1988 Voter Information Pamphlet

Introduction

On November 8, the State of Montana will celebrate its 99th birthday. It is also the day Montanans will go to the polls to exercise their right to vote. In addition to the federal, state and local offices which appear on the ballot, you will be considering seven state ballot issues. This pamphlet contains information about each of those issues and is being sent to every registered voter in Montana as required by law. I encourage you to take some time to read this important material. Then kick-off our Centennial Year by voting on election day. Make your voice heard in setting the stage for Montana's second hundred years.

The first section contains just the basic information on each issue — including: the official ballot titles and explanatory statements for each issue as prepared by the Legislature and Attorney General; "How the issue will appear on the Ballot"; and the arguments "for" and "against" each issue as prepared by duly appointed committees of proponents and opponents. Then, the complete text of each measure is printed separately toward the end of the pamphlet.

As Secretary of State of the State of Montana, I certify that the text of each proposed issue, ballot title, explanatory statement, statement for and against, and the rebuttal statement which appears in this pamphlet is a true and correct copy of the original document filed in my office.

Verner L. Bertelsen

VERNER L. BERTELSEN
Secretary of State

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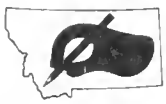


PLEASE RETURN

CONSTITUTIONAL AMENDMENT NO. 17

AN AMENDMENT
TO THE CONSTITUTION
PROPOSED BY THE LEGISLATURE

OFFICIAL BALLOT TITLE

AN ACT TO SUBMIT TO THE QUALIFIED ELECTORS OF MONTANA AN AMENDMENT TO ARTICLE VIII, SECTION 13, OF THE MONTANA CONSTITUTION TO REMOVE CERTAIN CONSTRAINTS ON INVESTMENT OF PUBLIC FUNDS AND PROVIDE FOR INVESTMENT AS AUTHORIZED BY THE LEGISLATURE; AND PROVIDING AN EFFECTIVE DATE.

Attorney General's Explanatory Statement

The Legislature submitted this proposal for a vote. It would amend the Montana Constitution to remove certain restrictions on the investment of public funds. Currently the Constitution specifies how school funds must be invested and prohibits the investment of most public funds in private corporate capital stock. This proposal would eliminate such restrictions and instead simply require that the investment program be administered as provided by law.

Argument For Constitutional Amendment No. 17

The current language in the Constitution restricts the ability of the Board of Investments to generate higher returns for investment of state funds. (Example: Permanent Coal Trust Fund.) Higher rates of return generated by inclusion of common stocks would add revenues to the state and lessen need for increased taxes.

Historically common stocks have returned a significantly higher yield than bonds. In the 58-year period from 1926 to 1983 (including the 1929 Depression), stocks returned 9.6 percent versus only 4.2 percent for fixed-rate securities. Experience at the State Investment Board shows a 10-year average return on common stocks of 18 percent while the return on bonds was 11.0 percent.

State public monies like the Permanent Trust Fund are held for the long-term benefit of all Montanans, present and future. The state's responsibility to maintain the purchasing power of these funds can only be met during inflationary periods by allowing investments in capital stock which can experience growth. Fixed-rate investments inevitably lose value in such times. The proposed change would permit long-term state trust funds, like the Permanent Coal Trust Fund which benefits all Montanans, to participate in the higher returns generated by common stocks.

The requested investment flexibility is already permitted for Montana public retirement funds. The change would not require use of corporate capital stock but would permit the State Investment Board this option when it best serves the goal of preserving and enhancing the value of Montana's public monies.

This constitutional amendment would allow state public funds to be invested in corporate capital stock (common stock and other equity securities) as well as in bonds and securities bearing a fixed-rate of interest to the extent that common stock is prudent. Public funds, like the Treasurer's Fund and the General Fund, which are used for current expenditures, would not be invested in common stocks.

We urge you to vote YES on C-17.

Rebuttal of Argument Against Constitutional Amendment No. 17

The opponents are in error when they state that we can currently invest other state funds in common stocks. The minutes of the Constitutional Convention are clear on this. The Board needs this amendment to allow these investments.

The Board shares the opponent's concerns about market fluctuations and uses a very conservative strategy in managing the common stock portfolio to protect the public's interests.

The record speaks for itself. Montana's Retirement Fund Common Stock Pool at June 30, 1988, after the October "meltdown," showed a paper gain exceeding $85 million. This portfolio is invested in common stock of companies like IBM, Delta, Pillsbury, Exxon, and Norwest, hardly the start-up businesses suggested by the opponents.

If the Board could invest a portion of other public funds in the same manner, these types of gains could be used instead of tax dollars to provide needed public services.

Vote yes for C-17.

These Arguments Prepared by: Senator Greg Jergeson, Chinook; Representative Bruce Simon, Billings; and Steven Brown, Helena.

HOW THE ISSUE WILL APPEAR ON THE BALLOT:

CONSTITUTIONAL AMENDMENT NO. 17

☐ FOR removing constraints on investment of public funds and allowing investment as authorized by the legislature.

☐ AGAINST removing constraints on investment of public funds and allowing investment as authorized by the legislature.

NOTE: The ballot title was written by the Legislature and the explanatory statement by the Attorney General as required by state law. The complete text of Constitutional Amendment No. 17 appears on page 16.

Argument Against Constitutional Amendment No. 17

Now, once again, comes the Board of Investment wanting to remove all constitutional restrictions on its investing powers. This idea was REJECTED by the voters in 1982. The 1985 legislature refused a request to put the issue on the ballot again but in 1987 the legislature was again lobbied to put the issue on the ballot.

If this amendment is passed it would remove all constitutional restrictions and the Board would be free to follow the "prudent expert principle" for investment of public funds as determined by statute (MCA 17-6-201).

The Constitution now states: "Except for monies contributed for retirement funds, NO PUBLIC FUNDS SHALL BE INVESTED IN PRIVATE CORPORATE CAPITAL STOCK." (emphasis added) In plain words, no taxpayer money collected for payment of government services can be invested in PRIVATE CORPORATE CAPITAL (that is in start-up business) STOCK, which is a high risk area of investment. Under "prudent expert" standards the Board can still invest in PUBLIC corporation stocks listed on national exchanges.

Investors can sadly recall what happened on October 19, 1987 when the "meltdown" sent the Dow Jones Industrial averages plunging 508 points with an estimated paper loss of $560 BILLIONS! Many banks, financial institutions, and brokerage houses are still wobbling from the effects of speculative investments.

We see no good result nor any compelling reason for removing the present constitutional clause prohibiting speculative investments. The writers of the constitution wisely wanted to prevent speculation with public funds and set guidelines for investment practices which would preserve and protect the principal and assure a determined rate of interest.

We urge you to again reject this amendment to our constitution!

Rebuttal of Argument For Constitutional Amendment No. 17

The current language in the Montana Constitution restricts the Board of Investments from generating higher losses on their investments of state funds in the event of a downturn in the stock market by prohibiting investment in common stock of private corporations. Public funds simply should not be placed at risk in common stocks. Government has a greater responsibility to the citizenry than to "gamble" in high risk investments with public funds.

The proponents of this constitutional amendment give emphasis to the possible increased gain of investing in the stock market, but they totally ignore the increased risk associated with such activity. An individual who is willing to risk personal funds for greater gain is totally different from some state employee risking public funds in the stock market. The state employee selecting the stocks to be purchased has nothing at risk—the element that makes the private investor cautious, prudent and sensitive about his selection. This change could also lead to "sales pitches" to that state employee selecting stocks for investment by representatives of "marginal" corporations that need the proceeds from the stock sale to keep their company afloat. A very undesirable situation.

Montana voters rejected this proposal in 1982. The Legislature rejected it in 1985. An intense lobbying effort by special interests in the 1987 session brings this proposed change of Montana's Constitution to you once more. We urge you to reject it once again.

These Arguments Prepared by: Senator Matt Himsl, Kalispell; Representative Ray Peck, Havre; and Representative Francis Bardanouve, Harlem.

CONSTITUTIONAL AMENDMENT NO. 18

AN AMENDMENT
TO THE CONSTITUTION
PROPOSED BY THE LEGISLATURE

OFFICIAL BALLOT TITLE

AN ACT TO SUBMIT TO THE QUALIFIED ELECTORS OF MONTANA AN AMENDMENT TO ARTICLE XII, SECTION 3, OF THE MONTANA CONSTITUTION TO ALLOW THE LEGISLATURE GREATER DISCRETION IN PROVIDING ECONOMIC ASSISTANCE AND SOCIAL AND REHABILITATION SERVICES TO THOSE IN NEED; AND PROVIDING AN EFFECTIVE DATE.

Attorney General's Explanatory Statement

The Legislature submitted this proposal for a vote. It would amend the Montana Constitution to eliminate the requirement that the Legislature provide economic assistance and social and rehabilitative services as may be necessary to all inhabitants who are in need of the aid of society by reason of age, infirmities, or misfortune. The proposal would allow the Legislature to decide whether to give assistance to those who the Legislature determines are in need and to establish eligibility criteria for welfare services, as well as the duration and level of such services.

Argument For Constitutional Amendment No. 18

Constitutional Amendment 18 amends Article XII, Section 3 of the Montana Constitution to give the legislature greater discretion in their efforts to control the spiralling costs of welfare.

C-18 takes the decisions about welfare spending away from the lawyers and judges and returns them to the peoples' elected representatives, where they rightfully belong. C-18 DOES NOT gut Montana's welfare system, nor does it deny assistance to the truly needy.

Welfare spending is the fastest growing part of the state budget. Expenditures of state tax dollars for welfare have increased from $13.9 million twenty years ago to $151.7 million today—an increase of nearly 1100%. Montana ranks third of all western states in the amount spent on public welfare per $1,000 personal income. Welfare spending will soon require one-fourth of all your general tax dollars.

Legislative efforts to bring escalating welfare costs back into line have been systematically overturned by court decisions.

The legislature tried to eliminate general assistance benefits for people who are young, childless and able to work. Even though every other western state except California has restricted benefits for the able-bodied, Montana's courts said we have to keep paying.

The legislature tried to limit optional Medicaid services so only the truly needy received the benefits. The courts said no. At every turn, the lawyers and judges have blocked legislative efforts to bring welfare costs back into line.

That's why more than two-thirds of the legislators last session voted to ask the people to amend their Constitution to make it clear that the legislature, not the courts, should set welfare spending priorities to make sure our limited tax dollars go to help the most needy. That's all C-18 does.

It is important to remember C-18 does nothing to change Montana's current welfare system. C-18 leaves it up to a future legislature to hammer out necessary changes. However, without C-18, future legislatures will have their hands tied and welfare costs will continue to expand out-of-control.

The three primary uses for general tax revenues in Montana are welfare, education, and institutions like the state prison. Uncontrollable welfare spending will require tax increases or cuts in spending for education or both. That's what C-18 is all about.

Our welfare programs in Montana must be restructured. Welfare reform is one of the toughtest issues facing state government. There are limited tax dollars available. We must make some tough choices to insure those who most need society's help, receive it. The legislature must have the ability to pursue the necessary changes.

If you believe lawyers and judges should continue setting welfare spending priorities, you shouldn't vote for C-18. But, if you believe the legislature should get a handle on runaway welfare costs while continuing to help the truly needy, give them the tools to do it. **Vote for C-18.**

Rebuttal of Argument Against Constitutional Amendment No. 18

The opponents of C-18 are wrong! Here's where they are mistaken:

1) One of every three Montanans will not be impacted by the passage of C-18. C-18 is not a heartless attempt to balance the State Budget. It is a compassionate step to make sure that the Legislature has the ability to say "no", so that limited resources are available for the most needy.
2) The purpose of C-18 is to give the Legislature the ability to prioritize needs. It is apparent to most that the elderly, sick, and children require more aid from society than the young adults, who are single and able to work.
3) The passage of C-18 does not remove any benefits or take away services now being provided. It merely gives the legislature the power to set spending priorities for welfare—not lawyers and judges.
4) The opponents claim that C-18 scraps 100 years of constitutional protection for the needy is clearly false. Two committees of the 1972 constitutional convention determined that welfare assistance is not a fundamental right and that the provision of services for the truly needy should rest with the discretion of the legislature. It's the lawyers and judges who have stretched the intent of the Constitution. C-18 only returns the power to set welfare spending priorities to where it rightfully belongs.

The compassionate vote on C-18 is a vote for the Constitutional Amendment. Voting for C-18 will ensure those who most need our help receive it.

These Arguments Prepared by: Senator Greg Jergeson, Chinook; Representative Bruce Simon, Billings; and Steven Brown, Helena.

HOW THE ISSUE WILL APPEAR ON THE BALLOT:

CONSTITUTIONAL AMENDMENT NO. 18

FISCAL NOTE

PASSAGE OF THIS CONSTITUTIONAL AMENDMENT WOULD NOT IN ITSELF HAVE A FISCAL IMPACT ON THE STATE. IF THE LEGISLATURE ENACTED LEGISLATION TO RESTRICT THE RECEIPT OF ECONOMIC ASSISTANCE AND SOCIAL AND REHABILITATION SERVICES, AS ALLOWED BY THIS AMENDMENT, THEN STATE EXPENDITURES COULD BE REDUCED.

☐ FOR allowing the legislature greater discretion to determine the eligibility, duration, and level of economic assistance and social services to those in need.

☐ AGAINST allowing the legislature greater discretion to determine the eligibility, duration, and level of economic assistance and social services to those in need.

NOTE: The ballot title was written by the Legislature and the explanatory statement by the Attorney General as required by state law. The complete text of Constitutional Amendment No. 18 appears on pages 16-17.

1988 VOTER INFORMATION PAMPHLET

CORRECTION

ON PAGE FOUR (4), UNDER "REBUTTAL ARGUMENT AGAINST CONSTITUTIONAL AMENDMENT NO. 18", THE LAST PARAGRAPH INCORRECTLY STATES:

"THESE ARGUMENTS PREPARED BY: SENATOR GREG JERGESON, CHINOOK; REPRESENTATIVE BRUCE SIMON, BILLINGS; AND STEVEN BROWN, HELENA."

THE PROPONENT'S COMMITTEE FOR C18 SHOULD READ:

"THESE ARGUMENTS PREPARED BY: SENATOR PAUL F. BOYLAN, BOZEMAN; REPRESENTATIVE CAL WINSLOW, BILLINGS; AND BEVERLY J. DONALDSON, HELENA."

THE OPPONENT'S COMMITTEE CORRECTLY SHOWN AS:

"THESE ARGUMENTS PREPARED BY: SENATOR RICHARD F. MANNING, GREAT FALLS; REPRESENTATIVE BEN COHEN, WHITEFISH; AND DONNA METCALF, HELENA."

Verner L. Bertelsen

VERNER L. BERTELSEN
SECRETARY OF STATE

...temporary budget deficit.

The fact is that the Legislature already has all the discretion it needs to both provide economic assistance and ensure fiscal responsibility with our tax dollars. The Constitution is not the problem: the Legislature has simply not done the job Montana voters and our Constitution empower it to do. Instead, the Legislature gives voters C-18 in an attempt to change the Legislatures' responsibilities.

Constitution? Two of the proponents will not even be serving in the next Legislature. Keep the heart in your Constitution. Vote AGAINST Constitutional Amendment #18!

These Arguments Prepared by: Senator Richard F. Manning, Great Falls; Representative Ben Cohen, Whitefish; and Donna Metcalf, Helena.

CONSTITUTIONAL AMENDMENT NO. 18

AN AMENDMENT
TO THE CONSTITUTION
PROPOSED BY THE LEGISLATURE

OFFICIAL BALLOT TITLE

AN ACT TO SUBMIT TO THE QUALIFIED ELECTORS OF MONTANA AN AMENDMENT TO ARTICLE XII, SECTION 3, OF THE MONTANA CONSTITUTION TO ALLOW THE LEGISLATURE GREATER DISCRETION IN PROVIDING ECONOMIC ASSISTANCE AND SOCIAL AND REHABILITATION SERVICES TO THOSE IN NEED; AND PROVIDING AN EFFECTIVE DATE.

Attorney General's Explanatory Statement

The Legislature submitted this proposal for a vote. It would amend the Montana Constitution to eliminate the requirement that the Legislature provide economic assistance and social and rehabilitative services as may be necessary to all inhabitants who are in need of the aid of society by reason of age, infirmities, or misfortune. The proposal would allow the Legislature to decide whether to give assistance to those who the Legislature determines are in need and to establish eligibility criteria for welfare services, as well as the duration and level of such services.

prison. Uncontrollable welfare spending will require tax increases or cuts in spending for education or both. That's what C-18 is all about.

[illegible] will ensure those who most need our help receive it.

These Arguments Prepared by: Senator Greg Jergeson, Chinook; Representative Bruce Simon, Billings; and Steven Brown, Helena.

HOW THE ISSUE WILL APPEAR ON THE BALLOT:

CONSTITUTIONAL AMENDMENT NO. 18

FISCAL NOTE

PASSAGE OF THIS CONSTITUTIONAL AMENDMENT WOULD NOT IN ITSELF HAVE A FISCAL IMPACT ON THE STATE. IF THE LEGISLATURE ENACTED LEGISLATION TO RESTRICT THE RECEIPT OF ECONOMIC ASSISTANCE AND SOCIAL AND REHABILITATION SERVICES, AS ALLOWED BY THIS AMENDMENT, THEN STATE EXPENDITURES COULD BE REDUCED.

☐ FOR allowing the legislature greater discretion to determine the eligibility, duration, and level of economic assistance and social services to those in need.

☐ AGAINST allowing the legislature greater discretion to determine the eligibility, duration, and level of economic assistance and social services to those in need.

NOTE: The ballot title was written by the Legislature and the explanatory statement by the Attorney General as required by state law. The complete text of Constitutional Amendment No. 18 appears on pages 16-17.

Argument Against Constitutional Amendment No. 18

C-18 would immediately eliminate constitutional protections for one in every three Montanans, and place their lives in the hands of future Legislatures subject to the whims of temporary political and economic pressures.

These Montanans are our parents, our children, our friends and our neighbors. And C-18 would take away your constitutional protections if—through no fault of your own—you fell on hard times.

C-18 is a heartless attempt to balance future state budgets on the backs of those Montanans who are economically and politically the most vulnerable—the elderly, disabled, poor, sick, young and other citizens of our state.

A Legacy of Compassion

Ever since 1889, when Montana became a state and our Constitution was adopted, we have had a commitment in our Constitution to provide for our fellow citizens in their times of need.

The 1972 Constitutional Convention overwhelmingly reaffirmed our commitment to provide constitutional protection for basic economic assistance and social and rehabilitative services for all Montanans.

However, the 1987 Legislature, in placing C-18 on the ballot, is asking us to betray this commitment in the name of giving the Legislature greater "discretion" to balance the budget.

Voter Deception

C-18 is misleading and deceptive. The heart of the issue—which you won't see on your ballot—is whether we will change the Constitution from "the Legislature shall provide" to "the Legislature may provide." Through C-18, the Legislature may or may not ensure that the minimum conditions for human dignity are met for you and all other Montanans. In reality, C-18 asks Montanans to give up constitutional protections we have relied on for 100 years.

Legislative Responsibility

C-18 was put on the ballot at a time when the Legislature was fighting a temporary budget deficit. Why should we change the Constitution—a Constitution that has served and protected Montanans well for 100 years—in response to a temporary budget deficit?

The fact is that the Legislature already has all the discretion it needs to both provide economic assistance and ensure fiscal responsibility with our tax dollars. The Constitution is not the problem: the Legislature has simply not done the job Montana voters and our Constitution empower it to do. Instead, the Legislature gives voters C-18 in an attempt to change the Legislatures' responsibilities.

Keep the Heart in Montana's Constitution

As we begin to celebrate Montana's Centennial, we can take true pride in our legacy of compassion for our neighbors in their times of need. C-18 would put us on the wrong track by turning back the clock over 100 years.

Instead, let's keep the heart in Montana's Constituion for the next 100 years. This is your Constitution. Protect it from the whims of some legislators. Vote AGAINST Constituional Amendment No. 18.

Rebuttal of Argument For Constitutional Amendment No. 18

Once again, the proponents of C-18 are deceiving Montana voters.

Nowhere in C-18 does it refer to "the spiraling costs of welfare." Nor will C-18 lead to fair and just welfare reform. By eliminating your constitutional rights, proponents want more "discretion" to arbitrarily discriminate against Montanans!

Why do C-18's proponents discuss only one group of beneficiaries—the poor? C-18 would also affect the rights of the disabled, abused spouses, children in single parent-families, and elderly people in nursing homes, among others.

Attacking lawyers, judges and our court system may play well politically, but the only people the proponents will hurt are a small group of politically and economically vulnerable individuals who are least able to defend themselves from attacks by the Legislature.

The Constitution is not responsible for the increase in welfare costs. The real causes are:

* the increase of those who truly need the state's assistance;
* the increase in the cost of everyone's medical care, especially hospital and long-term care; and
* the increase in the state's share of programs once fully funded by the federal government.

The general assistance program requires less than 1/2% of the total state budget. The cost to the state is miniscule when compared to the huge tax breaks proponents have sponsored for powerful, multi-state corporations with high-paid lobbyists.

Who do you trust more, the proponents of C-18 or your Constitution? Two of the proponents will not even be serving in the next Legislature. Keep the heart in your Constitution. Vote AGAINST Constitutional Amendment #18!

These Arguments Prepared by: Senator Richard F. Manning, Great Falls; Representative Ben Cohen, Whitefish; and Donna Metcalf, Helena.

CONSTITUTIONAL AMENDMENT NO. 19

AN AMENDMENT
TO THE CONSTITUTION
PROPOSED BY THE LEGISLATURE

OFFICIAL BALLOT TITLE

AN ACT TO SUBMIT TO THE QUALIFIED ELECTORS OF MONTANA AN AMENDMENT TO ARTICLE VII, SECTION 9, OF THE MONTANA CONSTITUTION TO PROVIDE THAT THE LEGISLATURE MAY ESTABLISH SPECIFIC RESIDENCY REQUIREMENTS FOR JUDGES OTHER THAN SUPREME COURT JUSTICES, DISTRICT COURT JUDGES, AND JUSTICES OF THE PEACE; AND PROVIDING AN EFFECTIVE DATE.

Attorney General's Explanatory Statement

The Legislature submitted this proposal for a vote. It would amend the Montana Constitution to give the Legislature authority to establish residency requirements for certain judges. Currently, the Constitution requires that supreme court justices reside within the state and all other judges reside within the jurisdiction where they are elected or appointed. This proposal would require supreme court justices to reside within the state, district court judges to reside within the district, and justices of the peace to reside within the county where they are elected or appointed. The residency requirements for all other judges would be provided by law.

Argument For Constitutional Amendment No. 19

Constitutional Amendment 19 allows the Legislature to establish specific residency requirements of judges other than supreme court justices, district court judges, and justices of the peace. This amendment is designed to allow the legislature to let towns of the State of Montana to establish residency requirements for Town Judges. At present, under the Montana Constitution, a town judge must be a resident of the town where he is a judge.

This amendment is being placed on the ballot by the Legislature of the State of Montana where it became the first such amendment proposal to have unanimous support of all one hundred and fifty legislators. There was no opposition in any of the committee hearings to the proposal.

The amendment was proposed at the request of many of the smaller towns which have been sharing the same town judge. For example, the towns of Joliet, Fromberg, and Bridger use the same judge. That arrangement would not be allowed under the present language in the Constitution because no one person could be a resident in each town. Each town would have to hire a separate judge who would be a resident of that town.

For many of the smaller towns this would be an unnecessary expense because each judge must attend the annual training seminars. Just the training requirements could add an additional two or three thousand dollars each year for towns which at present share those costs. Also, if several towns can share the salary costs of a single judge, the towns are able to attract a higher qualified person than they might otherwise attract. Some towns which now share a judge pay around two hundred and fifty dollars a month for his services. Those towns definitely would be forced to increase their salary payments again adding unnecessary costs to their budgets.

The budget of every governmental body, including the smaller towns, are extremely high. Nearly everyone is demanding, and rightfully so, that governmental services be efficient. This amendment is an opportunity to save money and still provide the necessary services.

Finally, this should be a matter of local control. The Constitution should not place restrictions on what towns can do when hiring a town judge. That is better left to the towns themselves and the legislature. The towns and the legislature should have flexibility to respond to changing conditions and as a result save money for the taxpayers of the state. It was probably unlikely that the drafters of the Constitution were even aware of the potential problem the present language could cause because sharing judges between towns was generally unheard of at that time. Sharing judges between towns is a relatively recent phenomenon that came about because of the money saved and the ability to attract better qualified judges. This effort should be encouraged and not discouraged and thus your support for C19 is encouraged.

Rebuttal of Argument Against Constitutional Amendment No. 19

The opponents to Constitutional Amendment 19 suggest that allowing towns to establish their own residency requirements for town judges will result in the selection of judges who may be unfamiliar with the community. That will not be the case.

First, a town judge will have to be hired by the elected members of the town council or elected by the community residents. A judge will have to be responsive to the electorate directly or indirectly.

Second, the decision to share a judge with another community will be purely optional with the town. If a town wants to consolidate judicial services it can do so. It will not be required to do so.

Third, consolidation of judicial services or sharing judges between small communities will allow small communities to save money. Several communities already share the services of a single judge. Those communities have found it to be beneficial and cost effective and would like to continue to do so.

The passage of Constitutional Amendment 19 will allow towns to make these decisions themselves based upon their own local judgment.

These Arguments Prepared by: Senator Joseph P. Mazurek, Helena; Representative Gary Spaeth; Joliet; and Larry D. Herman, Laurel.

HOW THE ISSUE WILL APPEAR ON THE BALLOT:

CONSTITUTIONAL AMENDMENT NO. 19

☐ FOR allowing the legislature to establish specific residency requirements for judges other than supreme court justices, district court judges, and justices of the peace.

☐ AGAINST allowing the legislature to establish specific residency requirements for judges other than supreme court justices, district court judges, and justices of the peace.

NOTE: The ballot title was written by the Legislature and the explanatory statement by the Attorney General as required by state law. The complete text of Constitutional Amendment No. 19 appears on page 17.

Argument Against Constitutional Amendment No. 19

This amendment would allow the legislature to determine, by law, the residency requirement for judges who are not supreme court or district court judges or justices of the peace. This means city and municipal court judges.

The legislature could pass a law allowing a person to be a city or municipal court judge even though he does not reside in that city or town. Such a person will not know the problems and affairs of the municipality as well as he would if he lived in the municipality. He may live far away from the municipality and know or care very little about what happens in the municipality. The municipality will have to pay his travel expenses, which could add up to a considerable amount of money each year, especially if he lives far from the municipality. This would be an unnecessary expense and would waste taxpayers' money, because the travel expenses would not have to be paid if a resident of the muncipality were the judge.

If the judge lives outside the municipality, especially if he lives far outside of it, it would be an inconvenience to police, parties to lawsuits, the municipality's residents, and others, because the judge would not be close by and may even be unavailable when his signature is needed on such things as orders and search warrants.

Rebuttal of Argument For Constitutional Amendment No. 19

The suggestion that adoption of Constitutional Amendment No. 19 would be beneficial to small cities and towns by allowing them to have the same person serve as judge of the city court of each city or town is just not correct. Space does not permit an analysis of the cost structure to be set forth here, but adoption of Constitutional Amendment No. 19 will not result in any significant savings to each city or town.

Further, there will be a loss of local control over the city court in each city or town in that the smaller city or town will have less and less influence over the election or appointment of the judge who will preside over the city court.

Also, if the judge of the city court need not be a resident, the quality of justice and the efficiency of the proceedings will tend to deteriorate because the judge will not be familiar with the problems and affairs of the area.

The Constitution of 1972 was not written so long ago that it is out of harmony with conditions today and needs changing. In making a change, ask yourself, What do I gain? What do I risk?

If you want to keep local control over your municipal court and city court judges and over the cost of such courts, Vote "NO" to Constitutional Amendment No. 19.

These Arguments Prepared by: Senator Lawrence G. Stimatz, Butte; Representative Dorothy Bradley, Bozeman; and Jennifer Bordy, Bozeman.

CONSTITUTIONAL AMENDMENT NO. 20

AN AMENDMENT
TO THE CONSTITUTION
PROPOSED BY THE LEGISLATURE

OFFICIAL BALLOT TITLE

AN ACT TO SUBMIT TO THE QUALIFIED ELECTORS OF MONTANA AN AMENDMENT TO ARTICLE V, SECTION 6, OF THE MONTANA CONSTITUTION TO REQUIRE THAT THE LEGISLATURE MEET NOT MORE THAN 100 LEGISLATIVE DAYS IN REGULAR SESSION DURING THE TERM FOR WHICH A MEMBER OF THE HOUSE OF REPRESENTATIVES IS ELECTED; TO REQUIRE THE LEGISLATURE TO APPORTION THE ALLOWABLE LEGISLATIVE DAYS BETWEEN SESSIONS; TO PROVIDE LIMITATIONS ON THE BUSINESS THAT MAY BE CONDUCTED IN EACH SESSION; AND PROVIDING AN EFFECTIVE DATE.

Attorney General's Explanatory Statement

The Legislature submitted this proposal for a vote. It would amend the Montana Constitution to require that the Legislature meet annually for no more than 100 legislative days during a two-year period. No regular session could exceed 60 legislative days. In odd-numbered years only legislation relating to revenue or appropriations could be considered, and in even-numbered years only legislation not relating to revenue or appropriations could be considered. Special sessions could still be convened.

Argument For Constitutional Amendment No. 20

In the current era of derequlation and new federalism, States have been forced to expand their roles in job creation, health care, prison reform and education. While there is clearly no need for a full-time legislature in Montana, there is a need to give the people of Montana a more timely and responsive method of law-making that meets the increased demands placed upon the Legislature.

Special sessions are not the answer to the new demands since they do not allow legislators enough time to understand a major policy issue nor do they allow the public an effective way to be involved in policy making and they are expensive. From 1981 to 1987, the Legislature of Montana met in special session for 44 days at a cost of approximately $1,500,000. The 1985 Legislature, including special sessions, met 109 days as opposed to the scheduled 90 days.

This Constitutional amendment is the answer. By splitting our current session into two separate budget and general sessions, we will set up a better system to concentrate the Legislatures work. Most importantly, these sessions will adjorn about the end of February. The current 90 day session generally winds up the last week in April, 4 months from the date of convening! Legislators realized the need for a change from the current legislative process. During the 1987 session over two-thirds of the legislators voted for this amendment.

Unlike the federal government, the Montana Legislature is wisely mandated from deficit spending. The Montana Legislature cannot meet every 2 years and balance a 2 billion dollar budget. The current system breeds crisis management, legislator burn-out and stifles public participation. In this situation major legislation is often delayed until the final days of the session, then pushed through with little debate or scrutiny. The end result are laws passed for Montana that are frequently drafted under pressure, considered in haste and often passed in frustration.

Passage of this Amendment will improve the Legislature by:

a. Requiring yearly sessions, limited to 100 days over two years.
b. Allow even-year sessions of 60 days to consider general legislation not relating to budget matters; and odd-year sessions of 40 days to consider only budget matters.
c. Prohibit a bill tabled in one session from being carried over to the next years session.

Yearly sessions will accomplish the following:

a. Result in more efficient management of the public's business.
b. Shorter sessions will allow more people to run for and serve in the Legislature. The majority of working people in Montana cannot afford to be away from their workplaces for 4 consecutive months.
c. Allow the Legislature to be more responsive to real emergencies which have traditionally led to special sessions.
d. With a stricter and controlled agenda, better public participation will result.
e. Spreading out the work-load will avoid peaks and burnouts and an improvement in the quality of laws drafted.

Yearly sessions will improve the performance of government and thus the well-being of our State.

Rebuttal of Argument Against Constitutional Amendment No. 20

The fallacy with the opponents argument is that this constitutional amendment does not call for Annual Sessions, but splits our current session into separate Budget and General sessions. Budget sessions in odd numbered years and General sessions in even numbered years. So, therefore we refer to this as the Split Sessions Proposal. This proposal allows the legislature to bring critical budget issues into a General session and vice versa. This Split Session proposal also prohibits the "carry over" of a bill from one session to the other. This "carry over" was the main problem with the annual sessions in the 70's.

It would be nice if the Legislature met for one day every 10 years, but you know that's not possible. So let's set up a Legislative process that works better for Montana. One that requires the Legislature to meet each year; limits the Legislature to separate Budget and General Sessions; and provides for much shorter sessions so more Montanans can participate.

Please vote FOR Constitutional Amendment 20.

These Arguments Prepared by: Senator R. J. "Dick" Pinsoneault, St. Ignatius; Representative Fred Thomas, Stevensville; and Senator Tom Keating, Billings.

HOW THE ISSUE WILL APPEAR ON THE BALLOT:

CONSTITUTIONAL AMENDMENT NO. 20

FISCAL NOTE

PASSAGE OF THIS CONSTITUTIONAL AMENDMENT WOULD REQUIRE AN ADDITIONAL GENERAL FUND EXPENDITURE OF $462,000 FOR THE TWO-YEAR PERIOD BEGINNING JANUARY 1, 1991.

☐ FOR requiring the legislature to meet each year, with limitations on legislative days and business to be conducted.

☐ AGAINST requiring the legislature to meet each year, with limitations on legislative days and business to be conducted.

NOTE: The ballot title was written by the Legislature and the explanatory statement by the Attorney General as required by state law. The complete text of Constitutional Amendment No. 20 appears on pages 17 and 18.

Argument Against Constitutional Amendment No. 20

In 1973 the Montana Legislature switched to annual sessions. Two years later they returned to the biennial schedule.

The voters have expressed their wishes on the subject of annual sessions in the past, and the message they gave us was loud and clear, "less legislative involvement and less spending".

Valid arguments opposing annual legislative sessions are:

- The legislature does not need to meet annually in order to complete its work in an orderly manner. Establishing a procedure to screen bills in order to reduce the number considered, and allowing more time for review of bills in order to prevent errors will improve the legislative process.
- A large number of the issues proposed for special sessions are raised in response to federal mandates, which by their very nature are erratic and nearly impossible to predict.
- In 1975 there was a special session of the legislature in spite of annual sessions being in place.
- Montana's lone experience with annual sessions proved that neither annual session was able to finish its business within the prescribed 60 day limit.
- It will be more costly to have annual sessions. Annual sessions will necessitate additional staff and support plus create more legislative days. Clearly, a self defeating step during these times of purported austerity and continuing revenue shortfalls.
- Annual sessions will serve to replace our "citizen legislators" with "professional legislators" and thus eliminate from public service many qualified persons who cannot afford the lengthy absences required.
- Upon examination, it appears that annual legislative sessions are more aptly suited for densely populated states with large urban areas, rather than sparsely populated, agricultural states, such as Montana.

Rebuttal of Argument For Constitutional Amendment No. 20

The subject amendment is perhaps the most vague and ambiguous amendment ever put before the voters of Montana.

The proponents of C-20 state that passage will improve the legislature by:

a. Requiring yearly sessions, limited to 100 days every two years. FACT: In addition, the amendment reads, "Any legislature may increase the limit on the length of any subsequent session." A statement which clearly gives the legislature "carte blanche" to create subsequent annual sessions of <u>any</u> length.

b. Allow even-year sessions of 60 days to consider general legislation <u>not</u> relating to budget matters: and odd-year sessions of 40 days to consider <u>only</u> budget matters. FACT: In addition, the amendment states specifically, "The legislature may adopt rules permitting consideration of legislation unrelated to the subject limitation of that session." Clearly, the inclusion of the forgoing gives the legislature broad powers to consider just about anything a simple majority desires.

It should be obvious to the careful reader of C-20 that it is clearly a "blank check" for the legislature to create a legislative Frankenstein <u>far</u> exceeding the proponents claims.

Vote against C-20.

These Arguments Prepared by: Senator Darryl Meyer, Great Falls; Representative Paul G. Pistoria, Great Falls; and Roger Porter, Great Falls.

LEGISLATIVE REFERENDUM NO. 106

A LAW PROPOSED
BY THE LEGISLATURE

OFFICIAL BALLOT TITLE

AN ACT CONTINUING THE FUNDING OF THE MONTANA UNIVERSITY SYSTEM BY A LEVY OF NOT TO EXCEED 6 MILLS ON ALL TAXABLE PROPERTY EACH YEAR FOR 10 YEARS; PROVIDING THAT THE PROPOSED ACT BE SUBMITTED TO THE ELECTORS OF MONTANA; AMENDING SECTION 20-25-423, MCA; AND PROVIDING EFFECTIVE DATES.

Attorney General's Explanatory Statement

The Legislature submitted this proposal for a vote. It would authorize the Legislature to continue the statewide six-mill levy for funding the university system through 1999. Existing law provides for the six-mill levy through 1989.

Argument For Legislative Referendum No. 106

Committee to write the argument for Legislative Referendum No. 106 did not file a statement by the statutory deadline.

HOW THE ISSUE WILL APPEAR ON THE BALLOT:

CONSTITUTIONAL INITIATIVE NO. 106

FISCAL NOTE

PASSAGE OF THIS REFERENDUM WILL PROVIDE FOR THE CONTINUATION OF A PROPERTY TAX LEVY NOT TO EXCEED 6 MILLS AND WILL GENERATE APPROXIMATELY $25,224,000 IN REVENUE DURING THE 1990-1991 BIENNIUM.

☐ FOR giving the legislature authority to levy up to 6 mills for the support of the Montana university system.

☐ AGAINST giving the legislature authority to levy up to 6 mills for the support of the Montana university system.

NOTE: The ballot title and explanatory statement was written by the Attorney General as required by state law. The complete text of Legislative Referendum No. 106 appears on page 18.

Argument Against
Legislative Referendum No. 106

Committee to write the argument against Legislative Referendum No. 106 did not file a statement by the statutory deadline.

INITIATIVE NO. 110

A LAW PROPOSED
BY INITIATIVE PETITION

OFFICIAL BALLOT TITLE
AND
Attorney General's Explanatory Statement

THIS INITIATIVE WOULD REPEAL THE MONTANA SEATBELT USE ACT. THE MONTANA SEATBELT USE ACT REQUIRES THE OCCUPANTS OF A MOTOR VEHICLE TO WEAR A FASTENED SEAT BELT.

Argument For Initiative No. 110

The essence of Dictatorship is that Government knows better than people, what is good for them.

The essence of Democracy is that people are capable of making their own decisions and accepting the consequences of those decisions.

Force and coercion in a Democracy are to be used against criminals, not law-abiding citizens.

The Montana Seatbelt law is criminal in that it puts innocent people at risk of death and bodily injury by forcing them to fasten the rear lap belts which are notorious killers and maimers.

On July 28th, 1986, the National Traffic Safety Board released a study of the performanee of lap-only belts which are used in the rear seats of practically all automobiles. They stated, "In many cases the lap belts induced severe to fatal injuries that probably would not have occurred if the lap belts had not been worn."

In frontal collisions lap belts injure in direct proportion to how hard you hit, because the human body can't stand the terrific stress of being thrown against a narrow strap in the mid-section. They rupture bladders and kidneys; break pelvises and spines.

The Montana Seatbelt Law makes the rear seat a SUICIDE SEAT!

The lap and shoulder belt used in front seats is not the great salvation it is reputed to be. It can kill! People have been saved from the worst kind of death by being able to get out quickly. Instances such as fire and water. Cars and pickups have rolled, crushing the roof down to the seat, and drivers have fallen to the floor and escaped serious injury. They have avoided injury by moving aside quickly in some instances, which could not be done with a restricting belt. Many occupants of vehicles have hung upside down for a period of time, unable to get loose because seatbelts are very difficult to release with the weight of a body on them. Many of these suffered brain damage.

Why aren't seatbelts required in Schoolbuses, if this law is a guarantee of safety?

The reason for the push for seatbelt laws is not safety. Many of us have driven hundreds of thousands of miles safely without seatbelts fastened.

The argument is advanced that we must all wear the seatbelt because people getting hurt in autos become a burden on society and increase taxes for everyone. If that is true, then we should forbid smoking and drinking, both of which pose a great burden on taxpayers. What about unwed mothers? Isn't that a great burden on taxpayers? Why not a law against it? Why the seatbelt law and not these others laws? Only because Government wants us to be constantly aware that it is Government that knows best. We, as individuals know nothing, and must be told—yes forced—to do what Government decrees for us. Is it any different in Russia?

A vote for Initiative 110 is a vote for freedom!

A vote against Initiative 110 is a vote for Dictatorship!

Rebuttal of Argument Against Initiative No. 110

Seatbelt law advocates say that forcing citizens to fasten seatbelts will save lives. They cannot show that to be true, because that totalitarian form of regimentation is too new here, but in Europe, where it has been in use long enough to provide some HONEST statistics, the opposite is shown.

London's University College professor John Adams in his book "Risk and Freedom", the record of Safety Regulation (Great Britain: Transport Publishing Project, 1985) found that Traffic deaths were decreasing more rapidly in Countries that didn't have seatbelt laws, than those that did.

The records of the Montana Highway Patrol show a steady decrease in Highway fatalities in the last ten years.

Those who would make our decisions for us claim that this form of Dictatorship will save the taxpayers money. Are we ready to trade the little freedom of Choice we still have, for such a consideration? Can we not all detect the headlong rush toward bigger Government that is contemptuous of the rights and feelings of individuals?

There are now strong repeal movements in every State that has a seatbelt law. Over a million signatures have been collected against that law in North Carolina, Iowa, Massachusetts and Oregon.

Let us see beyond the poor camouflage to the ulterior motive. Big Government wants to get bigger. The ultimate is Dictatorship.

The statement that a statewide Poll was taken on the seatbelt law in Montana has no substantiation and is obviously false.

Vote for Initiative 110.

These Arguments Prepared by: Jay McKean, Roberts; Morris O. Mancoronal, Jr., Conrad; and Dan Burdick, Helena.

HOW THE ISSUE WILL APPEAR ON THE BALLOT:

CONSTITUTIONAL INITIATIVE NO. 110

FISCAL NOTE

THE PROPOSED INITIATIVE WOULD REPEAL THE REQUIREMENT OF THE USE OF SEATBELTS BY OCCUPANTS OF A MOTOR VEHICLE. THE ELIMINATION OF THE PENALTY FOR FAILURE TO USE SEATBELTS WOULD RESULT IN A DECREASE OF THIS REVENUE BY $39,000 IN FY 1989 AND $134,000 IN THE 1990-91 BIENNIUM.

☐ FOR repealing the Montana Seatbelt Use Act.

☐ AGAINST repealing the Montana Seatbelt Use Act.

NOTE: The ballot title and explanatory statement was written by the Attorney General as required by state law. The complete text of Initiative No. 110 appears on pages 18 and 19.

Argument Against Initiative No. 110

VOTE NO on Initiative 110. Vote against the repeal of Montana's safety belt use law. Safety belt use laws requiring people to buckle-up, help save lives and prevent catastrophic injuries more than voluntary buckling-up.

Safety belt use laws do make a difference. Montana's Department of Justice has published statistics clearly demonstrating that safety belt usage in Montana increased from 29% to over 60% after the enactment of the safety belt use law. Montana is not alone. Thirty-one other states now have similar laws. Usage in those states averages 52% compared to 27% in the states with no safety belt use laws.

Increased safety belt usage results in fewer automobile fatalities and decreases brain stem injuries, paralysis, and facial and body disfigurement caused by accidents. An unrestrained vehicle occupant is five times more likely to be killed in a car crash than an occupant who is buckled-up. Montana's Department of Justice estimates that 53 lives will be saved and 840 injuries prevented annually with Montana's current safety belt use rate of 60%.

If an occupant is not wearing a safety belt during a crash, occupants other than that individual will be affected. In crashes with more than one occupant in a vehicle, 22% of the injuries are caused by collisions of the unbuckled occupants.

Safety belt use laws save taxpayer dollars. For example, the lifetime costs for the care of a severely brain damaged young adult costs as much as $4.5 million dollars. Montana's Department of Justice estimates that at our 60% use rate, Montana taxpayers are saving $42 million annually in medical costs, Workers' Compensation, and loss of future earnings. Repeal of our safety belt use law will result in more taxpayer dollars going to pay these increased economic costs. These costs in no way reflect the severe emotional and financial impacts that death and catastrophic injury have on family and friends.

A safety belt use law does not violate our constitutional rights. Just as Montana and other states can legally require driver licensure and testing, stopping at stop signs and red lights, Montana can also require its motorists to buckle-up.

Driving is a privilege, not a fundamental right protected by the Constitution like freedom of speech, religion, and the press. As Americans, we are born with those rights. We are not born with the right to drive—we earn it.

In a recent statewide poll, over two-thirds of Montana citizens voiced their support for our safety belt use law. Many organizations, such as the Montana Parent/Teacher Association, the Montana Hospital Association, the Montana Extension Homemakers' Association, and the Montana Medical Association, support Montana's safety belt use law and oppose Initiative 110.

Montana's safety belt use law does make a difference. Help prevent needless pain, suffering, and death caused by automobile crashes. Your vote does make a difference. **VOTE NO on Initiative 110.**

Rebuttal of Argument For Initiative No. 110

Democracy does not demand a lawless society. In a free society the citizens can legislate to protect themselves, their children and fellow citizens.

Lawmakers do and are obligated to pass laws that benefit the health and welfare of society. As an example, there are laws requiring drinking water to be safe, housing to meet certain minimum standards for safety, and numerous traffic regulations.

Safety belt laws are constitutional. In Missoula, a District Court recently ruled that Montana's Safety Belt Law was legal. Other states have similar laws. In fact, the U.S. Supreme Court has refused the opportunity to overthrow other states' Safety Belt Laws.

Contrary to the proponent's unfounded assertions, Safety Belt Laws do save lives. Buckling-up has prevented people from being thrown from vehicles and ultimately crushed. Occupants are 25 times more likely to be killed in a crash when ejected from the vehicle.

Proponents of Initiative 110 neglected to point out that the National Transportation Safety Board did not recommend against using lap belts. In fact, many studies have proven that a person riding in the rear seat of a motor vehicle has a 32-36% better chance of avoiding serious injury or death by wearing a lap belt. National experts estimate that in 1987, lap belts in rear seats saved 200 lives and prevented 1500 serious injuries.

Vote to continue saving lives and preventing injuries. Vote No on Inititiative 110 to keep Montana's Safety Belt Law.

These Arguments Prepared by: Senator Mike Halligan, Missoula; Mona Jamison, Helena; John L. Delano, Helena; Representative Ron Miller, Great Falls; and Larry Tobiason, Helena.

INITIATIVE NO. 113

A LAW PROPOSED
BY INITIATIVE PETITION

OFFICIAL BALLOT TITLE AND Attorney General's Explanatory Statement

THIS INITIATIVE WOULD ESTABLISH A SYSTEM FOR REFUNDABLE DEPOSITS ON ALL GLASS, METAL, OR PLASTIC BEVERAGE CONTAINERS SOLD IN MONTANA. THE CONTAINERS WOULD HAVE A REFUND VALUE OF AT LEAST FIVE CENTS. UPON PURCHASE OF A BEVERAGE, CONSUMERS WOULD PAY A DEPOSIT. RETAILERS AND REDEMPTION CENTERS WOULD THEN PAY CONSUMERS THE REFUND VALUE UPON RETURN OF CONTAINERS. DISTRIBUTORS WOULD PAY RETAILERS OR REDEMPTION CENTERS THE REFUND VALUE AND HANDLING COSTS. THE MONTANA DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES WOULD ENFORCE THE PROVISIONS, EXCEPT THE PROVISION REGARDING DISTRIBUTORS. VIOLATORS, EXCEPT FOR DISTRIBUTORS, COULD BE FINED OR CONVICTED OF A MISDEMEANOR.

Argument For Initiative No. 113

Many excellent reasons exist for supporting I-113, the Montana Litter Control and Recycling Act. Here are just four with which you, as Montanans, should be concerned:

1. I-113 will greatly reduce litter in Montana. Our state government budgeted over a half million dollars in the current biennium to combat litter. Studies in states with similar laws have found that litter was cut by at least half following passage of can and bottle bills. Montanans are justifiably proud of the natural beauty of our state, and I-113 is a step to keep it beautiful by eliminating future container litter.

2. I-113 encourages recycling by increasing the financial incentive. For every can and bottle returned, you receive at least a nickel. This system makes those who litter pay for every beverage container they toss and decreases the amount of taxes spent on litter clean-up.

3. I-113 creates jobs for Montanans. An estimated 450 jobs in retailing, distributing, and recycling will be created. In these times of economic difficulty, Montana cannot afford to say no to 450 jobs.

4. I-113 promotes conservative use of resources. Recycled material uses 60% less energy to produce new containers. Most of this savings is in water and fuel. Montanans understand the precious nature of water, and with talk of a "greenhouse effect," we all want to burn less fuel. I-113 guarantees lower water and fuel consumption.

The idea of returnable beverage containers is not new—many of us remember a time when pop and beer bottles were refillable and had a deposit. Within the past 20 years, we have seen the demise of refillables and the advent of non-returnables. Without I-113, the next 20 years will see a tremendous increase in container litter.

I-113 will work. The experience of nine other states with can and bottle bills is the most important guide as to the success we can expect in Montana. Oregon Governor Neil Goldschmidt's statement is typical of the praise the governors of these states have for such laws: "I am a very strong supporter of the Oregon bottle bill. It has been a benefit to both Oregon's economy and environment."

Other states have not repealed their laws because people like the results. Montanans can share in those results by voting yes for I-113 on November 8. The only other alternative to I-113 is increased litter.

Rebuttal of Argument Against Initiative No. 113

I-113 opponents make a series of undocumented, inaccurate claims. We respond as follows:

1. Litter will decrease. In 1987, Iowa Governor Terry Branstad noted Iowa's bottle bill has caused "a 79% decrease in the amount of bottles and cans littering Iowa's roadsides." Massachusetts Governor Michael Dukakis cites a "thirty-five per cent reduction of litter on highways." Michigan Governor James Blanchard adds that the Michigan bottle bill caused a "41% decrease in roadside litter." The National Wildlife Federation has cited that nationally bottle bills have reduced litter 40-60%.

2. The recycling industry will not be harmed. "Oregon recycling programs are flourishing" wrote Oregon Governor Neil Goldschmidt.

3. Beverage prices will not rise. Vermont Governor Madeline Kunin states that prices in Vermont after the bottle bill's passage "have been comparable with regional prices," adding that "retailers who opposed the mandatory deposit system have become proponents of the Act."

4. Recycling rates will increase. Our studies show that aluminum containers are recycled in Montana at no more than 62% and throwaway glass containers at less than 9%. In contrast, bottle bill states recycle all containers at 90% or better.

And so each opponent argument goes. I-113 is an effective, inexpensive law that reduces litter and disposable waste while conserving energy and natural resources. Yet the container manufacturers and distributors who make money selling throwaway containers plan to spend hundred of thousands of dollars on media propaganda. Don't be fooled! Listen to the Governors of all nine states which have bottle bills. Vote "yes" on I-113.

These Arguments Prepared by: Cindy Staley, Helena; Jonathan Motl, Helena; and Representative Dorothy Bradley, Bozeman.

HOW THE ISSUE WILL APPEAR ON THE BALLOT:

INITIATIVE NO. 113

FISCAL NOTE

PASSAGE OF THIS INITIATIVE WOULD RESULT IN ADMINISTRATIVE EXPENDITURES OF APPROXIMATELY $185,000 FOR THE 1990-91 BIENNIUM. SOME EXPENDITURES MAY BE OFFSET BY FINES, PENALTIES, OR REDUCED LITTER COLLECTION COSTS UNDER THIS INITIATIVE. STATE BEER EXCISE TAX REVENUE COULD DECREASE, IF SALES DECREASE UPON PASSAGE OF THIS INITIATIVE.

☐ FOR requiring refundable deposits on all beverage containers sold in Montana.

☐ AGAINST requiring refundable deposits on all beverage containers sold in Montana.

NOTE: The ballot title and explanatory statement was written by the Attorney General as required by state law. The complete text of Initiative No. 113 appears on pages 19-21.

Argument Against Initiative No. 113

At first glance, Initiative 113 seems to be a simple solution to the problem of unsightly litter. I-113 would force consumers to pay a five-cent deposit on each soft drink and beer container, which could be refunded if taken back to a store where the product is sold.

But a closer examination of this "can and bottle bill" clearly shows it is not only unnecessary, ineffective and expensive, but could actually destroy Montana's thriving recycling industry.

The forced deposit law is really a hidden sales tax; a measure which would dramatically increase the prices of beer and soft drinks to Montana consumers by $13 million a year. Experience in other forced deposit states shows the price of a six-pack of beer would increase by 25 cents and soft drinks by 20 cents—in addition to the 30-cent deposit.

The forced deposit law would disrupt the beverage distribution system, turning Montana stores into garbage collection centers and beverage distributors into trash haulers. These increased costs—in addition to a state-imposed one-cent per container handling fee—would be passed on to the consumer.

Proponents claim that beverage containers make up a majority of roadside litter. Montana citizens know better. Beverage containers are a small fraction of litter, and those few cans that are littered are quickly picked up by individuals who make a profit recycling them.

I-113 proponents deceptively call it the "Litter Control and Recycling Act". I-113 does not even mention litter control or recycling. In fact, I-113 would cripple Montana's thriving recycling industry. If I-113 is so good for recycling, why are Montana recyclers bitterly opposed to its passage?

Montana already has one of the highest recycling rates in the nation, with nearly 80 percent of all aluminum cans being recycled. More than 70 percent of all beverage containers in the state are now being recycled, without the expense, inconvenience, and government instrusion of a forced deposit law.

I-113 would force recyclers out of business because the most profitable materials would go back to retailers, not to the recycler. With the loss of beverage containers, the smaller recycler could no longer afford to accept glass, plastic, newspapers, cardboard or other items. Recycling of these materials would virtually cease. Real recycling jobs would be lost.

Last year, Montana recyclers paid Montana citizens $2 million in new money for recycling. I-113 would cost Montana citizens more than $13 million a year.

There is a better way. Community involvement programs like the successful Bright n' Beautiful Committee of Yellowstone County in Billings, provide comprehensive solutions through neighborhood clean-ups, anti-littering education and increased recycling.

It's unfair to force everyone to pay for the few who litter! Vote against I-113.

Rebuttal of Argument For Initiative No. 113

Do you really want to pay fifty to sixty cents more a six-pack for the pleasure of standing in a line in the grocery store waiting to get thirty cents of your money back for the empties? Is it worth the hassle, when you stop to think that almost all the roadside litter, all the paper and plastic items, tire pieces, etc., will still be out there? Is it worth the hassle, when you stop to think that Montana's voluntary recycling system recycles aluminum cans at almost the same rate as New York's forced deposit system?

We Montanans are proud of our scenery; we also value a system that runs with more voluntary cooperation and less government dictation than people back east have to put up with. The last thing we need is another bureau of state government, which this initiative would create, to tell us to do what we're already doing quite well.

Finally, this is not a fair law. It makes everyone pay more for the few who litter and it singles out one small part of the litter problem while leaving the rest untouched. It doesn't create jobs—it just moves them from the recycling centers to the groceries and the distributors.

These Arguments Prepared by: Douglas G. Stewart, Missoula; Roger Tippy, Helena; Mona Jamison, Helena; Representative Bud Campbell, Deer Lodge; and Forrest Johnston, Billings.

SECRETARY OF STATE'S NOTE: THE FOLLOWING MATERIAL INCLUDES THE COMPLETE TEXT OF EACH ISSUE INCLUDING DELETED (INTERLINED) LANGUAGE AND NEW (UNDERLINED) LANGUAGE AS IT WILL AFFECT THE CONSTITUTION OR LAWS OF THE STATE OF MONTANA.

Complete Text of CONSTITUTIONAL AMENDMENT NO. 17

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Article VIII, section 13, of The Constitution of the State of Montana is amended to read:

"**Section 13. Investment of public funds.** (1) The legislature shall provide for a unified investment program for public funds and provide rules therefore, including supervision of investment of surplus funds of all counties, cities, towns, and other local governmental entities. Each fund forming a part of the unified investment program shall be separately identified. ~~Except for monies contributed to retirement funds, no public funds shall be invested in private corporate capital stock.~~ The investment program shall be audited at least annually and a report thereof submitted to the governor and legislature.

(2) ~~The public school fund and the permanent funds of the Montana university system and all other state institutions of learning shall be safely and conservatively invested in:~~

~~(a) Public securities of the state, its subdivisions, local government units, and districts within the state, or~~

~~(b) Bonds of the United States or other securities fully guaranteed as to principal and interest by the United States, or~~

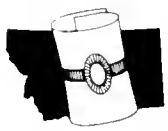
~~(c) Such other safe investments bearing a fixed rate of interest as may be provided by law.~~ The unified investment program shall be administered as provided by law."

Section 2. Effective date. If approved by the electorate, this amendment is effective January 1, 1989.

Section 3. Submission to electorate. This amendment shall be submitted to the electors of Montana at the general election to be held November 8, 1988, by printing on the ballot the full title of this act and the following:

☐ FOR removing constraints on investment of public funds and allowing investment as authorized by the legislature.

☐ AGAINST removing constraints on investment of public funds and allowing investment as authorized by the legislature.



Complete Text of CONSTITUTIONAL AMENDMENT NO. 18

WHEREAS, the Legislature historically has prescribed the public policy governing the provisions of economic assistance and social and rehabilitation services to those in need; and

WHEREAS, the Legislature is the appropriate body of state government to determine the needs of its residents; and

WHEREAS, the Montana Supreme Court, in a recent decision, determined that the Montana Constitution requires that statutes relating to such assistance and services are reviewable under a heightened scrutiny test; and

WHEREAS, the Legislature finds that it is in the public interest to restore to the Legislature the power to prescribe the provision of economic assistance and social and rehabilitation services to those in need, subject to review under the rational basis test.

THEREFORE, it is the intent of the Legislature to refer this constitutional amendment to the people of the state in order to restore the historical power of the Legislature to set eligibility level criteria for programs and services, as well as for the duration and level of benefits and services relating to economic assistance and social and rehabilitation services.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Article XII, section 3, of The Constitution of the State of Montana is amended to read:

"**Section 3. Institutions and assistance.** (1) The state shall establish and support institutions and facilities as the public good may require, including homes which may be necessary and desirable for the care of veterans.

(2) Persons committed to any such institutions shall retain all rights except those necessarily suspended as a condition of commitment. Suspended rights are restored upon termination of the state's responsibility.

(3) The legislature ~~shall~~ may provide such economic assistance and social and rehabilitative services ~~as may be necessary~~ for those ~~inhabitants~~ who, by reason of age, infirmities, or misfortune, ~~may have need for the aid of society~~ are determined by the legislature to be in need.

(4) The legislature may set eligibility criteria for programs and services, as well as for the duration and level of benefits and services."

Section 2. Effective date. If approved by the electorate, this amendment is effective January 1, 1989.

Section 3. Submission to electorate. This amendment shall be submitted to the electors of Montana at the general

election to be held November 8, 1988, by printing on the ballot the full title of this act and the following:

☐ FOR allowing the legislature greater discretion to determine the eligibility, duration, and level of economic assistance and social services to those in need.

☐ AGAINST allowing the legislature greater discretion to determine the eligibility, duration, and level of economic assistance and social services to those in need.

Complete Text of CONSTITUTIONAL AMENDMENT NO. 19

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Article VII, section 9, of The Constitution of the State of Montana is amended to read:

"**Section 9.** Qualifications. (1) A citizen of the United States who has resided in the state two years immediately before taking office is eligible to the office of supreme court justice or district court judge if admitted to the practice of law in Montana for at least five years prior to the date of appointment or election. Qualifications and methods of selection of judges of other courts shall be provided by law.

(2) No supreme court justice or district court judge shall solicit or receive compensation in any form whatever on account of his office, except salary and actual necessary travel expense.

(3) Except as otherwise provided in this constitution, no supreme court justice or district court judge shall practice law during his term of office, engage in any other employment for which salary or fee is paid, or hold office in a political party.

(4) Supreme court justices shall reside within the state. ~~Every other judge shall reside during~~ During his term of office, a district court judge shall reside in the district; and a justice of the peace shall reside in the county~~, township, precinct, city or town~~ in which he is elected or appointed. The residency requirement for every other judge must be provided by law."

Section 2. Effective date. If approved by the electorate, this amendment is effective July 1, 1989.

Section 3. Submission to electorate. This amendment shall be submitted to the electors of Montana at the general election to be held November 8, 1988, by printing on the ballot the full title of this act and the following:

☐ FOR allowing the legislature to establish specific residency requirements for judges other than supreme court justices, district court judges, and justices of the peace.

☐ AGAINST allowing the legislature to establish specific residency requirements for judges other than supreme court justices, district court judges, and justices of the peace.

Complete Text of CONSTITUTIONAL AMENDMENT NO. 20

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Article V, section 6, of The Constitution of the State of Montana is amended to read:

"**Section 6.** Sessions. The legislature shall ~~meet each odd numbered year in regular session of not more than 90 legislative days~~ be a continuous body for 2-year periods, beginning when the newly elected members take office as may be determined by the legislature. The legislature shall meet once a year in regular session. The legislature may not meet in regular sessions more than 100 legislative days during the term for which members of the house of representatives are elected. The legislature shall limit by law the length of each regular session. The length of a regular session so established may not exceed 60 legislative days. The session in even-numbered years must be limited to consideration of general legislation not relating to revenue or appropriations. The session in odd-numbered years must be limited to consideration of legislation relating to revenue or appropriations. No bill introduced in one session may be carried over to any other session of that legislature. The legislature may adopt rules permitting consideration of legislation unrelated to the subject limitations of that session. Any legislature may increase the limit on the length of any subsequent session. The legislature may be convened in special sessions by the governor or at the written request of a majority of the members."

Section 2. Effective date. If approved by the electorate, this amendment is effective January 1, 1991.

Section 3. Submission to electorate. This amendment shall be submitted to the electors of Montana at the general election to be held November 8, 1988, by printing on the ballot the full title of this act and the following:

☐ FOR requiring the legislature to meet each year, with limitations on legislative days and business to be conducted.

☐ AGAINST requiring the legislature to meet each year, with limitations on legislative days and business to be conducted.

Complete Text of LEGISLATIVE REFERENDUM NO. 106

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 20-25-423, MCA, is amended to read:

"20-25-423. State tax levy—support of public education institutions. The legislature shall levy a property tax of not more than 6 mills on the taxable value of all real and personal property each year for 10 years beginning with the year ~~1979~~ 1989. All revenue from this property tax levy shall be appropriated for the support, maintenance, and improvement of the Montana university system ~~and other public educational institutions subject to board of regents' supervision~~.

Section 2. Submission to electorate. The question of whether section 1 of this act will become effective shall be submitted to the electors of Montana at the general election to be held November 8, 1988, by printing on the ballot the full title of this act and the following:

☐ FOR giving the legislature authority to levy up to 6 mills for the support of the Montana university system.

☐ AGAINST giving the legislature authority to levy up to 6 mills for the support of the Montana university system.

Section 3. Effective dates. (1) If approved by the electorate, section 1 of this act is effective January 1, 1989.

(2) Section 2 and this section are effective on passage and approval.

Complete Text of INITIATIVE NO. 110

BE IT ENACTED BY THE PEOPLE OF THE STATE OF MONTANA:

Section 1. Repealer. Sections 61-13-101 thru 61-13-106 MCA are repealed.

Section 2. Effective Date. This Act is effective upon approval by the electorate.

SECRETARY OF STATE'S NOTE: FOR PURPOSES OF THIS PAMPHLET THE SECRETARY OF STATE SETS FORTH BELOW THE SECTIONS THAT ARE INTENDED TO BE REPEALED:

61-13-101. Short title. This part may be cited as the "Montana Seatbelt Use Act".

61-13-102. Definitions. As used in this part, the following definitions apply:

(1) "Department" means the department of justice.

(2) "Highway" means the entire width between the boundary lines of each publicly maintained way when any part thereof is open to public use for vehicular travel.

(3) "Motor vehicle" means a vehicle propelled by its own power and designed primarily to transport persons or property upon the highways of the state.

(4) "Occupants" means the driver and passengers in a motor vehicle.

(5) "Seatbelt" means a system using a lap belt, a shoulder belt, or other belt or combination of belts installed in a motor vehicle to restrain occupants, which system conforms to federal motor vehicle safety standards.

61-13-103. Seatbelt use required—exceptions. (1) No driver may operate a motor vehicle upon a highway of the state of Montana unless each occupant of a designated seating position is wearing a properly adjusted and fastened seatbelt.

(2) The provisions of this section do not apply to:

(a) an occupant of a motor vehicle who possesses a written statement from a licensed physician that he is unable to wear a seatbelt for medical reasons;

(b) an occupant of a motor vehicle in which all seatbelts are being used by other occupants;

(c) an operator of a motorcycle as defined in 61-1-105 or a motor-driven cycle as defined in 61-1-106;

(d) an occupant of a vehicle licensed as special mobile equipment as defined in 61-1-104;

(e) children subject to the provisions of 61-9-420; or

(f) an occupant who makes frequent stops with a motor vehicle in his official job duties and who may be exempted by the department.

(3) The department may adopt rules to implement subsection (2)(f).

(4) The department or its agent may not require a driver who may be in violation of this section to stop except upon reasonable cause to believe that he has violated another traffic regulation or that his vehicle is unsafe or not equipped as required by law.

61-13-104. Penalty—no record permitted. (1) A driver who violates 61-13-103 must be fined $20, but the violation is not a misdemeanor pursuant to 45-2-101, 46-18-236, 61-8-104, or 61-8-711. A violation of 61-13-103 may not be counted as a moving violation for purposes of suspending a driver's license under 61-11-203(2)(l). Bond for this offense is $20, and no jail sentence may be imposed.

(2) No violation of 61-13-103 may be recorded or charged against the driver's record of a person violating 61-13-103, and no insurance company shall hold a violation of 61-13-103 against the insured, and there may be no increase in premiums due to a violation of 61-13-103.

61-13-105. Education program. The highway traffic safety division of the department shall continue its program for public information and education concerning the benefits of wearing seatbelts and include within such program the requirements of 61-13-103 and the penalty specified in 61-13-104.

61-13-106. Evidence not admissible. Evidence of compliance or failure to comply with 61-13-103 is not admissible in any civil action for personal injury or property damage resulting from the use or operation of a motor vehicle, and failure to comply with 61-13-103 does not constitute negligence.

Complete Text of INITIATIVE NO. 113

BE IT ENACTED BY THE PEOPLE OF THE STATE OF MONTANA:

Section 1. Short title. [Sections 1-14] may be cited as "The Montana Litter Control and Recycling Act."

Section 2. Purpose. The purpose of [sections 1-14] is to:

(1) reduce beverage container litter and disposal costs;

(2) reduce the wasteful use of energy and material resources;

(3) encourage the reusing and recycling of beverage containers;

(4) lessen injuries caused by broken glass containers; and

(5) to institute a refund system for all beverage containers.

Section 3. Definitions. As used in [sections 1-14], unless the context clearly indicates otherwise, the following definitions apply:

(1) "Beverage" means beer or other malt beverage, wine coolers, mineral water, tea, soda water and carbonated soft drink in liquid form for human consumption.

(2) "Beverage container" means such sealed glass, metal, or plastic bottle or can that contains or contained a beverage.

(3) "Clean" means free of dirt, soil, or foreign matter and containing nothing other than air and residue of the beverage which constitutes the original contents of the container.

(4) "Consumer" means a person who buys a beverage in a beverage container for consumption.

(5) "Department" means the department of health and environmental sciences.

(6) "Distributor" means a person who sells a beverage in a beverage container to another distributor or to a retailer in this state.

(7) "Person" means any individual, corporation, partnership, association, governmental subdivision, or business organization of any kind.

(8) "Redemption center" means an operation, other than a retailer, provided for in [section 9 of this act] that accepts from a consumer, and pays in cash the refund value for, a beverage container.

(9) "Refillable" means a beverage container capable of being reused for sale of a beverage.

(10) "Retailer" means a person who sells a beverage in a beverage container to a consumer.

Section 4. Refund value. Each beverage container sold or offered for sale in this state shall have a refund value of not less than 5 cents. A metal beverage container retains its refund value even if crushed, torn, or otherwise bent, if the whole label required by [section 5] is visible.

Section 5. Labeling. (1) Except as provided in subsection (2), the words "Montana Refund Value" and the refund value must be clearly and conspicuously indicated on every beverage container sold or offered for sale in this state in letters and numerals not less than one-fourth inch in height. The label required by this section must be firmly affixed to the beverage container, may not be indicated on the bottom of the container, and shall be marked in contrasting color on the top of each metal beverage container.

(2) Any type of refillable glass beverage container having a refund value of not less than 5 cents prior to January 1, 1990 and having a brand name permanently marked on it is not required to indicate the refund value as provided in this section.

Section 6. Retailer requirements. (1) Except as provided in subsections (2) and (3), a retailer shall accept from any consumer, and shall pay in cash the refund value for, any beverage container that is:

(a) empty, reasonably clean, and unbroken;

(b) labeled as required in [section 5];

(c) of the kind, size, and brand sold by the retailer; and

(d) presented to the retailer at the retailer's place of business.

(2) A retailer selling a beverage solely for consumption on the retailer's premises may choose not to charge a deposit for the container and, if so choosing, is not required to pay a refund for accepting the container back.

(3) A retailer may limit the total refund paid to any one consumer during any one day to a maximum of 10 dollars.

Section 7. Distributor requirements. (1) A distributor shall accept from any retailer or redemption center, and shall pay in cash the refund value for, any beverage container that is:

(a) empty, reasonably clean, and unbroken;

(b) labeled as required in [section 5];

(c) of the kind, size, and brand sold by the distributor; and

(d) accounted for and presented at the retailer's, redemption center's, or distributor's place of business.

(2) (a) In addition to the payment of the refund value, the distributor shall reimburse the retailer or redemption center for the cost of handling beverage containers. Except as provided in subsection (2)(b), such handling cost reimbursement must be at least 20% of the refund value of each beverage container accounted for and presented to the distributor by the retailer or redemption center as provided in subsection (1).

(b) A distributor or group of distributors may sign an agreement with a retailer or redemption center designed to reduce counting, sorting, and other handling requirements associated with returned beverage containers. The agreement may specify a mutually agreeable handling reimbursement which is different from that required by subsection (2)(a).

(3) A distributor shall, within 10 days of receiving written billing from a redemption center, fulfill all of the distributor's obligations under subsections (1) and (2) to that redemption center.

(4) A distributor may:

(a) retain unclaimed deposits for beverage containers that are not returned; and

(b) establish reasonable procedures to prevent multiple redemption of beverage containers which a redemption center chooses to retain.

Section 8. Notice of refund on vending machines. Every owner of a vending machine that sells beverages in beverage containers shall, as a substitute for complying with the requirements of [section 6] with respect to that vending machine, post a conspicuous notice on the vending machine stating that a refund of not less than 5 cents is available for each beverage container sold and stating the nearest location where the refund may be obtained.

Section 9. Redemption centers. (1) Any person may establish a redemption center after registering in writing with the department.

(2) A redemption center may retain possession of any nonrefillable beverage container even after the distributor has paid the refund and handling reimbursement.

Section 10. Inspections. Those inspections deemed by the department as necessary to enforce [sections 5, 6 and 8] shall be carried out by the department as part of its inspection program set out at Title 50, Chapter 50, part 3, MCA with all powers and responsibilities defined therein to apply as necessary in [sections 5, 6 and 8].

Section 11. Enforcement. (1) The department may, through the attorney general or appropriate county attorney, file an action:

(a) to collect a civil penalty as provided in [section 13] for a violation of [sections 1-6 and 8-14] or a rule adopted to implement [sections 1-6 and 8-14];

(b) to abate, prevent, restrain, or enjoin a violation of [sections 1-6 and 8-14] or a rule adopted to implement [sections 1-6 and 8-14]; or

(c) to enforce the criminal penalties as provided for in [section 13].

(2) If, in an action brought under subsection (1), a violation of [sections 1-6 and 8-14] or a rule adopted to implement [sections 1-6 and 8-14] is found, the court shall assess in favor of the department and against the defendant the costs of the action and reasonable attorney's fees. Monies recovered pursuant to this section shall be deposited:

(a) with the county treasurer for deposit in the county general fund if the action was brought by the county attorney on behalf of the department; or

(b) in the state treasury in an earmarked revenue fund to defray the department's costs of the administration of [sections 1-6 and 8-14] and the rules adopted to implement [sections 1-6 and 8-14].

(3) Venue for an action brought under [sections 1-6 and 8-14] shall be in the First Judicial District, Lewis and Clark County, or in the County of any defendant/respondent.

Section 12. Department duties. (1) The department shall have full general rulemaking authority in regard to [sections 1-6 and 8-14]. In addition, the department shall have the authority and is required to adopt any rules necessary to administer [sections 1-6 and 8-12] not later than:

(a) July 1, 1989 for [sections 1, 2, 3, 4, and 9]; and

(b) November 1, 1989 for [sections 5, 6, 8, 10, 11, and 12].

(2) The department shall maintain a register of redemption centers.

Section 13. Penalties. (1) A person who violates [sections 1-6 and 8-14] or any rule adopted to implement [sections 1-6 and 8-14]:

(a) is guilty of a misdemeanor and upon conviction shall be fined not more than $500 or be imprisoned in the county jail for a term no longer than 6 months, or both; or

(b) is subject to a civil penalty of not more than $250.

(2) Each day of violation of [sections 1-6 and 8-14] or a rule adopted to implement [sections 1-6 and 8-14] shall constitute a separate violation. Such separate violations may be joined in one information or complaint in several counts.

(3) Fines and penalties collected pursuant to this section shall be deposited in the state treasury in an earmarked revenue fund to defray the cost of the department's administration of [sections 1-6 and 8-14] and the rules adopted to implement [sections 1-6 and 8-14].

Section 14. Private enforcement. (1) Any person may commence a civil action in District Court on his own behalf against any person who is alleged to be in violation of any requirements of [sections 1-14].

(2) No action may commence under this section: (a) prior to 60 days after the person preparing to bring the action has given notice to the department of the alleged violation and his intention to bring an enforcement action; or (b) if the department has begun and is diligently prosecuting a civil or criminal action in a court of competent jurisdiction.

(3) The court may award costs of litigation and reasonable attorney fees to the prevailing party in any litigation brought pursuant to this section.

(4) Venue for an action brought under this section shall be in the First Judicial District, Lewis and Clark County, or in the County of any defendant/respondent.

Section 15. Intent to be adequately funded. The voters, by their passage of this act, express their intent that the Montana legislature appropriate the necessary funding for the department to effectively administer and enforce [sections 1-6 and 8-14] and the rules to be adopted to implement [sections 1-6 and 8-14].

Section 16. Severability. If a part of [sections 1-6 and 8-14] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [sections 1-14] is invalid in one or more of its applications, all valid applications that are severable from the invalid application remain in effect.

Section 17. This act shall become effective as follows:

(1) Sections 12, 15 and 16 and this section shall become effective upon passage;

(2) Sections 1 through 11 and 13 through 14 shall become effective January 1, 1990.

NOTES

MONTANA CENTENNIAL MESSAGE FROM SECRETARY OF STATE

Election Day, November 8, 1988, is Montana's 99th birthday. It is our last election before going into our 100th year celebration. On November 8, 1988, Governor Ted Schwinden will proclaim the official beginning of the Centennial year and the start of our extraordinary calendar of programs to celebrate the Centennial border to border.

Elections have been very important in Montana for more than 100 years. Montana became a U.S. Territory in May, 1864. Montanans were happy to be a U.S. Territory but unhappy that they could not choose by ballot, their top state officials. The President of the United States appointed the territorial governor, secretary, judges, attorney and marshals for four-year terms. The citizens of Montana did, however, have the opportunity to vote for members of the House and the Council who served as the territorial legislative body. Other things were also quite different as there was no secret ballot, women could not vote, and Negroes and Indians were not permitted to vote. We petitioned for statehood after the Enabling Act was passed by the U.S. Congress and became law on February 22, 1889.

In 1889, when we became a state, we had the secret ballot and the opportunity to vote for all of our state officials. However, U.S. Senators were not chosen by direct vote of the people, they were chosen by the state legislature. The 15th amendment in 1870 had declared that we could not abridge the right of anyone to vote because of race, color or previous condition of servitude. In 1920, the 19th amendment to the U.S. Constitution was passed stating that a citizen's right to vote could not be denied because of sex. Of course, we in Montana were well ahead of this by granting women the right to vote by Constitutional Referendum on November 11, 1914. The first major election women voted at was the election of 1916.

I can think of no better way to enter Montana's 100th year than by exercising your privilege and sacred right of voting. A state is only as good as the people to whom we entrust it. A privilege and right too long neglected can be lost. So, I urge you to make this a truly significant citizen celebration by exercising your right to vote and helping and encouraging all Montana citizens to do the same. Happy 99th birthday and 100th year!

VERNER L. BERTELSEN
Secretary of State

ELECTION ADMINISTRATOR
County Courthouse

DO NOT FORWARD

Additional copies of this Voter Information Pamphlet may be obtained upon request from your county election administrator or the Secretary of State.

396,000 copies of this public document were published at an estimated cost of 7¢ per copy for a total cost of $27,660.80, which includes $27,660.80 for printing and $2,000.00 for distribution.