

Page 1+2  
+3

AB 805

D

- 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 Buskirk ..... Aye
- Vermillion ..... Aye
- Wagner ..... Nay
- Ward ..... Aye
- Warden ..... Aye
- Wilson ..... Absent
- Woodmansey ..... Aye

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.

*"representative"*  
*Deleted by the drafting committee*

*This is for the committee to file at the convention.*

CLERK HANSON: Mr. Chairman, 64 delegates voting Aye, 22 voting No, 14 not voting.

1

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

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

submitted to the qualified electors for ratification or rejection, as a whole or in a separate article for amendments, as determined by the Convention, at an election appointed by the Convention for that purpose, not less than two months after adjournment. Unless so submitted and approved by a majority of the electors voting thereon, no such revision, alteration or amendment shall take effect." Mr. Chairman, Section 7.

DELEGATE SCHILTZ: Mr. Chairman.

CHAIRMAN FELT: Mr. Schiltz.

DELEGATE SCHILTZ: I move that when this committee does arise and report, after having had under consideration Section 7 of Report Number 2 of the Style and Drafting Committee, it recommend the same be adopted.

Mr. Chairman.

CHAIRMAN FELT: Mr. Schiltz.

DELEGATE SCHILTZ: Once again, no changes. Nothing that should be noted; merely style changes.

CHAIRMAN FELT: The question now arises on the motion that when this committee does arise and report, after having had under consideration Section 7 of Report Number 2 of the Committee on Style and Drafting, it recommend the same be adopted. All in favor will signify by voting Aye.

DELEGATES: Aye.

CHAIRMAN FELT: Opposed, No. (No response)

CHAIRMAN FELT: The Ayes have it. Section 8.

CLERK HANSON: "Section 8, Amendment by legislative referendum. Amendments to this Constitution may be proposed by any member of the Legislature. 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 submitted to the qualified electors at the next general election. If approved by a majority of the electors voting thereon, the amendment shall become a part of this Constitution on the first day of July after certification of the election returns, unless the amendment provides otherwise." Mr. Chairman, Section 8.

*This is the Style changes committee's report to the legislature*

DELEGATE SCHILTZ: Mr. Chairman.

CHAIRMAN FELT: Mr. Schiltz.

DELEGATE SCHILTZ: I move that when this committee does arise and report, after having had under consideration Section 8 of the Style and Drafting Report Number 2, it recommend the same be adopted.

Mr. Chairman.

CHAIRMAN FELT: Mr. Schiltz.

DELEGATE SCHILTZ: What we did here, really, was to combine two sections, Sections 8 and 9. We considered that they were the same subject. We changed the heading from "Constitutional amendment by the Legislature" to read "Amendment by legislative referendum". Otherwise, only style changes.

CHAIRMAN FELT: The question now arises on the motion that when this committee does arise and report, after having had under consideration Section 8 of Report Number 2 of the Committee on Style and Drafting, it recommend the same be adopted. All in favor will signify by voting Aye.

DELEGATES: Aye.

CHAIRMAN FELT: Opposed, No. (No response)

CHAIRMAN FELT: The Ayes have it. The clerk will read subsection 1 of Section 9.

CLERK HANSON: "Section 9, Amendment by initiative, subsection 1. The people may also propose constitutional amendments by initiative. Petitions, including the full text of the proposed amendment, shall be signed by at least 10 percent of the qualified electors of the state. The numbers shall include at least 10 percent of the qualified electors in each of the two-fifths of the legislative districts." Mr. Chairman, subsection 1, Section 9.

DELEGATE SCHILTZ: Mr. Chairman.

CHAIRMAN FELT: Mr. Schiltz.

DELEGATE SCHILTZ: I move that when this committee does arise and report, after having had under consideration subsection 1 of renumbered Section 9 [of] the Committee on Style and

Drafting Committee Report Number 2, it recommend the same be adopted.

Mr. Chairman.

CHAIRMAN FELT: Mr. Schiltz.

DELEGATE SCHILTZ: You'll note I said this was renumbered 9. In the last one, we combined 8 and 9. The only change we made here of any significance is that the number of signers—we spelled out because of what we had done in Section 2 of this same article.

CHAIRMAN FELT: The question arises on the motion that when this committee does arise and report, after having had under consideration subsection 1 of renumbered Section 9, Report Number 2 of the Committee on Style and Drafting, it recommend the same be adopted. All in favor will signify by voting Aye.

DELEGATES: Aye.

CHAIRMAN FELT: Opposed, No.  
(No response)

CHAIRMAN FELT: The Ayes have it. The clerk will read subsection 2.

CLERK HANSON: "Subsection 2. The petition shall be filed with the Secretary of State, who shall check and certify the validity of the signatures thereon. If the petitions are found to have been signed by the required number of electors, the Secretary of State shall cause the amendment to be published, as provided by law, twice each month for two months previous to the next regular statewide election." Mr. Chairman, subsection 2.

DELEGATE SCHILTZ: Mr. Chairman.

CHAIRMAN FELT: Mr. Schiltz.

DELEGATE SCHILTZ: I move that when this committee does arise and report, after having had under consideration subsection 2 of Section 9, Committee Report Number 2 of the Style and Drafting Committee, it recommend the same be adopted.

Mr. Chairman.

CHAIRMAN FELT: Mr. Schiltz.

DELEGATE SCHILTZ: We made a change here that we're going to have some trouble with. In the interest of tight styling, we struck the

words, on line 12, "caused the same to be checked" and wrote in just "checked". Now, Mr. Habedank advises me that the Secretary of State has no facilities to do that checking, and he may want that language restored.

CHAIRMAN FELT: The gentleman, Mr. Habedank.

DELEGATE HABEDANK: Mr. Chairman. I move that subsection 2 of Section 9 be amended by putting a period after the word "state" in line 12 and striking all the remaining words, so that the next sentence will read, beginning on line 14, "If the petitions are found".

Mr. Chairman.

CHAIRMAN FELT: Mr. Habedank.

DELEGATE HABEDANK: First, before I proceed to explain what we've done, I want to commend the Style and Drafting Committee for what I consider one of the finest jobs of revamping English I've seen. If they are as thorough and as consistent in the rest of the Constitution as they've been in the first two articles, I think we will have a model that other states will be copying for years. The change they have made in Section 2 can, in our opinion, cause considerable trouble. The Secretary of State's office has no facilities for checking and certifying petitions. As a practical matter, these are done by the clerks and recorders throughout the state, and then they're filed with the Secretary of State. We feel the amendment will meet this situation and make the words read similarly to what they will read in the petitions on initiative and other matters which are to be filed. We think that this will be adequate and will meet the approval, we hope, of Style and Drafting as they attempt to take words out of the Constitution.

CHAIRMAN FELT: The gentleman, Mr. Schiltz.

DELEGATE SCHILTZ: Style and Drafting, I'm sure, has no problem on this. On behalf of the committee, I thank Mr. Habedank for his encomium. After I lost my ewe lamb yesterday, this may be all I'm going to get out of this place. (Laughter)

CHAIRMAN FELT: Mr. Clerk, would you read the motion before the Convention now.

