugbee . . . . .	Nay
Burkhardt . . . . .	Nay
Cain . . . . .	Nay
Campbell . . . . .	Nay
Cate . . . . .	Nay
Champoux . . . . .	Nay
Choate . . . . .	Nay
Conover . . . . .	Nay
Cross . . . . .	Nay
Dahood . . . . .	Excused
Davis . . . . .	Aye
Delaney . . . . .	Excused
Driscoll . . . . .	Aye
Drum . . . . .	Aye
Eck . . . . .	Aye
Erdmann . . . . .	Nay
Eskildsen . . . . .	Nay
Etchart . . . . .	Nay
Felt . . . . .	Aye
Foster . . . . .	Nay
Furlong . . . . .	Nay
Garlington . . . . .	Aye
Gysler . . . . .	Nay
Habedank . . . . .	Nay
Hanson, R.S. . . . .	Nay
Hanson, R. . . . .	Nay
Harbaugh . . . . .	Nay
Harlow . . . . .	Nay
Harper . . . . .	Nay
Harrington . . . . .	Aye
Heliker . . . . .	Aye
Holland . . . . .	Absent
Jacobsen . . . . .	Nay
James . . . . .	Nay
Johnson . . . . .	Nay
Joyce . . . . .	Aye
Kamhoot . . . . .	Nay
Kelleher . . . . .	Aye
Leuthold . . . . .	Nay
Loendorf . . . . .	Nay
Lorello . . . . .	Nay
Mahoney . . . . .	Nay
Mansfield . . . . .	Nay
Martin . . . . .	Nay
McCarvel . . . . .	Aye
McDonough . . . . .	Aye
McKeon . . . . .	Aye
McNeil . . . . .	Nay

Melvin .....	Nay
Monroe.. .....	..Aye
Murray.. .....	..Aye
Noble .....	..Aye
Nutting .....	Nay
Payne .....	Nay
Pemberton .....	Nay
Rebal .....	Nay
Reichert .....	Nay
Robinson .....	Nay
Roeder.....	Nay
Rollins .....	Nay
Romney .....	..Aye
Rygg .....	Nay
Scanlin .....	..Aye
Schiltz .....	Nay
Siderius.....	Nay
Simon .....	Nay
Skari .....	Nay
Sparks .....	Nay
Speer .....	Aye
Studer .....	Nay
Sullivan .....	Aye
Swanberg.....	..Aye
Toole .....	..Absent
Van Buskirk.....	Nay
Vermillion .....	Nay
Wagner,, .....	Nay
Ward .....	Nay
Warden.....	Nay
Wilson .....	Nay
Woodmansey .....	Nay
Mr. Chairman .....	..Aye

**CLERK HANSON:** Mr. Chairman.

**CHAIRMAN GRAYBILL:** Please announce the vote.

**CLERK HANSON:** 28 delegates voting Aye; 68 voting No; 4 not voting.

**CHAIRMAN GRAYBILL:** Very well, 28 having voted Aye, 68 Nay, the amendment fails. We're back on Section 4, unamended.  
Mr. Brown.

**DELEGATE BROWN:** Mr. Chairman, I would now like to offer an amendment to Section 4. Referring to page 14 of the report, line 19, I move to delete the following language: "shall be a qualified voter. He." It will then read: "A legislative candidate shall be a resident." And I'd like to be heard. Mr. Chairman.

**CHAIRMAN GRAYBILL:** Very well, I understand it to be the sense of your amendment that you would take out the words, "shall be a qualified voter. He"-leaving the sentence to read: "A legislative candidate shall be a resident of the state for at least 1 year."

**DELEGATE BROWN:** Yes, sir. My reason for doing that is, yesterday we passed the Suffrage Article and it provides you must be a qualified voter to hold public office, gave the additional limitation that a felon who is under state supervision cannot hold public office. This would be in conflict and if this amendment is approved, then it would clear up the conflict and we would have clear qualifications for office.

**CHAIRMAN GRAYBILL:** Very well, is there discussion?  
Mr. Cate.

**DELEGATE CATE:** Mr. Chairman, I would not resist the amendment and would support the amendment because it is in line with what we debated and decided yesterday.

**CHAIRMAN GRAYBILL:** Very well, the committee supports the amendment. Is there other discussion?  
(No response)

**CHAIRMAN GRAYBILL:** If not, the question's on the proposed amendment by Mr. Brown, which would take out the words, "shall be a qualified voter. He," so that the sentence reads: "A legislative candidate shall be a resident of the state for at least 1 year", and a resident, and so forth. So many as shall be in favor of that motion, please say Aye.

**DELEGATES:** Aye.

**CHAIRMAN GRAYBILL:** Opposed, No.

**DELEGATES:** No.

**CHAIRMAN GRAYBILL:** The Ayes have it. Are there further amendments to Section 4?  
Mr. Kelleher.

**DELEGATE KELLEHER:** Mr. Chairman, I move that the word, "district", be changed to the word, "county".

**CHAIRMAN GRAYBILL:** Mr. Kelleher moves that in line 21 on page 3, the word, "district", be changed to "county".  
Mr. Kelleher.

**DELEGATE KELLEHER:** This should meet the objections of both the rural people and the urban people and I think otherwise the matter's been pretty well discussed.

**CHAIRMAN GRAYBILL:** Mr. Hanson.

**DELEGATE ROD HANSON:** Am I on? Mr. Chairman, I am wondering what effect this would have in districts that go into other counties? In other words, we very well could have a district that would extend, Mr. Kelleher, into more than one county, even as much as four counties, perhaps.

**CHAIRMAN GRAYBILL:** Mr. Kelleher.

**DELEGATE KELLEHER:** Mr. Cate was talking to me and I didn't hear—was it a question, or—?

**CHAIRMAN GRAYBILL:** Mr. Kelleher, his question is, what is the effect of this in districts that are bigger than one county?

**DELEGATE KELLEHER:** Oh, a district that had—yeah, say like Petroleum—it's so small population-wise. He would merely have to be a resident of any county inside that district, that's all. Say you had a district composed of Fergus and Petroleum County, which I think is one of the districts we have now, that would mean that a resident of Petroleum County or resident of Fergus County could run from that district. So.

**DELEGATE ROD HANSON:** Mr. President, would Mr. Kelleher yield to one more question, please?

**CHAIRMAN GRAYBILL:** Mr. Kelleher?

**DELEGATE KELLEHER:** Yes, sir.

**DELEGATE ROD HANSON:** How about in the case—for instance, we could have a district that had a part of Teton, a part of Lewis and Clark and a part of Cascade County in one district. I think this is a very good possibility. What would be the case there?

**DELEGATE KELLEHER:** He'd be a resident of—he'd have to be a resident of one of those counties inside that district, that's all.

**DELEGATE ROD HANSON:** I see.

**CHAIRMAN GRAYBILL:** Is there further discussion? Mr. Cate, are you on your feet?

**DELEGATE CATE:** I am, Mr. Chairman. This is the same thing we voted on twice before. Let's vote on it again.

**CHAIRMAN GRAYBILL:** Mr. Foster.

**DELEGATE FOSTER:** Mr. Chairman, I do not feel it is the same question. Essentially, it's broadened the issue. It has pointed up that the need in the rural areas—it's pointed up—it's defended against the problem of someone coming completely across state. You have to be a member of the county. It's brought you closer to home. It solves the problem of changing districts with time where you are going to have people that are going to be cut off from the district that they've been representing. It solves the problem essentially, except where a person lives on two sides of two different counties, which of course, we still have and would continue to have. I feel that it meets all of the objections that I had to the requirement for residency in the district, and at the same time it should meet the questions that the people in rural Montana might have about a person coming in from outside of rural Montana. Thank you, Mr. Chairman.

**CHAIRMAN GRAYBILL:** Mr. Heliker.

**DELEGATE HELIKER:** Mr. Chairman, how does the proposed amendment read?

**CHAIRMAN GRAYBILL:** The proposed amendment reads, "he shall be a resident of the state for at least 1 year and a resident of the county from which he seeks election for at least 6 months prior—preceding the general election."

**DELEGATE HELIKER:** Will Delegate Kelleher yield to a question?

**CHAIRMAN GRAYBILL:** Mr. Kelleher?

**DELEGATE KELLEHER:** Yes, sir.

**DELEGATE HELIKER:** Would you be willing to accept a revision to your amendment to make the section read in this regard, "a resident of the county or the district", which would take care of this problem of districts overlapping counties?

**DELEGATE KELLEHER:** Yes, I'd submit to that. That would be very fine.

**CHAIRMAN GRAYBILL:** I wonder, Mr. Kelleher and Mr. Heliker, would "county or counties" be better, or are we splitting hairs over

whether there's a half a county here—"county or counties which he seeks to represent"?

**DELEGATE KELLEHER:** I think that would solve Mr. Hanson's problem, to spell it out.

**CHAIRMAN GRAYBILL:** Would that solve your problem, Mr. Heliker?

**DELEGATE HELIKER:** (No audible response)

**CHAIRMAN GRAYBILL:** Let's assume that the amendment is to change the word, "district", to "county or counties" from which he may seek election.

Mr. Hanson.

**DELEGATE ROD HANSON:** Mr. President, I just don't want to indicate that by his acceptance of that, that I am in favor of his amendment.

**CHAIRMAN GRAYBILL:** Mr. Harper.

**DELEGATE HARPER:** Mr. Chairman, would someone explain—would Mr. Heliker or the Chair explain to me the difference between saying from the "county or counties of which he is a resident" and of saying "a resident of the district from which he seeks election"?

**CHAIRMAN GRAYBILL:** I can explain that from the Chair and save a little time. In Great Falls, for example, there are going to be all kinds of districts, there are going to be 12 districts in the county, and it would let the people in Great Falls, Billings, Butte, Helena, et cetera, run at large but they would not run at large in the county of Petroleum and the rural areas.

**DELEGATE HARPER:** Thank you, Mr. Chairman. Then, what this motion seeks to do is to say that they do not have to be a member of the district, the single member district—that's obvious, that this is one aim of it, and then the second seeks to delineate the territory from which they—"use your expression—a carpetbagger may come to a county or counties involved in that district rather than from the whole state.

**CHAIRMAN GRAYBILL:** Mr. Eskildsen.

**DELEGATE ESKILDSEN:** Mr. President, I rise just for a point of clarification. Mr. Heliker merely asked Delegate Kelleher if he thought that was a good idea. Delegate Kelleher thought it was a good idea. I wished if they was

[were] going to make a motion and we're going to vote on this that they'd put it in a form of a motion so we'd know exactly what we're voting on—how much. If Delegate Kelleher would amend his motion so it would state, entail the whole article as it's supposed to be.

**CHAIRMAN GRAYBILL:** Mr. Kelleher.

**DELEGATE KELLEHER:** In answer to our floor leader, I would like to say that I thought that I had concurred to take Mr. Heliker's thoughts and put 'em into my motion. My motion now reads that we accept Section 4 as follows: "A legislative candidate shall be a resident of the state for at least 1 year and a resident of the county or counties of the district from which he seeks election for at least 6 months—" and I'm going to add the word, "next", which is not in the majority report—"next preceding the general election."

**DELEGATE BLAYLOCK:** Mr. President.

**CHAIRMAN GRAYBILL:** Mr. Blaylock?

**DELEGATE BLAYLOCK:** Very quickly, this is essentially the same thing we voted on before. I am against it.

**CHAIRMAN GRAYBILL:** Mr. Heliker.

**DELEGATE HELIKER:** Mr. Chairman, I've talked to a number of members of the committee that reported this article, and from the comments of the committee on the floor, including the Chairman, it is fairly obvious that the committee did not carefully consider this. There are manifold problems with this matter of residency and if we take action and freeze this into the Constitution as it's now written, we're going to be buying a lot of trouble. I therefore move to recommit Section 4 to the committee.

**CHAIRMAN GRAYBILL:** The issue will be the motion of Mr. Heliker's to recommit to the committee.

Mr. Aasheim.

**DELEGATE AASHEIM:** Mr. Chairman, I resist the motion and I also resent the implication that the committee did not thoroughly study this. As you understand here the discussion on the floor, there are many facets here and we also went through all these facets in the committee. And I resist the motion to recommit. I think we can settle it here very easily and it will certainly be very

logical no matter which way we go, it'll be workable.

**CHAIRMAN GRAYBILL:** Mr. Barnard.

**DELEGATE BARNARD:** Mr. President, I rise in opposition to the motion. I think we have overlooked one thing there that might happen. We've heard of controlled Legislatures in the past and lack of faith in the Legislature. I think if we adopt this motion that we'll create a situation like you have never heard of before.

**CHAIRMAN GRAYBILL:** Mrs. Eck.

**DELEGATE ECK:** Mr. Chairman, I'm still not satisfied with the clarity of this motion, although I agree with the intent—

**CHAIRMAN GRAYBILL:** Mrs. Eck, the motion is very clear. It's to recommit the whole section to the committee.

**DELEGATE ECK:** Oh, excuse me.

**CHAIRMAN GRAYBILL:** Okay, is there discussion on the motion to recommit?

(No response)

**CHAIRMAN GRAYBILL:** All those in favor of recommitting this section to the committee say Aye.

**DELEGATES:** Aye.

**CHAIRMAN GRAYBILL:** Opposed, No.

**DELEGATES:** No.

**CHAIRMAN GRAYBILL:** The motion failed. We're back on Mr. Kelleher's motion to substitute for the word, "district", the word, "county or counties in the district from which he seeks election", and add the word, "next", before "next preceding general election". Is there further discussion?

Mr. Gysler.

**DELEGATE GYSLER:** Mr. Chairman, I believe that this amendment takes care of the problem I had, although I—in your statement on this you said the people, well—like in Great Falls, could run at large. I believe if they're single member districts, as long as they lived in the county they could file for any district and you still wouldn't have that conglomeration on the ballot.

**CHAIRMAN GRAYBILL:** Mr. Ask.

**DELEGATE ASK:** Mr. Chairman, I'd like to point out that the district we're from is about 300 miles long, has four full counties and two partial counties, including the eastern end of Yellowstone County, and if this goes through, someone from Yellowstone County, the urban area or the one square mile that elects all the representatives, can run in our district, and I therefore oppose this particular motion. Thank you.

**CHAIRMAN GRAYBILL:** Very well, the question arises—

Mr. Skari.

**DELEGATE SKARI:** Mr. Chairman, I would like to propose a substitute motion to Mr. Kelleher's motion. Is that in order'!

**CHAIRMAN GRAYBILL:** I suppose so.

**DELEGATE SKARI:** I would like to state that "a legislative candidate should be a resident of a district from which he seeks election, or a resident of an adjoining district." May I speak on that, Mr. President?

**CHAIRMAN GRAYBILL:** Mr. Skari's amendment would state—substitute amendment—would state that the—"he shall be a resident"—or, let's say, "and a resident of the district from which he seeks election or an adjoining district."

Mr. Skari.

**DELEGATE SKARI:** I am trying to overcome the problem here with reapportionment, which has to be done on a fairly regular basis. We are going to end up with lines in which we preclude people with seniority in the Legislature from running again because they may be a block or a mile outside of this line. If the people of the district which they previously represented wish them to continue to represent them, I think that they would be entitled to that. This would, however, preclude people with some stature in the state from running anywhere within the state.

**CHAIRMAN GRAYBILL:** Is there further discussion?

(No response)

**CHAIRMAN GRAYBILL:** If not, we're on the substitute amendment of Mr. Skari to state that the candidate must be a resident of the district from which he seeks election or the adjoining district. All in favor of Mr. Skari's motion say Aye.

**DELEGATES:** Aye.

**CHAIRMAN GRAYBILL:** Opposed, No.

**DELEGATES:** No.

**CHAIRMAN GRAYBILL:** Take it easy.  
(Laughter)

**CHAIRMAN GRAYBILL:** The motion fails. All' right, we're back on Mr. Kelleher's motion. Is there further discussion?  
(No response)

**CHAIRMAN GRAYBILL:** Very well, the question is on Mr. Kellcher's motion which would amend Section 4 so that it said: "He shall be a resident of the state for at least 1 year, and a resident of the county or counties in the district from which he seeks election for at least 6 months"--and add the word, "next preceding the general election". Mr. Monroe, for what purpose do you rise?

**DELEGATE MONROE:** I ask for a roll call vote.

**CHAIRMAN GRAYBILL:** Very well, we'll have a roll call vote. So many as are in favor of the proposal of the proposed amendment--shall vote Aye. So many as are opposed shall vote No. Has every delegate voted?  
(No response)

**CHAIRMAN GRAYBILL:** Does any delegate wish to change his vote?  
(No response)

**CHAIRMAN GRAYBILL:** The vote is closed. Will you please take the ballot?

Aasheim..	Nay
Anderson, J. ....	Nay
Anderson, 0..	Nay
Arbanas	Nay
Arness..	Nay
Aronow ..	Nay
Artz .....	N a y
Ask .....	Nay
Babcock .....	Nay
Barnard	Nay
Bates .....	Nay
Belcher .....	Nay
Berg .....	Nay
Berthelson	Nay
Blaylock ..	Nay
Blend .....	Nay

<b>Bowman .....</b>	<b>Nay</b>
Brazier .....	Nay
Brown .....	Nay
Bugbee .....	Nay
Burkhardt .....	Nay
Cain. ....	Nay
Campbell .....	Nay
Cate .....	Nay
Champoux .....	Nay
Choate .....	Nay
Conover .....	Nay
Cross .....	Nay
Dahood .....	Excused
Davis .....	Nay
Delaney .....	Excused
Driscoll .....	Aye
Drum .....	Aye
Eck .....	Aye
Erdmann .....	Nay
Eskildsen .....	Nay
Etchart .....	Nay
Felt .....	Aye
Foster .....	Aye
Furlong .....	Aye
Garlington .....	Nay
Gysler .....	Aye
Habedank .....	Nay
Hanson, R.S. ....	Nay
Hanson. R. ....	Nay
Harbaugh .....	Nay
Harlow .....	Nay
Harper .....	Nay
Harrington .....	Aye
Heliker .....	Aye
Holland. ....	Absent
Jacobsen .....	Nay
James .....	Nay
Johnson .....	Nay
Joyce .....	Aye
Kamhoot .....	Aye
Kelleher .....	Aye
Leuthold .....	Nay
Loendorf .....	Nay
Lorello .....	Aye
Mahoney .....	Nay
Mansfield .....	Nay
Martin .....	Nay
McCarvel .....	Aye
McDonough .....	Aye
McKeon .....	Aye
McNeil .....	Nay
Melvin .....	Nay
Monroe.. ....	Aye
Murray.. ....	Aye
Noble .....	Nay

Nutting .....	Nay
Payne .....	Nay
Pemberton .....	Nay
Rebal .....	Nay
Reichert .....	Aye
Robinson .....	Aye
Roeder .....	Aye
Rollins .....	Aye
Romney .....	Aye
Rygg .....	Nay
Scanlin .....	Nay
Schiltz .....	Nay
Siderius .....	Aye
Simon .....	Nay
Skari .....	Nay
Sparks .....	Nay
Speer .....	Nay
Studer .....	Nay
Sullivan .....	Aye
Swanberg .....	Aye
Toole .....	Absent
Van Buskirk .....	Absent
Vermillion .....	Nay
Wagner .....	Nay
Ward .....	Nay
warden .....	Nay
Wilson .....	Nay
Woodmansey .....	Nay
Mr. Chairman .....	Aye

**CLERK HANSON:** Mr. Chairman, 27 delegates voting Aye; 68 voting No.

**CHAIRMAN GRAYBILL:** 27 delegates having voted Aye; 68 No, the motion fails. We're back on Section 4 as amended by Mr. Brown's amendment. Is there further discussion?  
(No response)

**CHAIRMAN GRAYBILL:** If not, Mr. Cate you may close.

**DELEGATE CATE:** I close.

**CHAIRMAN GRAYBILL:** Very well, members of the committee you now have before you on the motion of Delegate Cate that when this committee does arise and report, after having under consideration Section 4 of Article V, of the Legislative Committee Proposal Number 3, that the same shall be adopted. So many as shall be in favor of that motion say Aye.

**DELEGATES:** Aye.

**CHAIRMAN GRAYBILL:** Opposed, No.

**DELEGATES:** No.

**CHAIRMAN GRAYBILL:** The Ayes have it.

**DELEGATE CATE:** Mr. Chairman.

**CHAIRMAN GRAYBILL:** Mr. Cate.

**DELEGATE CATE:** As a parliamentary maneuver at this time, and to prevent this matter coming up again for reconsideration, I would move to reconsider the question.

**CHAIRMAN GRAYBILL:** Chair is going to rule you out of order.

**DELEGATE CATE:** I challenge the Chair.

**CHAIRMAN GRAYBILL:** All right, challenge the Chair. Now, the point has been raised whether he can move to reconsider immediately so that the matter can't be reconsidered later and I have ruled him out of order and he has the right to challenge my vote, or my ruling. You're going to vote now on whether to sustain my ruling, which would allow the matter to simply stay until we finish the whole article. The reason I do that is that I think we should always keep "pen the right to reconsider in the Committee of the Whole until the end. I have a right, under the rules, to explain my reason. He wants to freeze this thing so that nobody can change it under any circumstances from now on. Now, so many as shall wish to sustain the Chair, vote Aye.

**DELEGATES:** Aye.

**CHAIRMAN GRAYBILL:** So many as wish not to sustain the Chair, vote No.

**DELEGATES:** No.

**CHAIRMAN GRAYBILL:** The Chair is sustained. Mr. Clerk will you read Section 5.

**CLERK HANSON:** "Section 5. Compensation. (1) Each member of the legislature shall receive an annual salary and such allowances as may be prescribed by law; provided that no legislature shall fix its own compensation."

**CHAIRMAN GRAYBILL:** Go ahead and read subsection 2.

**CLERK HANSON:** "Subsection 2. A salary commission shall be created by the legislature to recommend legislative compensation."

**CHAIRMAN GRAYBILL:** For the information of the body, the Chair will consider Section 1 and Section 2 separately. You may vote on each section; then we'll vote on the whole section as a whole at the end. Members of the committee, you now have before you for consideration Section 5. What is your pleasure? The Chair will recognize Mr. Skari.

**DELEGATE SKARI:** I move that when this committee does arise and report, after having had under consideration Section 5, subsection 1, of the Legislative Article, I recommend that the same do pass. Mr. Chairman.

**CHAIRMAN GRAYBILL:** Mr. Skari.

**DELEGATE SKARI:** I would like to make one comment on this Legislative Committee Proposal. It is not signed by myself and Mr. Cate. This is simply because we were absent, not because we do not disapprove. The question here is how we are going to pay our legislators. Right now we are simply considering subsection 1, annual salary. I am going to read a quote from the *Sometime Governments*, by John Burns: "The size of a legislator's salary is generally demeaning enough. It should at least be based upon an annual rate." We do not mention a minimum salary in here. We do not set any salary because of the danger of a salary floor being placed in effect. The last salary remained in there for 50 years and we do not mention it for that purpose. I think the committee feels generally that a legislator is a legislator all year long whether he is in session or not; that they-there is a good chance, I think, of this Convention adopting annual sessions, a continuous body. This is a good possibility. Legislators have to attend interim sessions. They are always doing independent study, or quite often. They are always meeting with groups and individuals, hearing their problems. We feel that compensation should be relevant to the total demands of a legislator's time. I think a good point that can be made also, that the salary is also relevant to the dignity of the office. Another point is that a salary-an annual salary-will help to discourage a legislative body from procrastinating. They realize that they are paid on an annual basis; they are not going to run overtime; they are going to deliberate carefully but they are not going to take undue time. We do, however, recommend that they may get expenses as to defer out-of-pocket costs, as approved by law. In other words, no citizen can say that a Legislature is meeting just

to draw its own pay. Thirty-seven states now use an annual salary. I think there is a growing realization that the complex problems of state governments in this age demand considerable time from a legislator and it is on a year around basis, whether they are in session or not. Thank YOU.

**CHAIRMAN GRAYBILL:** Very well, is there discussion of Section 5, part 1?  
Mr. Nutting.

**DELEGATE NUTTING:** Mr. Chairman, as a substitute motion, I move that minority report on page 56 be accepted, and really, there is not the difference of opinion here in this minority report that might be considered. The minority report merely replaces Section 1 and 2, and we do not tie in that there will be annual salaries; whether there are annual salaries or are not will be left to the opinion of the legislators. It does not require a wage commission. However, under the minority report a wage commission could be established. In other words, we feel that we are opening up the situation and leaving it to legislative decision as to how the salaries should be paid, and whether they should be annual, whether they should be by the day. And we feel this is, for the long pull, this would be a much better article than to tie any particular things in such as annual salaries or requiring a wage commission. I move the adoption of the minority report.

**CHAIRMAN GRAYBILL:** Mr. Nutting, do I understand that the only difference between the minority and the majority report is Section 2? Or is there a difference in Section 1 of the majority report?

**DELEGATE NUTTING:** The minority report does not require annual salaries, and it does not preclude them. It merely states that compensation and allowances as may be prescribed by law. Therefore, it leaves it open for the Legislature to go either way.

**CHAIRMAN GRAYBILL:** Very well, the question is on the substitute motion of Delegate Nutting, which is the minority proposal on page 56: "Each member of the legislature shall receive compensation for his services and allowances as may be prescribed by law. No legislature may fix its own compensation." The principal differences between that and the majority are, the majority provides for an annual salary; and second, the

majority provides in subsection 2, which we aren't on yet, for a salary commission. Is there discussion of the substitute amendment? Substitute motion?

Mr. Arbanas.

**DELEGATE ARBANAS:** Would Delegate Nutting yield to a question?

**CHAIRMAN GRAYBILL:** Delegate Nutting?

**DELEGATE NUTTING:** Yes.

**DELEGATE ARBANAS:** My first question is, how different is this from what we have now?

**DELEGATE NUTTING:** The only thing is--well, there really is no difference as far as the salary is not set.

**DELEGATE ARBANAS:** Will Delegate Nutting yield to another question?

**CHAIRMAN GRAYBILL:** Mr. Nutting?

**DELEGATE NUTTING:** I will.

**DELEGATE ARBANAS:** I have been given to understand that one of the reason our legislators' salaries are so low and why they're always behind things is the fact that they have a rather public embarrassment of voting a raise and their fear of the voters in this matter. I would speak against the motion-or, how do you react to that problem? Is that a true fact or not?

**DELEGATE NUTTING:** I think when you elect legislators you should elect legislators with integrity. If they feel that they are right, they have the right to vote an increase in their salaries. If they feel that a commission is the proper way to go to establish salaries, they should have that right to establish a commission. If they do not feel that is the way, then it should not. I think the voters-the only way they have to control the conditions are by their vote. If we place it into a wage commission, then they would probably not have that right.

**CHAIRMAN GRAYBILL:** Mr. Arbanas.

**DELEGATE ARBANAS:** I'd like to speak against the motion. It seems to me that it leaves them in that limbo they are in now and that the original motion provides a guarantee of improvement.

**CHAIRMAN GRAYBILL:** Mr. Harper.

**DELEGATE HARPER:** Mr. Chairman, I think if you'll note what subsection 2 here says-it says a salary commission shall be created by the Legislature to recommend legislative compensation. The recommendation comes back to the Legislature. The Legislature establishes legislative compensation. The commission is in no way granted the full responsibility and privilege of setting exact figures here. It's to be an impartial citizens' help to the Legislature so that when this commission of citizens comes out and says, this is what we think our legislators ought to be getting, the Legislature, in enacting some more sensible salary scale, can say this was recommended by people who took a look at the situation from an objective, impartial view. The idea of putting the annual salary, instead of leaving what we have now, as a mandate, is not only to help get a little bit of the monkey off the Legislature's back, in terms of setting their own salaries, but is also to suggest that the citizens of the State of Montana want their Legislature to consider themselves as being the Legislature full time during their term of election, that we consider that a man's work back home, when he's finding out what the rest of us believe and what we want, is fully as important in a sense as his work of actually voting for us during the days of his session here. And an annual salary will enable a person to do just this, and it would also free them from the stigma of having to extend legislative sessions day by day in order to increase their own compensation. I am thoroughly in accord with the majority committee report.

**CHAIRMAN GRAYBILL:** Is there other discussion?

Mrs. Bugbee.

**DELEGATE BUGBEE:** Mr. Chairman, may I suggest that we separate the two subjects of annual salaries and a commission? Annual salaries are really tied into the subject of sessions and they are a related subject and the salary commission is another subject. I'm afraid that, again, we're going to complicate our thinking.

**CHAIRMAN GRAYBILL:** I think, Mrs. Bugbee, if you adopt the minority report here you will not have an annual salary. If you don't adopt it, then you will have an opportunity to consider the commission as a separate matter when we consider the majority report. So this first vote on

whether or not to-whether or not to sustain Mr. Nutting on his substitute amendment really is on the issue of whether the salaries shall be annual or not annual. Is there other discussion?

Mr. Belcher.

**DELEGATE BELCHER:** Mr. Chairman, I would like to pass Section 5 by and go to Number 6 in order to determine whether we have an annual session or whether we don't. I think this would make a difference in determining our action on the minority report or the majority report.

**CHAIRMAN GRAYBILL:** Now, Mr. Belcher, I don't know what-I know what you'd like to do. What are you going to do? Are you going to make a motion, or aren't you?

**DELEGATE BELCHER:** I move that we pass Section 5 and act on Number 6 and come back.

**CHAIRMAN GRAYBILL:** The motion is to pass Section 5 and go on to Number 6. Is there any discussion?

(No response)

**CHAIRMAN GRAYBILL:** All those in favor of the motion to pass Section 5, say Aye.

**DELEGATES:** Aye.

**CHAIRMAN GRAYBILL:** Opposed, No.

**DELEGATES:** No.

**CHAIRMAN GRAYBILL:** The Noes have it and the motion fails. We're on Mr. Nutting's substitute proposal on page 56. Is there further discussion?

Mr. Blaylock.

**DELEGATE BLAYLOCK:** I have a question, Mr. President. Now is it Mr. Nutting's intention that his substitute motion will simply replace subsection 1?

**CHAIRMAN GRAYBILL:** Mr. Nutting.

**DELEGATE NUTTING:** The proposal is to consider-the minority report is that-this will be the entire Section 5. It could be amended if its—to put more in or less, but the minority report is that that would be the entire Section 5.

**CHAIRMAN GRAYBILL:** Mr. Aronow.

**DELEGATE ARONOW:** Mr. President, may I ask-will Mr. Nutting yield?

**CHAIRMAN GRAYBILL:** Mr. Nutting?

**DELEGATE NUTTING:** I yield.

**DELEGATE ARONOW:** Mr. Nutting, I believe in one of the other Constitutional articles from one of the other committees there is a wage commission provided to set the salaries or to recommend the salaries of the Governor, and Judiciary and other officers. Do you know if Legislature is included in that general provision?

**DELEGATE NUTTING:** I'm not aware of it if they are or aren't.

**CHAIRMAN GRAYBILL:** Mr. Kamhoot.

**DELEGATE KAMHOOT:** Mr. Chairman, I rise in support of the substitute motion. I fear that this could lead to a professional Legislature that would be hired yearly from now on. I can remember when these legislators got \$10 a day up here. Granted, that probably wasn't enough, but I think the quality of the Legislature that we had in Montana at that time was every bit as good as the quality has been when they were receiving a total of \$45 a day. I'm not questioning whether the men are worth that, or whether worth more than that, or less. I think this is a duty and an obligation to the people of Montana, if they're interested in their state, and I certainly think this should be left as it is to the Legislature and I support the minority proposal.

**CHAIRMAN GRAYBILL:** Mr. Blaylock.

**DELEGATE BLAYLOCK:** Mr. President, I move to amend the minority report, as moved by Mr. Nutting, to attach subsection 2 of the majority report, which will then read: "A salary commission shall be created in the legislature to recommend legislative compensation."

**CHAIRMAN GRAYBILL:** Mr. Blaylock's motion is to attach subsection 2 of the majority report to the minority report.

Mr. Aasheim.

**DELEGATE AASHEIM:** I must resist that motion of Mr. Blaylock's. I think we have in subsection 1 of Section 5 a concept that we should settle first. If we adopt the minority report on 56, Mr. Blaylock can then make the motion to add subsection 2, which I think would be more amenable; I think since we have these two concepts here together.

**CHAIRMAN GRAYBILL:** Mr. Blaylock.

**DELEGATE BLAYLOCK:** Very well, I withdraw.

**CHAIRMAN GRAYBILL:** Mr. Blaylock withdraws. Very well, we are on Mr. Nutting's proposal that the substitute amendment or motion that the minority proposal on page 56 be adopted in place of the minority-or majority proposal. The text of it is: "Each member of the legislature shall receive compensation for his services and allowances may be prescribed by law." The Legislature may fix its own compensation. The difference is that it provides for no annual compensation. So many as are in favor of Mr. Nutting's substitute amendment say Aye.

**DELEGATES:** Aye.

**CHAIRMAN GRAYBILL:** So many as are opposed, say No.

**DELEGATES:** No.

**CHAIRMAN GRAYBILL:** Chair is in doubt. We'll have a nonrecorded vote. So many as are in favor say Aye and those opposed say No. Have all the delegates voted?  
(No response)

**CHAIRMAN GRAYBILL:** Does any delegate wish to change his vote?  
(No response)

**CHAIRMAN GRAYBILL:** The vote is closed. 47 having voted Aye and 40 having voted No, the substitute motion of Mr. Nutting's prevails. Very well, the substitute motion having prevailed for the majority proposal for Section 5, the Chair would now entertain a motion, if anyone cares to make one about the salary commission.  
Mr. Blaylock.

**DELEGATE BLAYLOCK:** Mr. Chairman, I move to amend the adopted minority report to add what was subsection 2 of the majority report: "A salary commission shall be created by the legislature to recommend legislative compensation."

**CHAIRMAN GRAYBILL:** Very well, Mr. Blaylock's amendment is to add a subsection 2 to what is now the Convention's Section 5, which was the minority proposal. The purpose will be to add a salary commission to recommend legislative salaries.  
Mr. Blaylock.

**DELEGATE BLAYLOCK:** I should like to speak very briefly to that. I was down in the Governor's conference room when Governor Anderson spoke to the Executive Committee and one of the statements that he made was, what was wrong with the Legislature at the present time is that the members do have some timidity in increasing their own salaries. And I know that if they do do that and when they come home, that they face a great deal of criticism, and I think this type of arrangement has worked very well for Congress, where a salary commission recommends a salary, and then if it is not turned down by Congress, it becomes the law, and I think that in order to get good legislators for our government here in Montana, that this would be a good idea.

**CHAIRMAN GRAYBILL:** Mr. Cate.

**DELEGATE CATE:** Mr. Blaylock, would you yield to a question?

**CHAIRMAN GRAYBILL:** Mr. Blaylock?

**DELEGATE BLAYLOCK:** Yes.

**DELEGATE CATE:** Would you be willing to amend your amendment to provide-to recommend legislative, executive and judicial compensation?

**DELEGATE BLAYLOCK:** Can I think on that a while?

**CHAIRMAN GRAYBILL:** Mr. Arbanas.

**DELEGATE ARBANAS:** This is a question of the--whichever member of the committee is representing this article--was it Mr. Skari?

**CHAIRMAN GRAYBILL:** It's Mr. Nutting. Well, it was Mr. Nutting and Mr. Skari.

**DELEGATE ARBANAS:** I'd like to ask Mr. Skari a question, if I might, Mr. Chairman.

**CHAIRMAN GRAYBILL:** Mr. Skari, will you yield for a question?

**DELEGATE SKARI:** Yes, Mr. President.

**DELEGATE ARBANAS:** I'd like to call your attention to the explanation of the Section 2 on page 16, in which the committee states that the proposal provides for compensation commission to either set or recommend legislative salaries, and I'd like to know the reason why you didn't go the stronger way, rather than just-just plain

recommend, which I fear still puts the Legislature maybe in an embarrassing position.

**CHAIRMAN GRAYBILL:** Mr. Skari.

**DELEGATE SKARI:** Mr. Arbanas, I believe that we used the word, "recommend", here because we felt it was the Legislature's job to settle the matter of salaries. However, we felt that there was a real problem here because legislators in general are quite afraid of paying themselves an adequate compensation. We felt that a commission of responsible citizens that was created, would study the problem, do this research, take into consideration many factors, such as the amount of work and all, the type of people we wanted to attract to the Legislature and, in other words, a very broad representation of people, not limited to those of private means. We felt that they would make a fair appraisal of what would be needed and that the Legislature, in all likelihood then, would go by their recommendation, but we did leave the final appropriation of that money up to the Legislature. They would have to, in the final analysis, pass on it.

**CHAIRMAN GRAYBILL:** Mr. Nutting.

**DELEGATE NUTTING:** I would like to point out that the salary commission is not precluded by the fact that it is not included in the Constitution and perhaps it would be the feeling of legislators in the future that a salary commission should be set up and the salaries should be made compulsory, and I would prefer to leave it out rather than put it in because it would then give the Legislature more leeway if they did decide that way, then it could be changed.

**CHAIRMAN GRAYBILL:** Mr. Harper.

**DELEGATE HARPER:** Mr. Chairman, I think we ought to note what we're doing right here and what we have just done, I think, in part, and to put this word of warning in because it'll come up again and again if we are not careful. We said, for example, we wanted everyone to run from single member districts because we want, for example, the people of a poor economic area to have a chance to run. And then in line with that, the committee thought, well, let's make it possible to have a citizens' Legislature instead of a Legislature which can be composed only of those of independent means enough to come here. And now we seem to be tending toward keeping the very people out that we wanted in the first place to vote in. I

think at least in keeping part of the loaf here, namely the salary commission, will enable a fair appraisal of this situation to be taken because, you see, what we have, as Mr. Nutting said in answer to Mr. Arbanas' question previously, we are now writing into the Constitution exactly what we have in the present Constitution. It's a fair assumption that we will have tomorrow and the next day the same kind of situation we have had yesterday and the day before and for all the past few years, with the Legislature faced with the question of running again under the burden of having to raise their own salaries and having had to do it entirely on their own. At least let's give them a commission which we have mandated them to set up to recommend salaries to them, so that this whole area of adequate compensation can be dealt with in a way that will allow us to have a citizens' Legislature, instead of one that has to be predicted only on the basis of a person's being able, in terms of his own independent wealth or support from someone, to come here to represent citizens.

**CHAIRMAN GRAYBILL:** Mr. Romney.

**DELEGATE ROMNEY:** Mr. Chairman, I move that in line 6 of the minority proposal that the "shall" be changed to the word, "must".

**CHAIRMAN GRAYBILL:** Your motion is out of order. We're discussing the motion to add a salary commission, and your motion is not germane to the subject that's being discussed and therefore it's out of order. You may bring it up later, Mr. Romney. All right, we're still on Mr. Blaylock's proposed amendment to Section 5 as now adopted of the minority which would add a salary commission. That's what we're discussing.

**DELEGATE BLAYLOCK:** Mr. President.

**CHAIRMAN GRAYBILL:** Mr. Blaylock.

**DELEGATE BLAYLOCK:** Mr. President, would it be in order if I added two words to my amendment?

**CHAIRMAN GRAYBILL:** Yes.

**DELEGATE BLAYLOCK:** After the word, "legislative", on line 15 on page 15, to add the words, "executive and judicial", so it would read: "to recommend legislative, executive and judicial compensation".

**CHAIRMAN GRAYBILL:** Mr. Blaylock, before I accept that amendment, have you checked with the chairmen of the Executive and Judicial Committees?

**DELEGATE BLAYLOCK:** No, I have not.

**CHAIRMAN GRAYBILL:** Well, it seems to me that this is the sort of thing that Style and Drafting will straighten out if we adopt the same thing in three different committees. That's what Style and Drafting's supposed to do, to straighten it out, and for you to presume that the legislative and the judicial are all going to come in with this, seems to me to put us in a position of debating today the Judicial and the Executive article. Now, let's just do what we're going to do in the Legislature and let's let Style and Drafting straighten it out. Is that permissible? Is that agreeable with you? If it isn't, you make your motion and we'll put it, but it seems to me that you're—

**DELEGATE BLAYLOCK:** Well, I don't wish to be disagreeable, Mr. President, but if—

**CHAIRMAN GRAYBILL:** This is a matter that Style and Drafting is supposed to check. If we adopt two conflicting or two things in different sections, then Style and Drafting is supposed to bring that to our attention and decide where it ought to be best put. So, I'm going to rule it out of order. Now, if you want to challenge my ruling—

**DELEGATE BLAYLOCK:** No, I'm very agreeable, Mr. President.

**CHAIRMAN GRAYBILL:** All right. Mr. Schiltz.

**DELEGATE SCHILTZ:** As a matter of fact, Mr. Chairman, the Judicial article does not have this provision. It was considered and thought it would be found in General Government. I've just checked with Mr. Joyce and the Executive article doesn't have any commission coverage—salary commission coverage.

**CHAIRMAN GRAYBILL:** All right, therefore in view of that knowledge, I'll now reentertain your motion, Mr. Blaylock.

**DELEGATE BLAYLOCK:** Thank you, Mr. President. Then I shall ask to put in after "legislative" then, the words, "executive and judicial compensation". And if there's no

objection, I assume that that can go in just that way.

**CHAIRMAN GRAYBILL:** Very well, Mr. Blaylock's amendment now is to add to Section 5, of subsection 2, that would say "a salary commission shall be created by the legislature to recommend legislative, executive and judicial compensation".

Mr. Cate.

**DELEGATE CATE:** Mr. Joyce, would you concede to a question?

**DELEGATE JOYCE:** I yield.

**DELEGATE CATE:** Was the wage commission proposal discussed before your committee and was there any support on your committee for that proposition as such?

**DELEGATE JOYCE:** Well, the comments in the Executive Committee indicate that it was discussed in our committee and only had the support of myself, the other members feeling it was a legislative matter, but that's no—that's the fact.

**CHAIRMAN GRAYBILL:** Mr. Cate.

**DELEGATE CATE:** Mr. Chairman, Mr. Joyce, would you concede to another question?

**DELEGATE JOYCE:** Yes, I will.

**DELEGATE CATE:** As I understand what you said, you felt that to provide for the substance of the commission should be a legislative matter.

**DELEGATE JOYCE:** That was the consensus of the committee, as I understood it.

**DELEGATE CATE:** But was the committee in support of the proposition of a commission as a means of setting executive salaries?

**DELEGATE JOYCE:** Well, I think some of them were. Maybe they could speak for themselves in that connection. I can't represent that across the board, sir.

**CHAIRMAN GRAYBILL:** Mr. Cate, hold the mike a little lower, sir.

**DELEGATE CATE:** Mr. Aronow.

**CHAIRMAN GRAYBILL:** Mr. Aronow, do you want to yield?

**DELEGATE CATE:** Would you yield to a question?

**DELEGATE ARONOW:** I'll yield.

**DELEGATE CATE:** You're on the Judiciary Committee, correct?

**DELEGATE ARONOW:** Yes.

**DELEGATE CATE:** Did you find in your studies that there was any support for the wage commission type method of determining salaries for judges?

**DELEGATE ARONOW:** Yes, there was considerable support and we had hoped in our discussion, we were led to believe, I think, that there was going to be a commission appointed or provided for in one of the other articles and rather than duplicate it in the judiciary, we thought we'd just go along with it.

**DELEGATE CATE:** Thank you.

**CHAIRMAN GRAYBILL:** Very well, the question arises on Mr. Blavlock's motion to attach subsection 2 to Section 5 to read as follows: "A salary commission shall be created by the legislature to recommend legislative, executive and judicial compensation." So many as shall be in favor of the proposed amendment, say Aye.

**DELEGATES:** Aye.

**CHAIRMAN GRAYBILL:** Opposed, No.

**DELEGATES:** No.

**CHAIRMAN GRAYBILL:** The Ayes have it. Members of the committee, you now have before you, on the motion of Mr. Nutting, the minority vice-chairman, subsection 5 containing the minority proposal, plus an additional subsection on a salary commission. Mr. Nutting, do you want to make a motion that they adopt the whole thing with subsections 1 and 2 and then we'll put that question?

**DELEGATE NUTTING:** Mr. Chairman, I move that when this committee does arise and report after having under consideration the minority report of Section 5, Legislative Committee Proposal, that it recommend the same do pass, as amended.

**CHAIRMAN GRAYBILL:** Very well, members of the committee, you now have before

you, on the motion of Mr. Nutting, that when this committee does arise and report, after having under consideration Section 5, as amended, it recommend the same be adopted. So many as are in favor of that motion say Aye.

**DELEGATES:** Aye.

**CHAIRMAN GRAYBILL:** Opposed, No.

**DELEGATES:** No.

**CHAIRMAN GRAYBILL:** Five is adopted.

Mr. Eskildsen.

**DELEGATE ESKILDSEN:** I move that the Committee of the Whole stand in recess until 1 o'clock p.m. this day.

**CHAIRMAN GRAYBILL:** The motion is to recess until 1 o'clock. All in favor say Aye.

**DELEGATES:** Aye.

**CHAIRMAN GRAYBILL:** Opposed, Nay.

**DELEGATES:** (No response)

**CHAIRMAN GRAYBILL:** So ordered.

(Committee recessed at 12:02 p.m.—reconvened at 1:10 p.m.)

**CHAIRMAN GRAYBILL:** The Convention will be in order. The clerk will read Section 6.

**CLERK HANSON:** "Section 6 Sessions. The Legislature shall be a continuous body for 2-year periods beginning on the date newly elected members take office. Any business, bill, or resolution pending at adjournment of a session shall carry over with the same status to any further session of the Legislature during the biennium. The Legislature shall meet at least once a year in regular sessions of 90 legislative days or less. Any legislature may increase the limit on the length of any subsequent session. The Legislature may be convened in special session by the Governor or at written request of a majority of the members." Section 6.

**CHAIRMAN GRAYBILL:** Members of the committee, you now have before you Section 6. What is your pleasure?

Mr. Loendorf.

**DELEGATE LOENDORF:** Mr. Chairman, I move that when this committee does arise and report, after having had under consideration Section 6 of the Legislative Article, it recommend the same do pass. Mr. Chairman.

**CHAIRMAN GRAYBILL:** Mr. Loendorf.

**DELEGATE LOENDORF:** Members of the Convention, although this appears to be a short section and it is very concisely written, I think it contains four distinct issues. And those are: First: the length of sessions; how long should we allow our Legislature to remain in session; two: frequency of session; how often our Legislature should meet; three: special sessions who should call them and for what purpose; four: should the Legislature be a continuous body, and what does this mean. Addressing myself to the first question first and, I believe this is the most important decision this body will make regarding the Legislative Article and perhaps in this Convention, and that is, should we continue to impose a limit of 60 continuous days every 2 years on our Legislature. Now, this restriction was perhaps reasonable back in 1890. At that time, Montana had only 16 counties, 38 state agencies, and our Legislature appropriated only \$200,000 on an annual basis. Today, we have 56 counties, our government has expanded into a 161 state agencies, which are now being incorporated into 19 departments under Executive Reorganization, and last year our Legislature appropriated almost \$280,000,000. Now, the expansion in population and the increased demand for services has caused the Legislature's work load to be increased to such an extent that in the past sessions it's been considering over 1,000 bills. And this increase in work load is not quantitative only. The complexity of bills today is much greater. For example, last session our Legislature considered the Executive Reorganization Bill, a bill which concerned the structure of the entire Executive branch of our government, and we might compare for a minute our work with the work of the Legislatures. We have 178 delegate proposals plus our present Constitution to consider and our time limit appears to be about 60 days or in that area, the same the Legislature is confronted with. First of all, I'd like to display to you Senate Bill Number 1, which was introduced and passed in the last session. It contains 404 pages, and I'd like you to consider for a minute just how long it would take you to consider whether you would be willing to support the main proposition in each section of this bill and how

much time it would take you to approve each phrase and each punctuation mark therein. And then, when you get to the last two pages, how long it would take you to consider the 694 statutes this bill casually repeals. Also, the Executive Reorganization Bill was not only complex, it was lengthy—a 110 pages—and I display these, not because they are unusual. If you—and the legislators know from recent sessions, they've considered these type of catalog bills in the past. The Uniform Commercial Code is an example; the Truth-in-Lending Bill, our new Code of Criminal Procedure, the Code of Civil Procedure—just to name a few. And next session, the Legislature will have at least one of these bills to consider again, the Substantive Criminal Code. And I think it should be obvious that our Legislature does not have enough time; but to further illustrate that, consider the fact that since 1911, only 6 sessions of the Legislature have completed their work in the last 60 days—within the 60-day limitation. In the last 24 years, no Legislature has completed its work within the 60-day limitation. And in recent sessions, they have gone well beyond that 60-day period. As we should expect, working under this time limit the Legislature cannot give time to citizens to testify. Citizens who came to Helena during the last Legislature found for the most part that they had from 6 to 10 minutes to testify on a bill. That's not 6 to 10 minutes apiece. If there were 10 citizens there and the bill was given a 10-minute consideration, you each got 1. And an example of that which I'd like to share with you is this. A gentleman flew here from San Francisco to testify on the No-fault Insurance Bill, a bill which would have substantially changed liability insurance law in the State of Montana. He had previously testified on this bill in California, where it was given a 2-day hearing, in Alaska, where it was given an 8-hour hearing. When it came his turn to testify in Montana, the Chairman said, "You have 2 minutes." He said, "What can I say in 2 minutes?" And he flew back to San Francisco. The entire bill was given a 10-minute hearing. Montanans who drive to Helena in midwinter, stay overnight, and get 2 minutes to testify obviously do not come back again. At least it would be rare. Another example of the time limit is the work the Appropriations Committee must do. If you observe the Legislature in session you'll note the Appropriations Committee never listens to debate on second reading. They adjourn to the room, right over in the right-lefthand corner of the building, there, and work on appropriations. The next day they come back in, without the benefit of

debate, and vote on the bills. A comparable situation, I presume, would be if we had not heard the debate on General Government yesterday, for example we were gone all day, came in at the end of the session yesterday, and voted to either approve or not approve what was done. Would we really be making an intelligent vote? Now, I think these examples and history shows that we cannot estimate how much time it's going to take for future legislatures to complete their work. We cannot sit here today and say how much time it will take the Legislature of 1984 or the Legislature of 1997 to complete their work, and this is the reason the committee has set no arbitrary time limit on the length of sessions. Our committee has provided in Section 6 that the Legislature shall meet in regular sessions of 90 legislative days or less, but it allows Legislature to increase the time limit on subsequent sessions should this be necessary. In other words, it would allow a Legislature in 1998, for example, to increase the time for the 1999 session. It simply allows the amount of work to be done determine how long a session should last, rather than for us to take some guess today. Okay, moving on to the second question, then, how often should our Legislature meet? The committee debate centered chiefly on the annual-biennial issue. Should it meet every year or every 2 years? We concluded the Legislature should meet annually and for these reasons. Today, change is much more rapid and continuous than it was in the 1890's. Annual sessions would allow the Legislature to act to resolve problems rather than to react when the problems have reached a crisis stage. The problems of education, land use, law enforcement, do not adjourn when the Legislature adjourns and we believe 2 years is just too long to leave these problems unattended. Annual sessions would allow a quicker repeal of bad laws. Any legislator knows that when you're enacting complex legislation, even though you may feel you've adequately studied it, some bugs may appear. It's just like making a car, and this would allow the Legislature to bring theory and practice into harmony sooner. In the matter of budgeting, we know the further we have to project something into the future, the greater the possibility of error, and annual sessions would obviously, I think, promote more accurate and more control of the budget on the part of the Legislature. Federal programs today, especially with revenue sharing apparently coming, we have many federal programs which require matching funds and they require legislation. Annual sessions permit us to get ahold of those federal funds

a year early. Perhaps we will gain more money here than the annual sessions will cost. And finally, 33 states now have annual sessions. Your comment points this out. Do we want to be 50th? Okay, going on to the issue of special sessions. Under our present Constitution, special sessions may only be called by the Governor and when so called, they are limited to the scope of his call. Now if you observed the last legislative session, during the first 60 days the Legislature was in a frenzy. They had more work than they can handle, but during the special sessions, especially the spring session, the legislators were on the golf course. Reason? They could only consider the one or two items the Governor allowed them to consider, so you only have a couple committees working. There's nothing for the other legislators to do. Under the current Constitution the Governor, in effect, controls the Legislature for all but 60 days of each Z-year period. In other words, the only time the Legislature can come into special session is when the Governor tells them to and it can only consider what he tells them to do. Is the Legislature, in this type of situation, a real check on the Executive? We submit it's illusory. Our provision allowing both the Governor and the Legislature to call special sessions we think solves both problems. The final issue-should the Legislature be a continuous body? First, let me point out, this doesn't mean the Legislature will be in continuous session. What it would allow is, that the Legislature may carry bills over from session to session with the same status during the term for which its members are elected. How this would have helped during the last legislative session is, when the Governor called the special session for the fiscal matters, bills at that time-or the bills which were stalled or over in the Senate, or wherever they were at that time, were considered dead. The Legislature had to reprint those bills, run them back through the House over into the Senate. Now, if they could have simply carried those bills over, they could have started at the point they left off, saving time, which saves money. They would not have to reprint them, which would also save money. We think it's a very simple thing which would be an aid to the Legislature. And, finally, this provision is one of the two provisions in this Legislative Article which would insure the Legislature authority to act through interim committees. As you probably are aware, the first time the bill creating the Legislative Council was enacted, the Supreme Court declared it unconstitutional. One of the reasons was, it said, if the Legislature is only

allowed to meet for 60 days a year it cannot operate through an interim committee or a council during any other period of the year. When the Legislature did enact another bill at a later time creating a Legislative Council which was approved by the Supreme Court, but only by a three to two decision. So by adopting this provision, you may help remove the danger that the Legislature may not be able to act during the interim. I urge the adoption of Section 6 in total. Thank you, Mr. Chairman.

**CHAIRMAN GRAYBILL:** Mr. Nutting.

**DELEGATE NUTTING:** I move that when this committee does arise and report, after having under consideration Section 6 of the Legislative Committee proposal, that it recommend the minority report be adopted. Mr. Chairman.

**CHAIRMAN GRAYBILL:** Mr. Nutting.

**DELEGATE NUTTING:** Our committee, the Legislative Committee, was unanimous in that the Legislature needed more time and we vary only in the two reports on the method of establishing the time. If you'll turn to page 57 you will find the minority report that I'm speaking on. Witnesses that contacted us were nearly unanimous that they needed more time and that they also needed some sort of a deadline to work against, but they also needed a variable length of session. Our witnesses were not so unanimous that at this time we needed annual sessions, which the majority report calls for. Now, I hope when we discuss this section, that we do not call for continuous sessions; however, another section of this article does allow for interim committees and I sincerely hope that if you review this proposal, you will look with favor upon that other section which asks that interim committees be allowed. To go over the minority report, we felt that there should be a deadline. Any Governor, when he is elected, has a Legislature coming in. He has a right to expect that it will meet shortly after he comes into office and consider his program. We moved the date back to March 1st but it can be moved up as provided by law. The purpose of that is, that we want it to be held before March 1st but we do not want it later than that. The regular session shall not exceed 80 legislative days. Now, at the present time we were operating under 60 days, legislative days. They would be allowed to count off weekends, so this would involve a full 16 weeks if they wanted to go 5 days a week. Now, if you'll look

at the last session—the last sentence, excuse me—regular and special sessions may be extended by a majority vote of each house. So consequently, we have the 80 legislative days but by a majority vote, they can extend these sessions. Now that gives them the variable which could continue—they could extend them as long as necessary but they would still be working under a deadline. Any business bill or any resolution pending at adjournment of a session shall carry over with the same status to any future special sessions. This gives us the same principle as the continuous session that Mr. Loendorf spoke of, but it does it in a biennial period. Special sessions may be called, not to exceed 30 days, by a majority vote. Now what we mean there is that, if annual sessions are found to be necessary, they can be called by the Legislature. They can be called by a majority so therefore it is not too hard to call a special session. It allows us a flexibility. We may have annual sessions by calling—merely calling a special session, or we may have biennial sessions if they, if the Legislature deems that that is enough now. I believe this allows for enough flexibility and yet gives the voter at home an idea of what is expected of their legislators. Thank you.

**CHAIRMAN GRAYBILL:** Mr. Garlington.

**DELEGATE GARLINGTON:** Mr. Chairman, I am very troubled that we may not discharge our duties in this Convention by giving adequate thought to the complex issues that we have yet to resolve. I think we should make every effort to benefit today from the lessons that we should have learned from the last 2 days. We're falling very badly behind. And now that we've entered the crucial stage of debate and vote and the time pressure manifests itself, my conscience drives me to establish some quick but firm safeguard against my surrender to personal preferences and prejudices. In representing the 50,000 people of District 18, I ask myself, how can I be sure that I vote their best interest and not just my own. And, how can I do this without absorbing the precious hours of this Convention. Over the years, I have learned that adherence to principle is one of the safest guides through a maze of conflicting facts or persuasions, and essentially, this is how the law resolves disputes. So I have been seeking, during this past month, to establish some principles by which my voting during this coming

month could be guided. And in the hope that what I have concluded may assist some of you in reaching your own decision, I ask leave to outline my thoughts briefly. I start with the recognition of the political fact that the liberal, as contrasted with the conservative, view is in the ascendancy. In accepting that, I ask myself, what is liberal? And to me it is that which allows the most freedom—freedom of each of us to live, to work, and to believe as we may think right for ourselves, and I want to vote for a Constitution that will do this. Now, what would it be? I think it would have to assure to the individuals in Montana three freedoms. First, his personal freedoms as we see them in the time-honored Bill of Rights. And second is political freedom, meaning his right to vote, to be a candidate, to express his opinions and to know what his government is doing to him and with him. And, third, his future freedoms which, to me, mean his right to try a new system, to expell a bad system, to meet a new problem with a new solution, and to explore constantly the ways and means of living better with government. Now, how can we write a Constitution that is liberal by that definition? I think the answer is to write in simple terms the broad, fundamental structure of government, coupled with basic assurance of essential personal freedoms, and leave the future to be faced as it unfolds. The profusion of delegate proposals that we have had shows that temporarily, in our enthusiasms, we forgot the good advice of our fellow citizens elsewhere who've preceded us through this constitutional ordeal. Keep it simple, they said, and so also have said some of our own people. Editorialized the *Billings Gazette* this month, "Let the Montana Constitution be one of principles, not of specifics". Resolved the AFL-CIO, "We ask other groups to join with us in asking the Convention to so draft the new document that it will lay down the fundamental law of our state, leaving wherever possible the implementation to the legislature." Declared the League of Women Voters, "The Constitution should be limited to fundamental law, outlining the framework of government, and delegating powers." Now, this is sound advice and I shall heed it and however moral or appealing or helpful or humanitarian some proposal may seem, if it does not fairly fit within these principles, I shall vote against it. If it does, I shall support it, and I shall not consume the precious time of this Convention espousing my opposition or support to each individual issue. I guess this means that, basically, I have faith in our citizens and their

legislative process, and also that I have trust in our young people and their coming generations. So in any event, this is how I propose to conduct myself in this Convention and to form my judgments as we work through our task. I think it is the only way that I can fully and fairly discharge my responsibilities to the people, born and unborn, of District 18. Referring now to the majority report of this Legislative Committee, it seems to me that it meets all of the tests that I think I have defined for myself and I support it wholeheartedly. (Applause)

CHAIRMAN GRAYBILL: Thank you, Mr. Garlington. All right, we're debating the minority substitute motion. Mr. Harper.

DELEGATE HARPER: I think if you will, Mr. Chairman and group, I think if you take a look at the minority report, it looks as if it might even be a little bit more flexible than the majority because the majority does use the concept of sessions each year, or annual sessions, while the other does not. However, if you read it as the way, say, an agency preparing an appropriation must read it, then you must read it as a biennial session. Only a biennial session, beginning on March the 1st, after the biennium begins, or before, is mandated here and then any subsequent sessions have to be called as special sessions with noted time limitations on it all through the rest of that biennium. Now, an agency cannot assume that a Legislature may call itself into session next year to study appropriations, so we're going to continue this one single big issue of biennial appropriations about which Mr. Loendorf spoke so—I started to say eloquently—not so much that as I think logically and cogently—and for this, if for no other reason, and there are several others, I hope we will take another look and see the wisdom of writing in the people's idea that their Legislature should work full time. Meaning by that, be ready to be on the job all the time, and that at least once a year they must meet to take care of this big item of appropriating \$200,000,000 annually, or biennially now, of our money, for all the reasons that Mr. Loendorf described.

CHAIRMAN GRAYBILL: Mrs. Reichert.

DELEGATE REICHERT: Mr. Chairman? I rise to speak in opposition to the minority proposal. In keeping with Mr. Garlington's remarks for a flexible document, a fundamental

document, I call to your attention in the minority proposal, line 8, there is a stipulation, "shall not exceed 80 legislative days". Line 12, "special sessions not to exceed 30 days". I have before me the Senate and House Journals of the last session and I read that the regular session was restricted to 60 days. The first special session was 27 days. The third session, 19 days, for a total of 106 days. I think if we restrict future legislators to 110 days, we'll be inflicting the same kind of punishment on future legislators that our past legislators have felt.

**CHAIRMAN GRAYBILL:** Mrs. Bates.

**DELEGATE BATES:** Mr. Chairman, fellow delegates, if it's flexibility we are looking for, it's in the minority plan. The minority asked for SO-approximately 80 days. Legislative days, this is 110, approximately. This can be in 1 or 2 years if they so decided. If they wanted to go, say, 60 days in 1 year and complete the session in the next, this would be at the discretion of the Legislature. I recently saw an article on Idaho. Idaho now is re-considering-they have an amendment to their Constitution. They have had annual sessions and apparently they feel they do not need them, and they are asking to go back to biennial sessions, And this would provide the flexibility. Another thing that's listed in the minority report is the 30-day special session. In the majority report there's no limit to a special session. Both can be extended by a majority of the body voting to do so. I support the minority report and if you're really looking for flexibility, you will, too. Thank you.

**CHAIRMAN GRAYBILL:** Mr. McCarvel.

**DELEGATE McCARVEL:** Mr. President, would Delegate Nutting yield to a question?

**CHAIRMAN GRAYBILL:** Mr. Nutting?

**DELEGATE NUTTING:** Yes.

**DELEGATE McCARVEL:** On lines 6 and 7 of the minority report it says that "legislature shall meet in regular session before March 1st." Does this mean that they will start before March 1st or complete their work by March 1st?

**DELEGATE NUTTING:** It means-I'll have to apologize for this language. It got-between the committee work and the printing-it-this portion of it, "before March 1st or earlier", was changed and the-it was "on March 1st or

earlier as provided by law", is the way it went to the printers and this is the way it came back. But that would not be a substantive change, I wouldn't think. It would be merely a style change.

**CHAIRMAN GRAYBILL:** Very well, the—

Mr. Joyce.

**DELEGATE JOYCE:** Mr. Chairman, I spoke at length this morning and I'm going to restrain myself in the future, but I just want to say, I think that the single, most important issue that faces this Constitutional Convention is now before us. The minority report, with the use of the words, "not less than 80 days", is restrictive and I think that unless the majority report passes, I think it would be the greatest thing this Convention can adopt, and I urge the majority report to be passed en toto.

**CHAIRMAN GRAYBILL:** Members of the Convention-or the Committee, you have now before you—

Mr. Aasheim.

**DELEGATE AASHEIM:** I would like to speak on this. This is quite an important issue. It's much more important than what we spent 2 hours on this morning. I wish that before you pass your judgment, keep in mind that we have here a very flexible proposal. We have set 80 legislative days and let me remind you that the present Constitution says 60 days and that includes Saturdays and Sundays, and if you were to takeoffthe Saturdays and Sundays, the present Constitution allows somewhere between 44 and 50 days. Sometimes they met on Saturdays, sometimes they didn't. Sometimes they even met on Sundays but most generally they did not. So it would be 80 legislative days. You have now nearly double the amount of time that the Legislature does meet. And they very likely will not think about meeting on Saturday and Sunday. They'll have time then to think this matter over, these problems over. They won't be pushed into Saturday and Sunday meetings, which they are at present under 60-day limitation. So, 80 legislative days is a lot of days, it's a lot of time added, and also I want to remind you that for the most part, legislators want a deadline. Just look at yourselves. If we didn't have a deadline we would still be fiddling around, wondering what to do. But since we had a deadline, we got down to work and we're in pretty good shape. We're making a lot of errors, sure, but we're correcting

them, too. But this is a tremendous operation we're under now and there is really no comparison between this and the Legislature. So, when we give them 80 legislative days with the stipulation that they can call themselves back into session if they need to, then they have to go home and tell their people that they had to—they had to call themselves back into session because of the press of business before them—and they will explain to the people that they had to have extra time. And believe you me, they're going to justify that, and they're not going to dawdle if they have this pressure behind them to meet for 80 legislative days. They're asking for it. If they ask for it, why should we give them more time? And they then will be accused, if they have more time than they need, they will be accused of wasting the taxpayers' money. So I hope you will consider this very conscientiously and seriously because if they can call themselves back into session for 30 days more—and here's something else—the matter of the budget here enters in, and the budget is a very complex matter to understand. It's a book that thick sometimes. Now, with the power, if we vote it to them, to call themselves to have an interim committee, they can delegate, say, 12 people to sit on the budget and work this budget out, and then call themselves back into session to act upon it. Wouldn't it be ridiculous for 100 people to sit and talk about the budget? Can't 12 sit down and argue it out and think it out? In fact, 5 could do it. And then, when they have done this, they can call themselves back into session if they need to. Remember, all the time that this pay is going on if they're in session; whereas, if they can delegate this authority to 5 people and analyze the budget, then they have this limitation on the amount of pay that is put out. And this is an important item when you think of \$50 a day for 100 or 150 people. So, when you consider this minority report, consider the flexibility of it because, as was mentioned, the federal government might say, "We have a \$100,000 available for Montana if you can match it." The Legislature is meeting in January. This appropriation comes in July. The Legislature can call itself back in session in November and act upon this appropriation. They have this flexibility. Then, if they meet in December and November, they can then decide whether or not they have to meet the following year without having to go back, as Proposal Number 1, or the majority proposal says. The majority proposal says they've got to come back the next year. This one says they may if they want to.

CHAIRMAN GRAYBILL: Mr. Rygg.

DELEGATE RYGG: I'd like to direct a question to Delegate Nutting.

CHAIRMAN GRAYBILL: Mr. Nutting?

DELEGATE NUTTING: I yield.

DELEGATE RYGG: Mr. Nutting, as I read this, it says special sessions not to exclude 30 days. Does that mean there can be more than one special session during the 2-year period then?

DELEGATE NUTTING: Yes, it does.

DELEGATE RYGG: Thank you. I would like to speak in favor of the minority proposal. As was indicated a little while ago, I thought, it said that with the 80 days and the 30 days it could only be 110 days. As I read it, this could be any number of 30-day special sessions. I would think perhaps the thinking would be that they'd have a regular 80-day session in the 1 year and then maybe have a 30-day session in the odd year to work on fiscal matters, but even so, it wouldn't be restricted to that. I frankly feel that if you take the majority proposal and have it in continuous session, you're going to be flooded with a great number of bills. I think we have found that for years there's the same bills that come in every session. I'm afraid if you had it annually or continuously, you'd have them all the time. I do believe that the minority session will give all the flexibility it needs. I am in favor of having an 80-day limit to try to work on, and I would hope that you'd support the minority.

CHAIRMAN GRAYBILL: Mr. Brown.

DELEGATE BROWN: Mr. President, I agree with the principles of Mr. Garlington but I don't approve of his application of those principles. I support the minority. This provides for 90 working days and a 5-day week, the majority does. This Legislature would be in session 4½ months out of every year. The minority gives the flexibility to meet the changing times for future generations.

CHAIRMAN GRAYBILL: Mr. Berg.

DELEGATE BERG: Will Mr. Nutting yield to a question?

CHAIRMAN GRAYBILL: Mr. Nutting?

DELEGATE NUTTING: Yes.

**DELEGATE BERG:** Under the minority report can you and do you provide for interim legislative committees?

**DELEGATE NUTTING:** I think I stated in my remarks, we do not provide for a continuous session; however, in another provision of the proposal we do apply for them and I said I would hope you would recognize that proposal at that time.

**CHAIRMAN GRAYBILL:** Mr. Cate.

**DELEGATE CATE:** I rise in opposition to the minority report and the only reason why is this 80-day limitation. I think if there's a reason why we're here, it's because the people were fed up with the Legislature and the problems that the Legislature had, and one of the problems that the Legislature had was the 60-day limitation. Now, Mr. Garlington talked about principles that he applies. I also have a principle that I have tried to apply throughout this Constitutional Convention and that is that I do not impose contemporary ideas on the future. The majority allows the sessions to be extended beyond 90 days if necessary. The only way it could be done under the minority report would be by a constitutional amendment which would cost the State of Montana at the current rate \$275,000. So I would urge you to support Section 6 of the majority report. Thank you.

**CHAIRMAN GRAYBILL:** Mrs. Bugbee.

**DELEGATE BUGBEE:** Mr. President, I rise in support of the majority report and for one—just picking out one reason—the minority report says—I am for the majority report. The minority report says that it has complete flexibility. I would like to point out to you on line 21, it in no way includes this one sentence which says, in the majority report, “Any legislature may increase the limit on the length of any subsequent session”, and I submit to you that this is a basic—this provides a basic flexibility that is much needed.

**CHAIRMAN GRAYBILL:** Mr. Blaylock.

**DELEGATE BLAYLOCK:** Mr. President, I rise to support the minority report, and I would like to call to the memory of the delegates the story that was in the newspapers about 2 weeks ago where the Senate Majority Leader of the United States Senate, Mike Mansfield, in that body which has open-ended sessions, was furious because the Senators of the United States Senate were not in

attendance and they could not attend to business. And I recall in this body the other day when we had a little ovation because every member was present, and I suggest that if you had open-ended sessions and no time limit and no pressure, that this would drag on endlessly. I support the minority report.

**CHAIRMAN GRAYBILL:** Mr. Romney.

**DELEGATE ROMNEY:** Mr. Chairman, would the gentleman, Mr. Cate, Delegate Cate, respond to a question?

**CHAIRMAN GRAYBILL:** Mr. Cate?

**DELEGATE CATE:** I would.

**DELEGATE ROMNEY:** Would you please calm my fears about this constitutional amendment and \$275,000 that you speak of?

**DELEGATE CATE:** Calm your fears? Well, it could be calmed by amending Minority Proposal Number 5 to include a provision that any Legislature may increase the limit on the length of any subsequent session.

**CHAIRMAN GRAYBILL:** Mr. Romney.

**DELEGATE ROMNEY:** (No response)

**CHAIRMAN GRAYBILL:** Mr. Harper.

**DELEGATE HARPER:** Mr. Chairman, I think we're getting a little smoke screen here. If you'll pardon me, Mr. Blaylock, the fact that I wasn't referring to Drum's cigar, either—(Laughter) Mr. Mansfield called the members of the Senate down because they were absent and that is now interpreted as being a favorable comment on the minority proposal because it has a time limit, and then the argument is against open-ended sessions that are unlimited, and no where do I find in my book that the majority proposal calls for open, unlimited sessions. Let me just review for you some things here—that both of these documents still are included—both of these sections are still included in the document that calls for interim committee work so that is not an issue. Both of these allow the Legislature to call itself into special session, so that is not an issue. Both of these allow for bills to be continued from one session during the biennium to the next without having to be reintroduced with the flood of bills being brought back over again, so that is not an issue. Both of them have a time limit, though the time limits differ. The majority, looking

farther into the future and just facing what we know to be facts of our time and of our state operation, have said 90 days or less. The Legislature does not have to meet those 90 days. It may meet less. If the business can be done in 60, it can meet less. The other says 80. I submit to you that giving the proposal the ax for the 10 days there is not the thing. What is the thing? The thing is, annual sessions or not. I submit to you that the rest of this is pretty much a smoke screen around that. The annual session issue is the one we ought to decide. Do we want to have our state Legislature meet annually to take care of the business they need to take care of? Now if we listen carefully to Mr. Loendorfs opening statement, I think you would have to conclude that his logic was pretty fair. And if you talk with many of the legislators in the past, particularly on this budget issue, they tell you that time and time again we have lost this state lots of money, perhaps millions of dollars, by not being able to meet annually and deal with this matter of budget. It's a lot easier to think in terms of an annual budget than it is to prepare a budget for what must be now about 30 months into the future. We are talking about a big business. We are talking about people's business. Now if we get a little emotional about this, it's because I am. The one thing that the people have to control, the one place where we get into the act, is through our Legislature. As one of our speakers said, the Legislature is the people. What we ought to want to do is to enable our Legislature to do its business in the maximum, the maximum way. Now, if it takes more days, let's have more days. Let's take off as many restrictions as we can and allow them to work. We don't expect the Governor and his staff to work only a few days of the year and then pay them only for the few days they happen to come into the office. We don't expect the Highway Department and other bureaus to only work part time designing roads, and yet we seem to want always to be niggardly in this matter of allowing our Legislature to work, and I think if we'll keep our minds we can get a fair vote if we'll vote as to whether or not we are really for annual sessions, allowing them to work annually, or to force them to continue to work under the biennial system which is now posing as being a most flexible document.

**CHAIRMAN GRAYBILL:** Mr. Ask.

**DELEGATE ASK:** Mr. Chairman, I rise in support of the minority proposal, and I think

there's a factor here that hasn't been mentioned that I would like to bring up. I won't go into the other reasons, but annual sessions bother me, and I think if we're going to have annual sessions that we're going to have professional politicians running for the Legislature. I think many of us here today of the 100, if we knew that we were elected—going to be here 90 days this year and 90 days next year—would never have run for the office, and I submit that I like the cross section that we have here in this assembly. I like their ideas, their thinking. I think they're right down at the grass roots level, and I think that's the way we should keep it. If we go to annual sessions, we're going to get the professional politician that he has time to come up here and this is all he wants to do is just a part time job and he can afford it. We're going to miss a lot of the people that are here today that would be very important in our Legislature in the future. Thank you.

**CHAIRMAN GRAYBILL:** Mr. Wilson.

**DELEGATE WILSON:** Mr. President, one of the things I was encouraged to talk about by my people was this. My people feel at the present time that we cannot afford annual sessions, as such, but we should provide the flexibility in the Constitution that would allow the Legislature to reconvene itself if it thought it was necessary. I submit to you delegates that when you are talking about annual sessions, you are talking about expense. We all know that Montana has a terrific problem in trying to raise money to support its state and support the actions of government at this time. The things that Mr. Ask brought out I think are very appropriate. If each one of us did have to serve at least 90 days each year, we would be concerned about whether we wanted to be here or not. I think the flexibility that is provided in the minority proposal is adequate. I think it makes sense. I think it is what the people want. And the legislators that I have talked to this met what they wanted. They did want an extension of time. I think you've provided that. You have also provided that if there is an emergency they can extend their time limit; they can reconvene. I submit to you that this is a practical proposal and I support the minority position.

**CHAIRMAN GRAYBILL:** Mr. Champoux.

**DELEGATE CHAMPOUX:** Mr. President, I'd like to direct a question to Mr. Ask, please, if I may.

**CHAIRMAN GRAYBILL:** Mr. Ask.

**DELEGATE ASK:** Yes.

**DELEGATE CHAMPOUX:** Mr. Ask, how do you define a professional politician sir?

**DELEGATE ASK:** Well, I think we each would probably have our own definition, but I think it's someone that holds himself out just for public office. This is part of a way to make a living. He doesn't necessarily give you a good cross-section of the State of Montana, I don't think.

**DELEGATE CHAMPOUX:** May I ask another question, please?

**CHAIRMAN GRAYBILL:** You may.

**DELEGATE CHAMPOUX:** Do you think 90 days would satisfy this to make a professional politician?

**DELEGATE ASK:** I think so. You have 90 days annual session and with even the salary now, or I assume it will be more, it will be quite worthwhile to them, I think. It'd be a good part-time job.

**CHAIRMAN GRAYBILL:** Mr. Champoux.

**DELEGATE CHAMPOUX:** Is it the salary thing that you're worried about? Is it the salary thing that makes the professional politician? Is that what you—

**CHAIRMAN GRAYBILL:** Mr. Ask.

**DELEGATE ASK:** Not necessarily. I think it's the people that we'd like to see run that will say, I can't take that much time away from my business each year, and they're going to decline from running. I'm not saying that the professional politician is anything bad but I think if we took our body here today, and if we knew we were going to be here 90 days now and 90 days next year to write this Constitution, I think about 75 percent of us wouldn't be here. We wouldn't even run. Who would we have, then? The people say, "Well, I have the time and I'm going to run."

**CHAIRMAN GRAYBILL:** Mrs. Robinson.

**DELEGATE ROBINSON:** Yes. Will Delegate Wilson yield to a question?

**CHAIRMAN GRAYBILL:** Mr. Wilson?

**DELEGATE WILSON:** I yield.

**DELEGATE ROBINSON:** Mr. Wilson, your main concern about providing for annual sessions, or your concern of your constituency, is the expense. I am wondering if you know what part of the biennial budget of the State of Montana is devoted to the Legislature?

**DELEGATE WILSON:** Right off the top of my head, I couldn't name the exact figure, but it is substantial.

**CHAIRMAN GRAYBILL:** Mrs. Robinson.

**DELEGATE ROBINSON:** Mr. Chairman, for the past session, the total of the biennial budget devoted to the entire legislative process was three tenths of 1 percent of the total biennial budget. I would submit that Montana can afford a little bit more than that for an annual legislative session.

**CHAIRMAN GRAYBILL:** Mr. Hanson.

**DELEGATE ROD HANSON:** I'd like to ask Mr. Nutting if he'd yield to a question.

**CHAIRMAN GRAYBILL:** Mr. Nutting, will you yield?

**DELEGATE NUTTING:** Yes.

**DELEGATE ROD HANSON:** Dick, is it the intent in the last line of the minority report, on line 14, page 57, that the proviso there where by a majority vote of each house they can extend their sessions, could a regular session be extended until the next year without meeting during that period of time so that you could reconsider the budget annually?

**DELEGATE NUTTING:** It is my opinion that under that particular section the Legislature could meet 365 days a year if they could justify it to their constituency at home.

**CHAIRMAN GRAYBILL:** Mr. Hanson.

**DELEGATE ROD HANSON:** Would Mr. Nutting yield to another question?

**CHAIRMAN GRAYBILL:** Mr. Nutting?

**DELEGATE NUTTING:** Yes, I would.

**DELEGATE ROD HANSON:** Dick, my

intent was to find out, could you recess from 1 year to the next year to reconsider the budget? And I'm thinking strictly of just coming back in so you can compute the budget on an annual basis.

**DELEGATE NUTTING:** No, you could not.

**CHAIRMAN GRAYBILL:** Mrs. Warden.

**DELEGATE WARDEN:** Mr. President, I would just like to say, as one who has been over here for the last 6 sessions of the Legislature, that I feel that there is a definite lack of time. I think many things are not decided. They're not passed, or they are passed over hastily because there hasn't been time enough to make the judgment. I am against the minority report and very much in favor of the majority. Thank you.

**CHAIRMAN GRAYBILL:** We will stand at ease for 1 minute.

(Convention at ease while tape was changed.)

**CHAIRMAN GRAYBILL:** The Convention will be in session. We are debating the minority report, substitute Section 6 of Article V. Mr. Swanberg.

**DELEGATE SWANBERG:** Mr. President, I, too, after some deliberation here, favor the majority report. We had testimony this morning that legislators felt embarrassed about fixing their own salary. And I'm wondering if we get into this business of their own discretion of fixing further sessions, where they wouldn't feel just as embarrassed about fixing a session some period ahead, and for that reason I think there should be annual sessions for the reasons adequately covered by Mrs. Warden. Thank you.

**CHAIRMAN GRAYBILL:** Mr. Bashor—Barnard, I mean—excuse me.

**DELEGATE BARNARD:** Mr. President, I rise in support of the majority report. Having served in the Legislature for some 16 years, beginning with the time when we appropriated approximately \$32,000,000 up to about \$115,000,000, I must say that I never went home from a session of this Legislature feeling that I had had time to do the job right or had done the job right. There was always a shortage of time, no matter how hard I worked at it or how long, and I certainly support the majority report.

**CHAIRMAN GRAYBILL:** Mrs. Reichert.

**DELEGATE REICHERT:** Mr. President, I rise again in support of the majority report. I would like to read briefly to you this article about a citizen Legislature: "Opponents of the present 60-day limitation question whether it really allows a citizen legislature. They maintain that if a legislature is a citizen legislature, it should be representative of all the people, but under the present Montana system it can be contended that only a few classes of people can afford to be legislators—retired people, insurance salesmen, ranchers and farmers who are not busy during the winter months, and professional people who have partners to carry on the business while they are away. Meanwhile, many small businessmen, teachers, white collar workers and laborers cannot afford to run for the legislature." James Miller wrote in the *National Civic Review*, quote, By conservative estimate at least 75 percent of our population that would otherwise be qualified to serve cannot possibly afford to. Unquote.

**CHAIRMAN GRAYBILL:** Mrs. Bates.

**DELEGATE BATES:** Mr. Chairman, I wish to draw attention to this body something that hasn't been brought up here—that the minority report calls for a specific time to hold a session, and it must be held before the 1st of March. The majority report does not call for a time to meet. Did you ever consider what could happen if you had a continuous body, a Legislature, that never met and if it was not called into session by the Governor because the both houses or even one house were in an opposite party? This could happen. It's a possibility, and the minority report calls for a time to go into session.

**CHAIRMAN GRAYBILL:** Mrs. Eck.

**DELEGATE ECK:** I have—Mr. Chairman, I have several comments to make. I guess maybe a bit in rebuttal. I am in favor of the majority report. First, in regard to professional legislators, I think that a good many people are going to be deterred from running for office if they know that, what with an annual session that almost surely, and special sessions would be called and they would have no way of knowing when those special sessions will be. I know that with our own legislators it caused real hardship to them this last year when a couple of ranchers that we had, had to come back in June, right in the middle of their most busy season, and I think that they'll think twice—in fact, I know they're thinking twice about running again. In regard to

financing, this always really grates me—the fact that we are so niggardly about the Legislature. You know, we have 165 employees year around in the Department of Education. We don't complain about these employees and yet I think when you balance their function against the function of the Legislature we certainly must feel that our Legislature really deserves more time than it gets. The final matter is that of budgeting. Mr. Rygg mentioned that the sessions could be called back on the odd years to handle budgetary matters and yet, unless you have annual sessions, you can't count on that. In other words, you can't really count on having a special session every other year to handle budgetary matters. It really has to be something that is written in and you know is going to happen. Thank you.

**CHAIRMAN GRAYBILL:** Mrs. Spew.

**DELEGATE SPEER:** Mr. Chairman, I think it was said just a little bit ago by Delegate Bates that there was no guarantee, nothing in Section 6 of the majority report, that requires the Legislature to convene. I call attention to the section—let's see, line 6—"The legislature shall meet at least once a year in regular session." Thank you.

**CHAIRMAN GRAYBILL:** Mr. Nutting, do you want to close?

**DELEGATE NUTTING:** I will if no one else wants to speak. But I did want to just mention that, in answering Mr. Hanson's question, there is a proposal in the bicameral section which would possibly limit this; however, it limited—it would be necessary for both houses to agree to a recess but they could if both houses would agree. In the unicameral, there is no such proposal so they could have a recess any time and extend it for any length of time under unicameral and it would require permission of both houses to do it under the bicameral, to answer your question.

**CHAIRMAN GRAYBILL:** Do you have anything else to close, Mr. Nutting?

**DELEGATE NUTTING:** No.

**CHAIRMAN GRAYBILL:** Mr. Loendorf.

**DELEGATE LOENDORF:** Mr. Chairman, may I make just a few brief remarks as perhaps I will not be able to close after Mr. Nutting's motion is voted on? I think when we speak of an 80-day session, talking only about the

present, it was just a few years ago our legislators determined themselves that legislative sessions should be extended to at least 80 days when they asked for that privilege by constitutional amendment. It was not granted, of course, but a Constitutional Convention being called for, I think we are again faced with this question. Now we can argue, well, this 80-day session can be extended so what does it matter what the time limit is. I think it is this—special sessions or extensions of regular sessions make legislators appear incompetent. People assume that if the legislators do not get their regular work accomplished during the regular session, they have been goofing off, and why should the Governor have to call them into special session at additional expense. And it seems to me that the majority report is superior in this respect. It allows an extension of the deadline for regular work, so in the future the amount of regular work can be taken care of in a regular session. One further remark regarding annual sessions and perhaps this has been mentioned, but you can't take care of a regular session with a special session. A regular session is something that has to be planned in advance when you're talking about matters of budget. You don't just call a special session and jump into the budget. That has to be planned at least, I would guess, 6 months in advance and I think I am being conservative there. Thank you, Mr. Chairman.

**CHAIRMAN GRAYBILL:** Members of the committee, you have before you, on the motion of Mr. Nutting, substitute motion of Mr. Nutting, Section 7 of the minority report. The text is on page 57. The question now arises, when you arise and report and considered substitute Section 6, whether to recommend that the same be adopted. Now, so that we understand each other—Mr. Nutting, do you want to speak again?

**DELEGATE NUTTING:** I would like to close on my motion, Mr. Chairman.

**CHAIRMAN GRAYBILL:** All, right close on your motion.

**DELEGATE NUTTING:** The only—I have only several points—two points to close. One is, that I repeat, there is no time limit on this—these type of sessions—except that the legislators themselves would have to justify. If they extend, they would have to justify calling back a special session. There is no—at no time—not by anything that's said in here does not say that they have to meet 80 days. It says, "not to exceed". That point

was brought out. Another problem that was mentioned was budget, and I would presume that if the Legislature felt it necessary to have a budget meeting the next year, the special sessions could certainly be called before adjournment and for the following year the budget session would—the arrangements would be made a year ahead of time. So, with that, I close.

**CHAIRMAN GRAYBILL:** Very well. Now, so that we all understand each other—Mr. Loendorf moved the majority report, Mr. Nutting moved the minority substitute Section 6, and members of the committee, you have now before you on the motion of Mr. Nutting that when this committee does arise and report, after having under consideration Section 6, it recommend that this minority report be adopted. So many as are in favor of that—

Mrs. Bugbee.

**DELEGATE BUGBEE:** Roll call.

**CHAIRMAN GRAYBILL:** All right, we'll have a roll call vote. So many as are in favor vote Aye. So many as are opposed, vote No. Has every delegate voted?

(No response)

**CHAIRMAN GRAYBILL:** Does any delegate wish to change his vote?

(No response)

**CHAIRMAN GRAYBILL:** Will you please tally the vote?

Aasheim .....	Aye
Anderson, J. ....	Aye
Anderson, O. ....	Nay
Arbanas .....	Nay
Arness .....	Absent
Aronow .....	Aye
Artz .....	Aye
Ask .....	Aye
Babcock .....	Aye
Barnard .....	Nay
Bates .....	Aye
Belcher .....	Aye
Berg .....	Aye
Berthelson .....	Aye
Blaylock .....	Aye
Blend .....	Aye
Bowman .....	Nay
Brazier .....	Aye
Brown .....	Aye
Bugbee .....	Nay

Burkhardt .....	Nay
Cain .....	Nay
Campbell .....	Nay
Cate .....	Nay
Champoux .....	Nay
Choate .....	Nay
Conover .....	Nay
Cross .....	Nay
Dahood .....	Excused
Davis .....	Aye
Delaney .....	Excused
Driscoll .....	Nay
Drum .....	Nay
Eck .....	Nay
Erdmann .....	Aye
Eskildsen .....	Aye
Etchart .....	Aye
Felt .....	Nay
Foster .....	Nay
Furlong .....	Nay
Garlington .....	Nay
Gysler .....	Aye
Habedank .....	Nay
Hanson, R.S. ....	Aye
Hanson, R. ....	Aye
Harbaugh .....	Nay
Harlow .....	Nay
Harper .....	Nay
Harrington .....	Nay
Heliker .....	Nay
Holland .....	Absent
Jacobsen .....	Nay
James .....	Nay
Johnson .....	Aye
Joyce .....	Nay
Kamhoot .....	Aye
Kelleher .....	Nay
Leuthold .....	Nay
Loendorf .....	Nay
Lorello .....	Nay
Mahoney .....	Nay
Mansfield .....	Nay
Martin .....	Nay
McCarvel .....	Nay
McDonough .....	Nay
McKeon .....	Nay
McNeil .....	Nay
Melvin .....	Nay
Monroe .....	Aye
Murray .....	Nay
Noble .....	Aye
Nutting .....	Aye
Payne .....	Nay
Pemberton .....	Aye
Rebal .....	Nay

Reichert	Nay
Robinson	Nay
Roeder.....	Nay
Rollins.....	Nay
Romney.....	Aye
Rygg.....	Aye
Scanlin .....	Nay
Schiltz	Aye
Si' denus.....	Nay
Simon .....	Aye
Skari .. .. .	Nay
Sparks.	Nay
Spew .....	Nay
Studer.....	Aye
Sullivan	Nay
Swanberg.....	Nay
Toole .....	Nay
Van .....	Nay
Vermillion	Aye
Wagner .....	Aye
Ward .....	Nay
Warden.....	Nay
Wilson .....	Aye
Woodmansey.....	Absent
Mr. Chairman	Nay

CHAIRMAN GRAYBILL: Will the clerk please read the tally.

CLERK HANSON: Mr. Chairman, 35 delegates voting Aye, 60 voting No, 2 excused and 3 not voting.

CHAIRMAN GRAYBILL: 60 delegates having voted No and 35 having voted Aye, the minority report has failed. We are now considering Section 6 of the majority report. Mr. Loendorf, do you want to close?

DELEGATE LOENDORF: Mr. Chairman, I close.

CHAIRMAN GRAYBILL: Very well. Members of the committee, you now have before you, on the motion of Chairman Loendorf that when this committee does arise and report, after having had under consideration Section 6 of Section 5 of the Legislative Proposal Number 3, it recommend that the same be adopted. Do you want a roll call vote?

DELEGATES: Yes.

CHAIRMAN GRAYBILL: All right. We'll vote by roll call. So many as shall be in favor of the majority report, please vote Aye. So many as are

opposed vote No. Have all the delegates voted?  
(No response)

CHAIRMAN GRAYBILL: Does any delegate wish to change his vote?  
(No response)

CHAIRMAN GRAYBILL: Will you please tally the vote?

Aasheim .....	Nay
Anderson, J.....	Nay
Anderson, O.....	Aye
Arbanas .....	Absent
Arness .....	Absent
Aronow .....	Nay
Artz .....	Nay
Ask .....	Nay
Babcock .....	Nay
Barnard .....	Aye
Bates.. .....	Nay
Belcher .....	Nay
Berg .....	Aye
Berthelson	Aye
Blaylock .....	Nay
Blend .....	Nay
Bowman .....	Aye
Brazier .....	Aye
Brown.. .....	Nay
Bugbee .....	Aye
Burkhardt .....	Aye
Cain .....	Aye
Campbell .....	Aye
Cate .....	Aye
Champoux.....	Aye
Choate.....	Aye
Conover .....	Aye
Cross.. .....	Aye
Dahood .....	Excused
Davis .....	Aye
Delaney .....	Excused
Driscoll .....	Aye
Drum .....	Aye
Eck .....	Aye
Erdmann .....	Absent
Eskildsen.. .....	Absent
Etchart .....	Nay
Felt.....	Aye
Foster .....	Aye
Furlong.....	Aye
Garlington .....	Aye
Gysler .....	Nay
Habedank .....	Aye
Hanson, R.S.....	Nay
Hanson, R. ....	Aye

Harbaugh .....	..Aye
Harlow .....	..Aye
Harper.....	..Aye
Harrington .....	..Aye
Heliker .....	..Aye
Holland .....	Absent
Jacobsen .....	Aye
James .....	..Aye
Johnson .....	Nay
Joyce .....	..Aye
Kamhoot .....	Nay
Kelleher .....	Aye
Leuthold.....	Aye
Loendorf.....	Aye
Lorello.....	Aye
Mahoney .....	..Aye
Mansfield.....	Aye
Martin.....	Aye
McCarvel .....	Aye
McDonough.....	Aye
McKeon .....	..Aye
McNeil .....	..Aye
Melvin.....	Aye
Monroe .....	Nay
Murray.....	..Aye
Noble .....	Nay
Nutting .....	Nay
Payne .....	..Aye
Pemberton .....	Nay
Rebal.....	Aye
Reichert .....	..Aye
Robinson .....	..Aye
Roeder.....	Aye
Rollins.....	Aye
Romney .....	Aye
Rygg .....	Nay
Scanlin .....	Aye
Schiltz .....	Aye
Siderius.....	Aye
Simon .....	..Aye
Skari .....	..Aye
Sparks.....	Aye
Spew.....	..Aye
Studer.....	..Aye
Sullivan .....	..Aye
Swanberg.....	Aye
Toole .....	..Aye
Van Buskirk .....	Aye
Vermillion .....	Nay
Wagner .....	Nay
Ward .....	..Aye
Warden .....	Aye
Wilson .....	Nay
Woodmansey .....	Aye
Mr. Chairman .....	Aye

**CLERK HANSON:** Mr. Chairman, 70 delegates voting Aye, 24 voting No, 2 excused and 4 not voting.

**CHAIRMAN GRAYBILL:** 70 delegates having voted Aye and 24 No, the motion prevails and Section 6 is adopted. Mr. Clerk, will you read Section 7.

**CLERK HANSON:** "Section 7. Vacancies: A vacancy in the legislature shall be filled by the special election for the unexpired term unless otherwise provided by law."

Mr. Chairman, Section 7.

**CHAIRMAN GRAYBILL:** Members of the committee, you now have before you for your consideration Section 7. What is your pleasure? The Chair recognizes Mrs. Robinson.

**DELEGATE ROBINSON:** Mr. Chairman, I move that when this committee does arise and report, after having under consideration Section 7 of Proposal Number 3, that it do recommend the same be approved. Mr. Chairman.

**CHAIRMAN GRAYBILL:** Mrs. Robinson.

**DELEGATE ROBINSON:** The committee has provided for legislative vacancies to be filled by special elections for the unexpired term, unless otherwise provided by law. The present Montana Constitution does not provide for the filling of legislative vacancies. It is left to law. The 1889 Constitution provided for vacancies to be filled by elections but the people amended the Constitution in 1931 to allow the county commissioners to fill appointment vacancies caused by death. Legislative vacancies caused by other reasons were still filled by election. In 1966 the people repealed the entire section by amendment. The committee felt that, while this could very well still be left to the legislative enactment, we felt so strongly that the true element of democracy and people being represented in government was that people elect who represents them in the Legislature and not be appointed. We feel that the cost of election, which has been the primary argument against having special elections, will be much decreased if we have single member districts. Therefore, the cost of a special election for the election of one representative would not be substantial enough to justify not having a special election. We also felt that with annual sessions this would be necessary to have a special election because, otherwise, if you

waited until the next general election, a district may go for 2 years without having their own elected representative.

**CHAIRMAN GRAYBILL:** Mr. Rollins.

**CLERK HANSON:** "Mr. Chairman, I move to amend Section 7 of the Legislative Committee proposal, page 18, after line 22, by adding the following new material at the end of the section: quote, The office shall be vacant when any elected member of the legislature ceases to reside in the district from which elected. End quote. Signed, Rollins."

**CHAIRMAN GRAYBILL:** Very well, Mr. Rollins has proposed an amendment to Section 7, the sense of which is to say that whenever a member moves out of the district for which he is elected, the office shall be declared vacant.

Mr. Rollins.

**DELEGATE ROLLINS:** Mr. Chairman, I believe that this amendment is consonant with other decisions we have made concerning the right of citizens to qualify for office and to provide adequate representation for the people. This amendment would help assure that an elected representative would continue to represent that district from which he was elected. Unless we have in the Constitution some reasonable deliniation of residency requirements for attaining and retaining office we might well approach the idea of virtual representation in which it could be claimed that every blade of grass in Montana is represented in the state Legislature regardless of the areas from which its members might be chosen. Representatives should represent people. I recommend this amendment for the approval of this body. Thank you.

**CHAIRMAN GRAYBILL:** Very well, the issue is on the amendment of Mr. Rollins that would add to Section 7 the following language: "The office shall be vacant when any elected members of the legislature cease to reside in the district from which elected." All right.

Mr. McDonough.

**DELEGATE McDONOUGH:** I would like to pass this section until we consider the single member district section and possibly reconsider Section 4, and I so move.

**CHAIRMAN GRAYBILL:** All right. Mr. McDonough has moved that we pass this amendment until we can come to single member districts

and a possible reconsideration of Section 4. All those in favor of the motion say Aye.

**DELEGATES:** Aye.

**CHAIRMAN GRAYBILL:** Opposed, No.

**DELEGATES:** No.

**CHAIRMAN GRAYBILL:** The Ayes have it and the amendment's passed. Very well, the issue is on Section 7. Is there any-Mr. McDonough, it was the Chair's understanding that your motion was directed to the amendment. Was it directed to the section?

**DELEGATE McDONOUGH:** It was directed to section, Mr. President.

**CHAIRMAN GRAYBILL:** To the section?

**DELEGATE McDONOUGH:** Yes, sir.

**CHAIRMAN GRAYBILL:** And not to the amendment?

**DELEGATE McDONOUGH:** Yes, sir.

**CHAIRMAN GRAYBILL:** I see. Now, in case there's any question about that, let's put the motion again. All those in favor of passing the section until we get to single member districts and/or until we reconsider Section 4, and that will mean passing also the amendment, please say Aye.

**DELEGATES:** Aye.

**CHAIRMAN GRAYBILL:** Opposed, No.

**DELEGATES:** (No response)

**CHAIRMAN GRAYBILL:** So ordered. Clerk read Section 8, please?

**CLERK HANSON:** "Section 8. Immunity. The members of the legislature shall, in all cases except felony and breach of peace, be privileged from arrest during their attendance at the sessions of the legislature, and in going to and returning from the same; and for any speech or debate in the legislature, they shall not be questioned in any other place." Mr. Chairman, Section 8.

**CHAIRMAN GRAYBILL:** Members of the committee, you now have before you for your consideration Section 8. What is your pleasure?

Mrs. Robinson.

**DELEGATE ROBINSON:** Mr. Chair-  
man, I move that when this committee does arise  
and report, after having had under considera-  
tion Section 8 of Proposal Number 3, that the  
committee do approve as read. Mr. Chairman.

**CHAIRMAN GRAYBILL:** Mrs. Robin-  
son.

**DELEGATE ROBINSON:** Section 8 is  
almost exactly like Section 15 in Article V of our  
present Constitution. The only changes are, we  
left out the word, "treason", which is a felony so  
it's included in "except felony and breach of  
peace." We also left out "violation of their oath of  
office". We did not feel that members of the  
Legislature should be exempt from arrest for  
violation of their oath of office because, for  
example, if they're violating their oath of office by  
not being in attendance, that they maybe should  
have to be arrested to get them here. So we left out  
treason and violation of their oath of office, and  
otherwise, it's the same as it is in the old  
Constitution. The committee felt pretty much that  
this could be left to statute but Charley Mahoney  
warned us that if we took Section 15 out of the  
Constitution, that our Constitution would fail at  
his hands so we decided to put it in. (Laughter)

**CHAIRMAN GRAYBILL:** Very well, is  
there any discussion?  
(No response)

**CHAIRMAN GRAYBILL:** Very well.  
Members of the committee, you now have before  
you the motion by Mrs. Robinson that when this  
committee does arise and report, after having  
under consideration Section 8, it recommend the  
same be adopted. All those in favor, please say  
Aye.

**DELEGATES:** Aye.

**CHAIRMAN GRAYBILL:** Opposed, No.  
(No response)

**CHAIRMAN GRAYBILL:** The Ayes have  
it and 8 is adopted. Will the clerk please read 9?

**CLERK HANSON:** "Section 9. Disqualifi-  
cation. No legislator shall, during the time for  
which he is elected, be appointed to any civil office  
under the authority of the state of Montana  
created during such time." Mr. Chairman, Section  
9.

**CHAIRMAN GRAYBILL:** Members of  
the committee, you now have under consideration  
Section 9. What is your pleasure?

Mrs. Robinson.

**DELEGATE ROBINSON:** Mr. Chair-  
man, I move that when this committee does arise  
and report, after having under consideration  
Section 9 of Proposal Number 3, that it recom-  
mend the same be adopted. Section 9 gave us a  
great deal of problem in committee, perhaps  
because of all the research that we could uncover,  
most constitutional authorities felt that this  
should be left up to statute. Going back to 1833 and  
Chief Justice Storey, down to the most recent  
constitutional authority, Frank Grad, said that  
these kind of provisions simply do not guarantee  
the kind of thing that you are trying to eliminate—  
that is, swapping of votes for offices and that type  
of thing. The majority of the committee felt,  
however, that there was a great deal of pressure to  
include some kind of provision which would  
prohibit the Legislature from creating offices or  
jobs and having one of the members appointed to  
that job. What we did in this section is, we took the  
language of the federal Constitution and put it in  
lieu of what we had in the present Constitution,  
and our provision simply says that no legislator  
shall, during the time for which he is elected, be  
appointed to any civil office under the authority  
of the State of Montana created during such  
time. We felt that this would allow the greatest  
amount of flexibility, yet also enable future ses-  
sions of the Legislature to adopt more stringent  
requirements if necessary. We felt it essential to  
get rid of the present provision that we had in  
your present Section 7 of Article V. This has  
been open to so much Supreme Court interpreta-  
tion that I'm sure what the intentional framers  
in 1889 intended was never fully realized  
through all of the Supreme Court decisions.  
They've had a hard time establishing what con-  
stitutes an appointive office and they have  
ended up including elected officials. They've  
had a hard time discovering what constitutes a  
civil office—is that everything from county  
superintendent of schools on up to Supreme  
Court Justice? We've decided there is no way  
you can write an air-tight provision that would  
ever encompass all of the little things that  
might creep in in terms of dual office holding.  
We felt we should keep this one as brief as pos-  
sible and leave it to the Legislature to establish  
other dual office holding prohibitions.

**CHAIRMAN GRAYBILL:** Is Mr. Arness in?

Mrs. Warden.

**DELEGATE WARDEN:** Mr. President. I move to delete the section.

**CHAIRMAN GRAYBILL:** Mrs. Warden has made a motion to delete Section 9 from the draft Constitution.  
Mr. Johnson.

**DELEGATE JOHNSON:** Mr. President, I would like to support the motion to delete, and add an amendment that we accept—

**CHAIRMAN GRAYBILL:** Just a minute. Are you going to make an amendment, too? Are you going to add an amendment, Mr. Johnson?

**DELEGATE JOHNSON:** I would like to make an amendment to the deletion. (Laughter)

**CHAIRMAN GRAYBILL:** Chair is going to rule that you can't amend a deletion, but if you want to make an amendment, you can, but I will require it to be in writing.

**DELEGATE JOHNSON:** It's already written in the old Constitution.

**CHAIRMAN GRAYBILL:** Well, we're not amending the old Constitution. Now, if you want to make an amendment, fine. Just write it down so we've got it up here in front of us. At the moment we're talking about a deletion. I don't see how you can amend a deletion except by adding something to it, and if so I want it in writing.

**DELEGATE JOHNSON:** Very good. Thank you.

**CHAIRMAN GRAYBILL:** The Chair might announce that Rule 58 allows the Chair or any member to require amendments to be in writing and I think, after the experience the Chair has had so far, I'm going to require that amendments be in writing. So get your amendments ready and send them up if you want to make them. Now, we're on--we're discussing Mrs. Warden's motion to delete.

Mrs. Reichert.

**DELEGATE REICHERT:** Mr. President, I would like to speak in opposition to Mrs. Warden's amendment to delete. I would like to ask a question of Mr. Loendorf. Would Mr. Loendorf yield to a question?

**CHAIRMAN GRAYBILL:** Mr. Loendorf?

**DELEGATE LOENDORF:** I'll yield.

**DELEGATE REICHERT:** Mr. Loendorf, was it under this Section 7 of our old Constitution that legislators were ruled not to be able to serve in the Constitutional Convention?

**DELEGATE LOENDORF:** Mr. Chairman, as I recall, it was.

**DELEGATE REICHERT:** That is why I am in opposition to Mrs. Warden's amendment. I think we should have a provision that in the future legislators should not be able to serve in Constitutional Conventions.

**CHAIRMAN GRAYBILL:** Mr. Davis.

**DELEGATE DAVIS:** I think that if that is the intent they should say so in the majority report--say exactly what they are doing. I don't think we're here to deceive the people on what we're voting on.

**CHAIRMAN GRAYBILL:** Mr. Loendorf.

**DELEGATE LOENDORF:** Mr. Chairman, in further answer to that question, I didn't know she was getting at that but Section 7 was the section under which legislators were prohibited from running for this Convention, but as it's been amended, I would not necessarily agree that it would do so now.

**CHAIRMAN GRAYBILL:** Mrs. Warden.

**DELEGATE WARDEN:** I might say that I moved to delete it because I think that this is statutory and I think that since you can't build in any guarantees on anything that it's superfluous. And this is why I made the motion to delete.

**CHAIRMAN GRAYBILL:** Mr. Berg.

**DELEGATE BERG:** Mr. President, I rise in resistance to the motion to delete because I think that legislatures, judges, and executive departments must be kept separate and I do not believe--I believe that it is essential in any constitution that there be a provision prohibiting legislators from holding any other civil office during the term of their office, and I think that's perfectly consistent with the fundamental principle of a separation of powers.

**CHAIRMAN GRAYBILL:** Mrs. Robinson.

**DELEGATE ROBINSON:** Mr. President, may I speak on that briefly? What Mr. Berg attempts to do would be what is done in Section 7, or what could be done. But this merely points out the problem that we've had with Section 7 in a delineation of whether or not we want a professional Legislature. Now if we have people who are serving in the Montana Legislature, for example, as school teachers, and they are coming to serve for 90 days—if a vacancy arises or in their home county to be appointed superintendent of the county-county superintendent of schools, Section 7 would prohibit that type of thing. I'm not so sure that we need to be that strict unless we really want a professional Legislature. The federal government allows the very thing that we have done in Section 9. You see that when people are members of the U.S. House of Representatives they can be appointed to the Cabinet of the United States, or to an ambassadorship. They simply resign. By the present language in Section 7, the Supreme Court has battered it about for 70 years and they've back-tracked and they say, on some instances, a public official can't resign his present position to run for another. Now you know in the last session of the Legislature there were a city council person serving and also a mayor. Present Section 7 simply isn't being applied as it would read to be intended. We cannot write in the Constitution the kind of provision that would guarantee all of these little nuances of what might happen. That's why we chose to do what they did in the federal Constitution and allow the Legislature to set up guidelines as they have on the city and county level of what types of offices prohibit serving in other capacities.

**CHAIRMAN GRAYBILL:** Mrs. Speer.

**DELEGATE SPEER:** Will Delegate Robinson yield?

**CHAIRMAN GRAYBILL:** Mrs. Robinson?

**DELEGATE ROBINSON:** Yes.

**DELEGATE SPEER:** In our Local Government Committee we made provision for intergovernmental cooperation between local units and between local units and the state and federal agencies. I have asked about this of the research analyst and I am told that it does not preclude a legislator from serving on an intergovernmental commission. I would just like to ask if this was the intent of the committee in writing it this way, that

it would not in any way interfere with a legislator's serving on an intergovernmental body?

**DELEGATE ROBINSON:** That was the intent of the committee in drafting this very unrestrictive type provision, to allow for the greatest amount of flexibility and cooperation. The present section would prohibit that type of intergovernmental cooperation—Section 7 in the present Constitution.

**CHAIRMAN GRAYBILL:** Mr. Aronow.

**DELEGATE ARONOW:** Mr. Chairman, I rise in opposition of the motion to delete Section 9 for this reason, that I look at this thing as a matter of morals and principles and separation of powers. I think it's one of the most corrupt things that can be done to the Legislature and to the people of the State of Montana to allow a member of the Legislature to accept an appointment to another office while he's a member of the Legislature. Suppose the Governor came to Joe Blow who is in the Legislature and said, "There's a vacancy on the Supreme Court, or on the District Court, but I want this program put through the Legislature and when you've accomplished this job, you'll get this appointment." And under the present language of Section 9 that could be done. I don't want to delete Section 9. I want to amend it to put back in the language of the present Constitution, which has been interpreted by the Supreme Court, which forbids that type of an evil. That thing can be carried on to all types of things and pressures, and the principles of good government and morals doesn't change with changing times or liberalism. Those basic things remain basic and I want to keep them that way in this Constitution. Thank you.

**CHAIRMAN GRAYBILL:** Mr. Johnson.

**DELEGATE JOHNSON:** Mr. President.

**CHAIRMAN GRAYBILL:** Do you now want to make your amendment?

**DELEGATE JOHNSON:** Yes, sir, if you please. I would like to make a substitute motion—is that the proper thing to call it?

**CHAIRMAN GRAYBILL:** Are you making a substitute to Mrs. Warden's motion to delete or do you want to make it to the language of the amendment here?

DELEGATE JOHNSON: I want to make it to the language amended there, if you please.

CHAIRMAN GRAYBILL: All right, well, we'll have to wait then, until we've ruled on Mrs. -when-the issue is now Mrs. Warden's motion to delete. So we'll make it when the time comes.

DELEGATE JOHNSON: Thank you.

CHAIRMAN GRAYBILL: Mr. Toole.

DELEGATE TOOLE: Will Mrs. Robinson yield to a question?

CHAIRMAN GRAYBILL: Mrs. Robinson?

DELEGATE ROBINSON: Yes.

DELEGATE TOOLE: Mrs. Robinson, would this section prevent an individual from serving in the Legislature and on the City Council at the same time?

DELEGATE ROBINSON: No, as it is stated, it would not.

CHAIRMAN GRAYBILL: Mrs. Robinson.

DELEGATE ROBINSON: Would Mr. Aronow yield to a question?

CHAIRMAN GRAYBILL: Mr. Aronow?

DELEGATE ARONOW: I yield.

DELEGATE ROBINSON: Mr. Aronow, do you feel that this tightly worded language in the present Constitution, of Section 7, merely because it is in the Constitution, is going to prohibit the type of immoral vote trading that you foresee?

DELEGATE ARONOW: Mrs. Robinson, it is not a question of vote trading. It's a question of possible bribery. It is a question of holding out an inducement to a legislator to change his position in turn for the appointment to some position of profit.

CHAIRMAN GRAYBILL: Mrs. Robinson.

DELEGATE ROBINSON: Would Mr. Aronow yield to a further question?

DELEGATE ARONOW: I'll yield.

DELEGATE ROBINSON: I see what you are getting at. My point is, just because it's in the Constitution, is it going to prohibit that type of thing occurring? I cannot see merely by it being in the Constitution that there is any way-if you have this theory of how people react in political situations, it doesn't seem to me, having a prohibition against it in the Constitution has in the past lessened that happening.

DELEGATE ARONOW: Is this a question?

DELEGATE ROBINSON: Yes.

DELEGATE ARONOW: Yes, I believe it has because it sets a moral tone. It sets a principle which the Constitution is supposed to do. It's a guideline. Then the Legislature must implement it with statutes that say that you go to jail for \$0 many years or this, that, or the other thing. But it is the guideline and it's a direction to the Legislature to implement and it shows the direction of the thought and the principles under which we operate.

CHAIRMAN GRAYBILL: Mrs. Robinson, you still have the floor.

DELEGATE ROBINSON: Yes. Mr. Aronow, would you yield to just one more question?

DELEGATE ARONOW: I'll yield.

DELEGATE ROBINSON: You mentioned that one of the major reasons for adopting the present Constitution's Section 7 is that it has been subject already to Supreme Court interpretation. I was wondering if you had, at any length, considered their interpretation of this article and exactly how much it has varied in terms of what they have decided what it has meant over the years since it was adopted?

DELEGATE ARONOW: Well, Mrs. Robinson, I don't have a brief on it offhand, but one of the answers is that the Supreme Court held that the member-that to be a member of this Convention-or rather, no member of the Legislature could be a member of this Convention. There's a number of cases annotated under the section and I don't have the books here-they are in the law library-but they could be obtained and read and all the fine distinctions, but at least when this question arises we do have some guidelines to go by.

**CHAIRMAN GRAYBILL:** The question is on Mrs. Warden's motion to delete. Is there other discussion?

Mr. Johnson.

**DELEGATE JOHNSON:** I would like to propose a substitute motion to all substitute motions pending. (Laughter)

**CHAIRMAN GRAYBILL:** Very well. (Laughter)

**DELEGATE JOHNSON:** Thank you, Mr. President.

**CHAIRMAN GRAYBILL:** Do you want it to be the one you sent up here?

**DELEGATE JOHNSON:** Yes, sir.

**CHAIRMAN GRAYBILL:** All right, Mr. Johnson makes a substitute motion that Section 7 of Article V of the Montana Constitution be adopted. Now, I'll read that to you. Section 7 of the present Constitution says, Article V: "No senator or representative shall, during the term for which he shall have been elected, be appointed to any civil office under the state, and no member of congress or other person holding an office, except notary public or in the militia, under the United States or this state, shall be a member of either house during his continuance in office." The issue now is on Mr. Johnson's substitute motion to adopt the old section-the old Constitution's, or the present Constitution's Section 7 in place of the motion to delete and in place of the language in the majority report. Is there discussion?

(No response)

**CHAIRMAN GRAYBILL:** Very well, all those in favor of adopting Section 7 of the present Constitution, which I just read you, in place of deleting or in place of the majority report, please signify by saying Aye.

**DELEGATES:** Aye.

**CHAIRMAN GRAYBILL:** All opposed, say No.

**DELEGATES:** No.

**CHAIRMAN GRAYBILL:** The Ayes have it, and so ordered. Mrs. Blend, for what purpose do you arise?

**DELEGATE BLEND:** A matter of personal privilege.

**CHAIRMAN GRAYBILL:** Yes?

**DELEGATE BLEND:** I would like to move that we have a 15 minute recess at this time.

**CHAIRMAN GRAYBILL:** Well, Mrs. Blend, we'll take a recess at 3 o'clock, but I would rather you let the floor leader move recesses. You certainly are free to leave.

**DELEGATE BLEND:** Thank you. (Laughter)

**CHAIRMAN GRAYBILL:** Will the clerk read Section 10?

**CLERK HANSON:** "Section 10. Organization and Procedure. Subsection 1. The legislature shall judge the election and qualifications of its members and may by law vest in the courts the trial and determination of contested elections of its members; it shall choose its officers from among its members; keep a journal; make rules for its proceedings; and may expel or punish a member with the concurrence of two-thirds of all its members."

**CHAIRMAN GRAYBILL:** We'll stop with subsection 10-1 and debate it, and then we'll take subsection 10-2.

Mrs. Bugbee.

**DELEGATE BUGBEE:** Mr. President, I move that when this committee does arise and report, after having under consideration Section 10 of the Legislative Committee report, I recommend that the same do pass. Mr. Chairman.

**CHAIRMAN GRAYBILL:** Mrs. Bugbee.

**DELEGATE BUGBEE:** Section 1 is self-explanatory and combines Section 9, 11 and 12 of Article V of the present Constitution. The present Constitution requires that certain officers be chosen; for instance, the President pro tem and the House speaker. This new section will provide additional flexibility for the Legislature.

**CHAIRMAN GRAYBILL:** Is there any discussion?

Mr. Arbanas.

**DELEGATE ARBANAS:** I wonder if Mrs. Bugbee would yield for a question?

**CHAIRMAN GRAYBILL:** Mrs. Bugbee?

**DELEGATE BUGBEE:** Yes.

**DELEGATE ARBANAS:** Is the matter of the-1 guess we're involved here in the unicameral-bicameral, but I wonder in passing this if we are maybe taking up the whole problem of the Lieutenant Governor's headship of the Senate problem and just scuffing that over and going on, and I would like to have us at least handle that a little more seriously, that part of it, because it's a very important question. Now, is that involved here?

**DELEGATE BUGBEE:** No, we're not scuffing it over. The Lieutenant Governor is not mentioned in this section.

**DELEGATE ARBANAS:** His fact of not being mentioned means then that he is not eligible to be the head of the Senate?

**DELEGATE BUGBEE:** Right.

**DELEGATE ARBANAS:** Mr. Chairman.

**CHAIRMAN GRAYBILL:** Mr. Arbanas.

**DELEGATE ARBANAS:** I am in favor of the Lieutenant Governor not being the head of the Senate, but I would just like to call the attention of the membership that that is involved in the question here.

**CHAIRMAN GRAYBILL:** Mrs. Bugbee.

**DELEGATE BUGBEE:** Mr. Arbanas, it's my understanding that the Lieutenant Governor—that question will be taken up under the Executive Article.

**CHAIRMAN GRAYBILL:** Mr. Cate.

**DELEGATE CATE:** So it's clear to the members of the Convention, it was our intention to eliminate the Lieutenant Governor as the presiding officer of the Senate and we did consider that under this section, and he is eliminated under this section as the presiding officer of the Senate.

**CHAIRMAN GRAYBILL:** Very well, members of the committee, you now have before you, the motion of Mrs. Bugbee, Chairman, who is handling this section of the report—that when this committee does arise and report, after having had under consideration Section 10(1), that it recommend the same be adopted. So many as are in favor of subsections 1 to Section 10—

**UNIDENTIFIED VOICE:** Could we have

a roll call vote on this, please?

**CHAIRMAN GRAYBILL:** Very well, a roll call vote. So many as shall be in favor of Section 10(1), please vote Aye, and so many as opposed vote No on the voting machines. Has every delegate voted?

(No response)

**CHAIRMAN GRAYBILL:** Does any delegate wish to change his vote?

(No response)

**CHAIRMAN GRAYBILL:** Will the clerk please cast the vote?

Aasheim .....	Aye
Anderson, J. ....	Aye
Anderson, O. ....	Aye
Arbanas.. ....	Aye
Arness .....	Aye
Aronow .....	Aye
Artz .....	Aye
Ask .....	Aye
Babcock .....	Nay
Barnard .....	Aye
Bates.. ....	Aye
Belcher .....	Aye
Berg .....	Aye
Berthelson .....	Aye
Blaylock .....	Aye
Blend .....	Aye
Bowman .....	Aye
Brazier .....	Aye
Brown .....	Aye
Bugbee .....	Aye
Burkhardt .....	Aye
Cain .....	Aye
Campbell .....	Aye
Cate .....	Aye
Champoux .....	Aye
Choate .....	Aye
Conover .....	Absent
Cross.. ....	Aye
Dahood .....	Excused
Davis .....	Absent
Delaney .....	Excused
Driscoll .....	Aye
Drum .....	Absent
Eck .....	Aye
Erdmann .....	Aye
Eskildsen .....	Aye
Etchart .....	Aye
Felt .....	Aye
Foster .....	Aye

Furlong ..... Aye  
 Garlington ..... Aye  
 Gysler ..... Aye  
 Habedank ..... Aye  
 Hanson, R.S. .... Aye  
 Hanson, R. .... Aye  
 Harbaugh ..... Nay  
 Harlow ..... Aye  
 Harper ..... Aye  
 Harrington ..... Nay  
 Heliker ..... Aye  
 Holland ..... Absent  
 Jacobsen ..... Aye  
 James ..... Aye  
 Johnson ..... Aye  
 Joyce.. ..... Aye  
 Kamhoot ..... Aye  
 Kelleher ..... Aye  
 Leuthold ..... Aye  
 Loendorf ..... Aye  
 Lorello ..... Aye  
 Mahoney ..... Aye  
 Mansfield, ..... Aye  
 Martin ..... Aye  
 McCarvel ..... Aye  
 McDonough ..... Aye  
 McKeon ..... Aye  
 McNeil ..... Absent  
 Melvin ..... Aye  
 Monroe ..... Aye  
 Murray.. ..... Aye  
 Noble ..... Aye  
 Nutting ..... Aye  
 Payne ..... Aye  
 Pemberton ..... Aye  
 Rebal ..... Aye  
 Reichert ..... Aye  
 Robinson ..... Aye  
 Roeder ..... Aye  
 Rollins ..... Aye  
 Romney ..... Aye  
 Rygg ..... Aye  
 Scanlin ..... Aye  
 Schiltz ..... Aye  
 Siderius ..... Absent  
 Simon ..... Aye  
 Skari ..... Aye  
 Sparks ..... Aye  
 Speer ..... Aye  
 Studer ..... Aye  
 Sullivan ..... Aye  
 Swanberg ..... Aye  
 Toole ..... Aye  
 Van Buskirk ..... Aye  
 Vermillion ..... Aye

Wagner ..... Aye  
 Ward ..... Aye  
 Warden ..... Aye  
 Wilson ..... Aye  
 Woodmansey ..... Aye  
 Mr. Chairman ..... Aye

**DELEGATE ESKILDSEN:** Mr. Chairman.

**CHAIRMAN GRAYBILL:** Wait until we've finished the vote. Mr. Eskildsen, for what purpose do you arise?

**DELEGATE ESKILDSEN:** Eskildsen votes Aye.

**CLERK HANSON:** Mr. Chairman, 89 delegates voting Aye, 3 voting No.

**CHAIRMAN GRAYBILL:** Mr. Clerk, do you have Mr. Eskildsen voting?

**CLERK HANSON:** Yes, sir.

**CHAIRMAN GRAYBILL:** 89 delegates having voted Aye, and 3 voting No, the section passes. Will the clerk read 10(2)?

**CLERK HANSON:** "Section 10, subsection 2: A majority of the membership of the legislature constitutes a quorum to do business. A smaller number may adjourn from day to day and compel attendance of absent members." Mr. Chairman, subsection 2.

**CHAIRMAN GRAYBILL:** Members of the committee, you have before you for your consideration Section 10(2). What is your pleasure? Mrs. Bugbee.

**DELEGATE BUGBEE:** Mr. President, I move that when this committee does arise and report, after having under consideration Section 10, subsection 2, of the Legislative Committee report, I recommend that the same do pass. Mr. Chairman.

**CHAIRMAN GRAYBILL:** Mrs. Bug-bee.

**DELEGATE BUGBEE:** Yes, sir. Subsection 2 is self-explanatory and is contained in the substance of Section 10, Article V, of the present Constitution. The committee felt this section was quite adequate and kept it substantially the same as in the present Constitution.

**CHAIRMAN GRAYBILL:** Mr. Berg.

**DELEGATE BERG:** Mr. President, I move to delete all of Section 10, subparagraph 2.

**CHAIRMAN GRAYBILL:** Mr. Berg has moved that we delete subsection 2 of Section 10 in its entirety.

Mr. Berg.

**DELEGATE BERG:** It is my purpose in moving this deletion to be more concise, shorter in this Constitution and I believe that the rule-making provisions in subparagraph 1 of Section 10 are more than adequate to take care of the rather rule-making provisions of Section 10, paragraph 2.

**CHAIRMAN GRAYBILL:** Mr. Loendorf.

**DELEGATE LOENDORF:** Mr. Chairman, I rise in opposition to the substitute motion of Mr. Berg. I think this provision is very essential to our Constitution. It provides how many members are necessary to constitute a quorum to do business. If we delete this provision, assume 25 members of the Legislative Assembly are present some day. They simply have to change the rule that a quorum is 25 and do business. This is important, I think, so we have at least half the membership present at the time any law is enacted. And of course the second sentence is important and compliments the first. If we're going to require that a majority be present then we have to have a way for a smaller number to get a majority there so they can operate.

**CHAIRMAN GRAYBILL:** Very well, the question is on Mr. Berg's motion that subsection 2 of Section 10 be deleted. That's the subsection that deals with calling for a majority as a quorum and adjourning from day to day. Mr. Berg, do you want to close?

**DELEGATE BERG:** I would like to close. It is my position that this is clearly and simply and only rulemaking authority. In almost any business organization quorums and what constitutes or does not constitute a majority is considered to be a part of the rule of that organization. It is no different with the Legislature, nor with this Convention. We make our rules here within the Convention. It was not necessary for the organization of this Convention that the Enabling Act provide as to what should or should not constitute a quorum. I believe that the Legislature is perfectly competent to do that. I have every confidence that they'll not violate their own rules in that regard,

and I would leave it exclusively to them.

**CHAIRMAN GRAYBILL:** Therefore, the question is on the motion of Mr. Berg to delete subsection 2 of paragraph 10. So many as shall be in favor of the motion, please say Aye.

**DELEGATES:** Aye.

**CHAIRMAN GRAYBILL:** So many as are opposed, please say No.

**DELEGATES:** No.

**CHAIRMAN GRAYBILL:** The Chair is in doubt. We'll use the voting machines. So many as are in favor vote Aye, and those opposed vote No. Has every delegate voted?

(No response)

**CHAIRMAN GRAYBILL:** Does any delegate wish to change his vote?

(No response)

**CHAIRMAN GRAYBILL:** 32 having voted Aye, 59 voting No, the motion fails. We're on the proposition, then, of the majority report subsection 2 of Section 10. Is there other discussion?

(No response)

**CHAIRMAN GRAYBILL:** Members of the committee, you now have before you, on the motion of Mrs. Bugbee, that when this committee does arise and report, after having had under consideration Section 10, subsection 2, it recommend the same be adopted. So many as are in favor, please say Aye.

**DELEGATES:** Aye.

**CHAIRMAN GRAYBILL:** Opposed, No.

**DELEGATES:** No.

**CHAIRMAN GRAYBILL:** Subsection 2 is adopted.

Mr. Eskildsen.

**DELEGATE ESKILDSEN:** I move the Committee of the Whole stand in recess for 1.5 minutes.

**CHAIRMAN GRAYBILL:** All in favor, say Aye.

**DELEGATES:** Aye.

**CHAIRMAN GRAYBILL:** Opposed, No.

**DELEGATES:** (No response)

(Committee in recess from 3:00 to 3:18 p.m.)

**CHAIRMAN GRAYBILL:** The Convention will be in session. Will the clerk read Section 10(3)?

**CLERK HANSON:** "Section 10, subsection 3: All proceedings of the legislature, including committee meetings, shall be "pen to the public." Mr. Chairman, subsection 3.

**CHAIRMAN GRAYBILL:** Members of the committee, you now have before you Section 10, subsection 3. What is your pleasure?

Mrs. Bugbee.

**DELEGATE BUGBEE:** Mr. President, I move that when this committee does arise and report, after having had under consideration Section 10, subsection 3, of the Legislative Committee report, I recommend that the same do pass. Mr. Chairman.

**CHAIRMAN GRAYBILL:** Mrs. Bugbee.

**DELEGATE BUGBEE:** Subsection 3 was a section that concerned the Legislative Committee deeply. It is self-explanatory. This subsection changes the present Constitution which allowed the Legislature to conduct secret proceedings when it determines secrecy is required. The committee believes that the benefits to be derived from an "pen and visible Legislature far outweigh any need for the people's representatives to discuss the people's needs and problems behind closed doors, and I would first of all like to say that I think that the Constitutional Convention has, in this respect of having "pen meetings, has been eminently successful and I hope that we have set an example for the state from now on. The Legislature passes laws that affects every person in Montana. There is really no justification for keeping this process secret from the people. The people need to know and have a right to know the reasons for committee votes. Thank you.

**CHAIRMAN GRAYBILL:** Mr. Mahoney.

**DELEGATE MAHONEY:** Well--would Delegate Bugbee answer a question, please?

**CHAIRMAN GRAYBILL:** Mrs. Bugbee?

**DELEGATE BUGBEE:** (Laughter) I cringe, Mr. Mahoney.  
(Laughter)

**DELEGATE MAHONEY:** I'm not that vicious. You know, there might become a time when maybe-and I'm probably the only person that ever sat in an Executive session of the Senate-I don't ever remember there was only one-and I think it was highly probable-and this was on a resolution to Congress. Now this was--and this is going to happen-this was a very highly emotional resolution that had got into the Legislature. Now, I was opposed to it but they thought, in their wisdom, that it should be handled in secrecy and we did go into secrecy. Now, I hate to say to the Legislature, in its wisdom, that it can't, at some time-please let them at some time have this privilege. And I think it's a necessary thing. I honestly do, now. What do you think of that?

**DELEGATE BUGBEE:** I disagree with you. I disagree with you right across the board. It has been said in our committee meeting, well, if they have something secret to say, if they don't do it here at the Legislature, they'll go down to Jorgenson's, and my answer is, let them go down to Jorgenson's. The people of this state pay for this building, they pay for the heat, they pay for the salaries and they have the right to have the process open.

**CHAIRMAN GRAYBILL:** Mr. Mahoney, do you wish to ask another question?

**DELEGATE MAHONEY:** If I could ask another question, Mr. Chairman.

**CHAIRMAN GRAYBILL:** Mrs. Bugbee, will you yield to another question?

**DELEGATE BUGBEE:** Yes, sir.

**CHAIRMAN GRAYBILL:** Very well.

**DELEGATE MAHONEY:** Then how would you get any recording done down at the Jorgenson's, which isn't the official place for the meeting of the Legislature?

**DELEGATE BUGBEE:** Just mean--excuse me, Mr. President.

**CHAIRMAN GRAYBILL:** Go ahead.

**DELEGATE BUGBEE:** I mean, if they want to go down to Jorgenson's and do unofficial business, then it's unofficial. The people have a right to these "pen hearings when they're being held.

**DELEGATE MAHONEY:** That's all the questions I have Mr. President.

**CHAIRMAN GRAYBILL:** That's fine. Mrs. Babcock.

**DELEGATE BABCOCK:** Mr. President—

**CHAIRMAN GRAYBILL:** Oh, wait a minute. Do you want the floor, Mr. Mahoney?

**DELEGATE MAHONEY:** I would like to have the floor, Mr. President.

**CHAIRMAN GRAYBILL:** Very well, you have the floor.

**DELEGATE MAHONEY:** This is—it's nice to talk and I've always opposed any secrecy in all of my time. In fact, I even didn't vote for that session in '41, so my record is clear. But I would hate to see us tie into this Constitution that at a time you go into impeachment proceedings or some of these other things that might happen, that they might like to go into conference in a closed door. I think this is something that this whole Convention should think about, as we get into the Convention-problems, which I hope we never have, is an impeachment. Montana, I think, has only had one or two. And I would like to see it not locked into the Constitution that that body, either one or two, couldn't have the privilege of going into an Executive session. That's all I have to say.

**CHAIRMAN GRAYBILL:** Members of the committee, you now have before you the motion—oh, Mr. Etchart, excuse me.

**DELEGATE ETCHART:** Mr. Chairman, I move to amend Section 10, subsection 3, by deleting this subsection. Mr. Chairman.

**CHAIRMAN GRAYBILL:** Mr. Etchart.

**DELEGATE ETCHART:** I think the matter covered here, rulemaking powers, is already covered in Section 10, in line 17, which says, quote, make rules for its proceedings." I agree with the public meetings, and they have worked beautifully in this Convention. They've worked fine in my committees, but I don't think it's proper to freeze this part of the rulemaking procedures into the Constitution.

**CHAIRMAN GRAYBILL:** Mr. Martin.

**DELEGATE MARTIN:** Mr. Chairman,

for once I have to—

**CHAIRMAN GRAYBILL:** Wait a minute, Mr. Martin. Would you hit Mr. Martin's button, Rosemary? Hit the next—there you are. Mr. Martin.

**DELEGATE MARTIN:** I'm sorry to disagree with my colleague in the triumvirate over here but he made reference to, for instance, an impeachment proceedings that was held in this chamber—or consideration that was held in this chamber in 1933, in which I happened to be a reporter at the time. There was more harm to the individuals concerned because of the secrecy of the meetings than if they had been out in the open. There were more rumors flying around about what was happening, what this person did and what he didn't do, and they finally dropped the proceedings but the harm was done. I think it's better to have it right out in the open.

**CHAIRMAN GRAYBILL:** Mrs. Reichert.

**DELEGATE REICHERT:** I rise in opposition to Mr. Etchart's amendment to delete Section 10. I think it's critical that all proceedings of our Legislature, particularly committee meetings, be open to the public. I've seen committee meetings in session and after the public hearings people are ushered out and the votes are taken in secret. I think that if we left this to statutory law, we would continue having secret votes in committee meetings. I think it is imperative that we retain this section.

**CHAIRMAN GRAYBILL:** Mr. Arbanas.

**DELEGATE ARBANAS:** I would like to resist the motion to delete. I agree, of course, that the Legislature should have its own rulemaking powers but with a strong historic tradition to the contrary and the fact that after these many years it hasn't done it, I really believe it would be the wisdom of this Constitution to guarantee that openness.

**CHAIRMAN GRAYBILL:** Mr. Romney.

**DELEGATE ROMNEY:** Mr. Chairman, I resist the amendment of Delegate Etchart. I suggest that it's easier to find the carpet tack in the floor in the light than in the dark. (Laughter)

**CHAIRMAN GRAYBILL:** Mr. Driscoll.

**DELEGATE DRISCOLL:** Mr. Chairman, I support Mr. Etchart's amendment. We are

moving from statutory law to rules--not even statutory law. We are establishing the rules under which our Legislature must operate. This, I believe, is inconceivable.

**CHAIRMAN GRAYBILL:** Mr. Murray.

**DELEGATE MURRAY:** Mr. Chairman, I rise to support the substitute motion. Perhaps this comes as a-or, the amendment of Mr. Etchart. Perhaps this comes as somewhat of a surprise since my personal philosophy is espoused in the rules of this Convention, which require an open Convention and open meetings. But we are a non-partisan or a bipartisan Convention. We are not having caucuses and the concern that I have, other than the fact that I believe the Legislature should set its own rules, is that I feel that Section 10, subsection 3, is so poorly stated that I have grave doubts as to what is meant, particularly by the word, "proceedings". Now does that-maybe somebody can answer this. Does this include party caucuses? I'd like to have an answer to that. I don't know. It doesn't say. It doesn't say proceedings of the Legislature as defined by the Legislature or as by the courts of this state. It doesn't give me very much to work with and as it stands, on principle alone, I suppose, I must support Mr. Etchart's motion.

**CHAIRMAN GRAYBILL:** Mrs. Bugbee.

**DELEGATE BUGBEE:** May I ask Mr. Murray to yield, please?

**CHAIRMAN GRAYBILL:** Mr. Murray, will you yield?

**DELEGATE MURRAY:** With pleasure.

**DELEGATE BUGBEE:** It is my understanding, Mr. Murray, that proceedings of the Legislature could not possibly include a caucus. A caucus is not a part of the proceedings of a Legislature. It may be an unofficial part of it, but not an official part of it.

**DELEGATE MURRAY:** Mr. Chairman, the only answer that I have to that--

**CHAIRMAN GRAYBILL:** You may answer the question.

**DELEGATE MURRAY:** -is, if it is a question, is that this does not say official or unofficial proceedings of the Legislature. It leaves the matter to doubt and it is my suggestion-and the reason that I resist it-is that I think it

shouldn't leave anything to doubt.

**CHAIRMAN GRAYBILL:** Mrs. Bugbee.

**DELEGATE BUGBEE:** May I speak to Mr. Murray again, Mr. President?

**CHAIRMAN GRAYBILL:** Mr. Murray?

**DELEGATE MURRAY:** Yes.

**DELEGATE BUGBEE:** Mr. Murray, may I suggest that we establish a principle when we vote, and that's all we do. We vote for or against a principle and leave the rest up to Style and Drafting.

**CHAIRMAN GRAYBILL:** I guess she would like you to answer that, Mr. Murray. (Laughter)

**CHAIRMAN GRAYBILL:** But you don't have to if you want to sit down.

**DELEGATE MURRAY:** No, I can't let that pass without an answer. I would be pleased at this stage of this Convention to leave it all up to Style and Drafting. (Laughter)

**DELEGATE MURRAY:** But since this is an early moment in the debates, I feel that we must be as definitive as we can, not legislate where we should not legislate, and most importantly, not establish rules where rules shouldn't be made. I don't think that we are defining how the Governor shall conduct his office, or how other people within the Executive Department of our state should conduct their offices. I don't think that we are advising the Supreme Court or setting its rules, nor are we advising or setting rules in this respect for any other part of our government, and I think that if each part of the government is to maintain its check and balance system, that we should not set rules and legislate in this fashion.

**CHAIRMAN GRAYBILL:** Mr. Aronow.

**DELEGATE ARONOW:** Mr. Chairman, I asked Mr. Blaylock, who's Vice-Chairman of the Bill of Rights Committee, and their proposal will contain a section on right to know, which will read-if I may, Mr. Blaylock?

**DELEGATE BLAYLOCK:** Yes.

**DELEGATE ARONOW:** It will read: "No person shall be deprived of the right to examine public documents or to observe the deliberations of all public bodies or agencies of state government and its subdivisions, except in cases in which the

demand of individual privacy exceeds the merits of public disclosure." And having this type of material in the Bill of Rights to be presented to us, I rise in support of Mr. Etchart's motion.

**CHAIRMAN GRAYBILL:** Mrs. Robinson.

**DELEGATE ROBINSON:** Mr. Chairman, in the event that I would rise in opposition to the deletion of this section, impending upon what we decide to do on the Bill of Rights report—I'm not in any way going to say we're going to delete this now and then watch the Bill of Rights thing go down the drain. (Laughter)

**DELEGATE ROBINSON:** I would like to further point out to Mr. Murray that the rules of the Montana Legislative Assembly, which encompasses all proceedings of the Legislature, say nothing about political parties, political party caucuses as such. I can foresee no problem there. Political party caucuses are simply not a part of the proceeding of the Legislature of the legislative body.

**CHAIRMAN GRAYBILL:** Mrs. Eck.

**DELEGATE ECK:** I think that Mrs. Robinson expressed what I was going to say, that this is our provision in the Bill of Rights and I think that if it should happen that both of these should pass, that perhaps Style and Drafting might want to delete this one; on the other hand, they might want to leave it as it is. They do state the matter in somewhat different ways. Thank you.

**CHAIRMAN GRAYBILL:** Mr. Studer.

**DELEGATE STUDER:** Mr. President, I'd like to support Mr. Etchart's amendment. I think when we were sent up here in this Convention, it was to take out a lot of the stuff that was restricting our Legislature up to then, and now we are going about taking a lot of time to restrict them. I think this is a rules affair and I support Mr. Etchart's amendment.

**CHAIRMAN GRAYBILL:** Mrs. Cross.

**DELEGATE CROSS:** Mr. Chairman, after having 4 weeks of experience of what happens in a committee room, I would hate to see this deleted.

**CHAIRMAN GRAYBILL:** Mr. Murray.

**DELEGATE MURRAY:** Mr. Chairman, I

rise for the purpose of pointing out to the delegates that there is a substantial difference between Section 10-3 and that matter as proposed by the Bill of Rights Committee. The matter as proposed by the Bill of Rights Committee is almost in essence the same thing as old-as Section 13 of our present Constitution. "The sessions of each house and the committees of the whole shall be open unless the business is such as requires secrecy." You have that little safeguard there, but you don't have any safeguard in this section and if you make it put it in the Constitution, you make it a living fact forever and I really think that it would not be a responsibility of the Committee on Style, should both sections pass, to be able to make an adjustment between them because they are substantially different.

**CHAIRMAN GRAYBILL:** Mr. Toole.

**DELEGATE TOOLE:** Mr. President—Mr. Chairman, I don't suppose that anyone has had more experience in the last 2 months than I, as Chairman of two procedural committees which have caused considerable press comment and have made us adjust to conditions that we were not prepared to adjust to. They were very difficult, something brand new in Montana, but I still support Mrs. Bugbee's proposal.

**CHAIRMAN GRAYBILL:** Mr. Kelleher.

**DELEGATE KELLEHER:** Mr. Chairman, just before during the recess, my wife told me that somebody was going to support something that I was in favor of—(Laughter)—and I says, "Why is that so—what's so surprising that this delegate was going to support open proceedings?" I says, "Everybody in the Convention"—I says "Nobody is going to oppose that." And how wrong can you be? (Laughs) I'm just a little more wrong today than ordinarily. I can see where the federal Congress could have some justification for Executive sessions—that we did not want to know—we did not want a possible potential enemy know whether we're going to build 40 pulsadyne [sic]—40 Polaris submarines or nuclear submarines, and so on. But at the state level I can just see no justification whatsoever. As far as my learned brother's comment that all proceedings of the Legislature is not clear, I think to a Yellowstone County lawyer, that's pretty clear. All proceedings of the Legislature. Now, if we think that we're going to write a Constitution that is not open to attack before the Supreme Court of this state, I

think we've got a big surprise in store for us because if you will look at the old Constitution, under almost every article, except the one that says that Fort Assiniboine shall be a cavalry post, or what-have-you, you will find some Supreme Court interpretations. In any event, that's what a Supreme Court is for. If something—that it is not clear, they can interpret it. Finally one of the things that we've been trying to urge the people of this state—trying to sell to the people of this state—is to trust our Legislature. And if we don't trust it, I don't see how we're—excuse me—if we are going to get people to trust the Legislature, all proceedings, whether they're in committee or on the floor, are going to have to be open to the public. And the Legislature is concerned with only one thing—the public business—and the public business is my business as a private citizen. When I go back to Billings, I want to know what's going on up here. And even if I'm not here—and I can't be here, obviously, and tend to my affairs down in Billings—I want to know that my representatives on the floor—are everything that they do—and in committee is open to my representatives in the press, in the news media. These are my eyes and my ears that let me know what's going on up here in Helena, and if they can go into Executive session any time they please and cast secret ballots, then there's no way that I can know what my Legislature is doing and therefore there is no way that I can trust my Legislature.

**CHAIRMAN GRAYBILL:** Mr. Romney.

**DELEGATE ROMNEY:** Mr. Chairman, I wish to point out that if we should delete this section, this subsection, the members of the news media—press, radio, TV—would not be able, unless the committee Chairman and members of the committee opened up the doors to them, to attend committee hearings and meetings. What kind of a reception is this sort of a thing going to receive out over the breadth of Montana if the press reports that we're closing the doors upon their ability to report on the proceedings of the Legislature? I think it would be very bad, and I think whether the reception would be had—I think it's bad from the standpoint of we, as citizens, any of us. I think that if someone gets into a mess that requires impeachment or the secrecy in the Senate or a House, so that they have a committee has to go into Executive session so it can be considered without being the property of the press so that the public can know what's going on. I think that their

difficulties are richly merited and I think that this is something that should not even be discussed soberly.

**CHAIRMAN GRAYBILL:** Mr. Lorello.

**DELEGATE LORELLO:** Mr. Chairman, I'm more afraid of the ladies than I am of Charley and Mr. Marshall. I think Mae Nan's point was very well taken. We can't exclude something like this so that we wait later on to have some other article or some other section take care of it. I wasn't offended by any reporters or people that were sitting in watching us during this Convention, and I would certainly like to support the committee and Mrs. Bugbee on this.

**CHAIRMAN GRAYBILL:** Mrs. Reichert.

**DELEGATE REICHERT:** Mr. President, will Mr. Murray yield to a question?

**DELEGATE MURRAY:** Yes, ma'am.

**DELEGATE REICHERT:** In Section 13, which you mentioned, of our present Constitution it states "the sessions of each house and committees of the whole shall be open unless the business is such as requires secrecy." Who determines what business requires secrecy?

**DELEGATE MURRAY:** Mr. Chairman, the response is I believe that the legislative session itself does. Each house determines that and I don't resist the language of Section 13 in the present Constitution. I think that it could be better and we would all be better off were an amendment proposed to that section which would provide that the committee meetings and hearings should be open to the public because you would then have the safeguard that I think should be there. I just feel that your language, as simply stated as it is—and once again, brevity seems to be ruling over clarity—can cause a problem. One of the most serious problems that we had in the commencement of this particular Convention was determining just what proceedings were. Who defines that? So I submit that I am in favor of deleting this section and if it is deleted, then I would offer an amendment to the present Section 13.

**CHAIRMAN GRAYBILL:** Mrs. Reichert.

**DELEGATE REICHERT:** Would Mr. Murray yield to another question?

**CHAIRMAN GRAYBILL:** Mr. Murray, do you want to yield?

**DELEGATE MURRAY:** If you turn the mike on, I'll say yes.

**DELEGATE REICHERT:** Would you agree that perhaps the inclusion of the word, "official"—"all official proceedings of the legislature, including committee meetings, shall be open to the public", would be acceptable?

**DELEGATE MURRAY:** My answer, Mr. Chairman, is that I do not know what the word, "proceedings", means. I would much prefer "sessions" and I prefer the language of the present Constitution with the inclusion in that language of committee meetings and hearings.

**CHAIRMAN GRAYBILL:** Mr. Arbanas.

**DELEGATE ARBANAS:** I get the impression, Mr. Chairman, that our discussion of this matter this afternoon is rather casual discussion. I might be exaggerating it, but I get some inclination in our modern society that we are on several brinks and one of these is disillusionment of government. And I think what we are discussing here is of supreme importance. This disillusionment with government is especially with state government. The words that our coming generations talk about is the right to know, involvement and honesty. These are key values and I don't think we can maybe smoke-screen it by saying our language needs to be worked out. I'd like to see this body this afternoon go on record on a principle that is of extreme importance.

**CHAIRMAN GRAYBILL:** Mr. Heliker.

**DELEGATE HELIKER:** Mr. Chairman, I am not willing to vote to delete the proposed section on the hope that Mr. Murray will present a more acceptable one. I think that, my humble opinion, there are rather few things we can do here which will guarantee that our work will be futile. And if the word goes out from this Convention today in the public press that Con-Con supports secrecy in the proceedings of the Legislature, that we might as well have our parties and relax for the next 4 weeks because whatever we produce won't be adopted.

**CHAIRMAN GRAYBILL:** Mrs. Robinson.

**DELEGATE ROBINSON:** Mr. President, will Mr. Murray yield to a question?

**DELEGATE MURRAY:** Yes, sir.

**DELEGATE ROBINSON:** In Section 10, subsection 1, which was adopted a little bit earlier by a vote of 88 to 3, in line 17, it says, "makes rules for its proceedings." At the time of adopting that section, did you have the same trouble in understanding what "proceedings" means? (Laughter)

**CHAIRMAN GRAYBILL:** Please be brief, Mr. Murray. (Laughter)

**DELEGATE MURRAY:** Should I spell it? (Laughter) I had the same trouble. The answer is yes.

**CHAIRMAN GRAYBILL:** Mr. Murray, do you want the floor?

**DELEGATE MURRAY:** Yes. As a substitute motion for all motions pending, I move that Section 10, subsection 3, be amended to read: "the sessions of the legislature, committee of the whole, committee meetings—all committee meetings and—"

**CHAIRMAN GRAYBILL:** Mr. Murray, just a minute. The Chair is troubled by your substitute motion for all motions pending. I realize that's a beautiful legislative or legal phrase. It's been the Chair's position, and we talked about this when you were at the meeting and you advised me that I would take an amendment and I would take a substitute but that I wouldn't take any substitutes to substitutes. Now, I've got a substitute motion to delete—

**DELEGATE MURRAY:** No, no, I don't think you have. I challenge that, Mr. Chairman. I believe you have a motion to amend by deleting. At least, that's the way I heard him state it.

**CHAIRMAN GRAYBILL:** Substitute motion to delete by Mr. Etchart, the journal tells me. Now, I think we ought to rule on that and then if you want to make-if it's deleted you can still put another one in.

**DELEGATE MURRAY:** Mr. Chairman, may I—will Mr. Etchart yield?

**DELEGATE ETCHART:** I yield.

**DELEGATE MURRAY:** Will you withdraw your motion? (Laughter)

**DELEGATE ETCHART:** Mr. Chairman, I'll withdraw my motion.