

HOUSE BILL 126

Introduced by Kadas, et al.

1/08	Introduced
1/08	Referred to Judiciary
1/08	First Reading
1/11	Fiscal Note Requested
1/11	Rereferred to State Administration
1/16	Fiscal Note Received
1/18	Fiscal Note Printed
2/04	Hearing
2/10	Committee Report--Bill Passed
2/13	2nd Reading Do Pass Motion Failed

of votes cast for the office of governor in the preceding general election."

Section 4. Article IV, section 8, of The Constitution of the State of Montana is amended to read:

"Section 8. Limitation on terms of office. (1) The secretary of state or other authorized official shall not certify a candidate's nomination or election to, or print or cause to be printed on any ballot the name of a candidate for, one of the following offices if, at the end of the current term of that office, the candidate will have served in that office or had he not resigned or been recalled would have served in that office:

(a) 8 or more years in any 16-year period as governor, lieutenant governor, secretary of state, state auditor, attorney general, or superintendent of public instruction;

(b) 8 or more years in any 16-year period as a state representative legislator;

~~(c) 8 or more years in any 16-year period as a state senator;~~

~~(d) 6 or more years in any 12-year period as a member of the U.S. house of representatives; and~~

~~(e) 12 or more years in any 24-year period as a member of the U.S. senate.~~

(2) (a) When computing time served for purposes of subsection (1), the provisions of subsection (1) do not

apply to time served in terms that end during or prior to January 1993.

(b) When computing time served for purposes of subsection (1)(b), time served as a state senator or state representative prior to the first day of the 1997 regular legislative session shall be counted.

(3) Nothing contained herein shall preclude an otherwise qualified candidate from being certified as nominated or elected by virtue of write-in votes cast for said candidate."

Section 5. Article V, section 1, of The Constitution of the State of Montana is amended to read:

"Section 1. Power and structure. The legislative power is vested in a unicameral legislature consisting of a senate and a house of representatives. The people reserve to themselves the powers of initiative and referendum."

Section 6. Article V, section 2, of The Constitution of the State of Montana is amended to read:

"Section 2. Size. The size of the legislature shall be provided by law, but the senate shall not have more than 50 or fewer than 40 members and the house it shall not have more than 100 or fewer than 80 members."

Section 7. Article V, section 3, of The Constitution of the State of Montana is amended to read:

"Section 3. Election and terms. A member of the house

of-representatives legislature shall be elected for a term of two--years-and-a-member-of-the-senate-for-a-term-of four years each to begin on a date provided by law. One-half of the senators legislators shall be elected every two years."

Section 8. Article V, section 10, of The Constitution of the State of Montana is amended to read:

"Section 10. Organization and procedure. (1) Each house The legislature shall judge the election and qualifications of its members. It may by law vest in the courts the power to try and determine contested elections. ~~Each-house~~ The legislature shall choose its officers from among its members, keep a journal, and make rules for its proceedings--Each-house and may expel or punish a member for good cause shown with the concurrence of two-thirds of all its members.

(2) A majority of--each-house constitutes a quorum. A smaller number may adjourn from day to day and compel attendance of absent members.

(3) The sessions of the legislature and of the committee of the whole, all committee meetings, and all hearings shall be open to the public.

(4) The legislature may establish a legislative council and other interim committees. The legislature shall establish a legislative post-audit committee which shall supervise post-auditing duties provided by law.

~~{5}--Neither--house--shall--without--the-consent-of-the other--adjourn-or-recess-for-more-than-three-days-or-to--any place-other-than-that-in-which-the-two-houses-are-sitting--"~~

Section 9. Article V, section 13, of The Constitution of the State of Montana is amended to read:

"Section 13. Impeachment. (1) The governor, executive officers, heads of state departments, judicial officers, and such other officers as may be provided by law are subject to impeachment, and upon conviction shall be removed from office. Other proceedings for removal from public office for cause may be provided by law.

(2) The legislature shall provide for the manner, procedure, and causes for impeachment ~~and--may--select--the senate-as-tribunal.~~

(3) Impeachment shall be brought only by a two-thirds vote of the house legislature. The ~~tribunal--hearing--the charges~~ legislature shall convict only by a vote of two-thirds or more of its members.

(4) Conviction shall extend only to removal from office, but the party, whether convicted or acquitted, shall also be liable to prosecution according to law."

Section 10. Article V, section 14, of The Constitution of the State of Montana is amended to read:

"Section 14. Districting and apportionment. (1) The state shall be divided into as many districts as there are

1 members of the house legislature, and each district shall
 2 elect one representative legislator. ~~Each--senate--district~~
 3 ~~shall--be--composed--of--two--adjoining-house-districts,--and~~
 4 ~~shall--elect--one--senator.~~ Each district shall consist of
 5 compact and contiguous territory. All districts shall be as
 6 nearly equal in population as is practicable.

7 (2) In the legislative session following ratification
 8 of this constitution and thereafter in each session
 9 preceding each federal population census, a commission of
 10 five citizens, none of whom may be public officials, shall
 11 be selected to prepare a plan for redistricting and
 12 reapportioning the state into legislative districts and a
 13 plan for redistricting the state into congressional
 14 districts. The majority and minority leaders of ~~each-house~~
 15 the legislature shall each designate ~~one--commissioner~~ two
 16 commissioners. Within 20 days after their designation, the
 17 four commissioners shall select the fifth member, who shall
 18 serve as chairman of the commission. If the four members
 19 fail to select the fifth member within the time prescribed,
 20 a majority of the supreme court shall select him.

21 (3) Within 90 days after the official final decennial
 22 census figures are available, the commission shall file its
 23 final plan for congressional districts with the secretary of
 24 state and it shall become law.

25 (4) The commission shall submit its plan for

1 legislative districts to the legislature at the first
 2 regular session after its appointment or after the census
 3 figures are available. Within 30 days after submission, the
 4 legislature shall return the plan to the commission with its
 5 recommendations. Within 30 days thereafter, the commission
 6 shall file its final plan for legislative districts with the
 7 secretary of state and it shall become law.

8 (5) Upon filing both plans, the commission is then
 9 dissolved."

10 **Section 11.** Article VI, section 8, of The Constitution
 11 of the State of Montana is amended to read:

12 "Section 8. **Appointing power.** (1) The departments
 13 provided for in section 7 shall be under the supervision of
 14 the governor. Except as otherwise provided in this
 15 constitution or by law, each department shall be headed by a
 16 single executive appointed by the governor subject to
 17 confirmation by the ~~senate~~ legislature to hold office until
 18 the end of the governor's term unless sooner removed by the
 19 governor.

20 (2) The governor shall appoint, subject to confirmation
 21 by the ~~senate~~ legislature, all officers provided for in this
 22 constitution or by law whose appointment or election is not
 23 otherwise provided for. They shall hold office until the end
 24 of the governor's term unless sooner removed by the
 25 governor.

(3) If a vacancy occurs in any such office when the legislature is not in session, the governor shall appoint a qualified person to discharge the duties thereof until the office is filled by appointment and confirmation.

(4) A person not confirmed by the senate legislature for an office shall not, except at its request, be nominated again for that office at the same session, or be appointed to that office when the legislature is not in session."

Section 12. Article VI, section 10, of The Constitution of the State of Montana is amended to read:

"Section 10. Veto power. (1) Each bill passed by the legislature, except bills proposing amendments to the Montana constitution, bills ratifying proposed amendments to the United States constitution, resolutions, and initiative and referendum measures, shall be submitted to the governor for his signature. If he does not sign or veto the bill within five days after its delivery to him if the legislature is in session or within 25 days if the legislature is adjourned, it shall become law. The governor shall return a vetoed bill to the legislature with a statement of his reasons therefor.

(2) The governor may return any bill to the legislature with his recommendation for amendment. If the legislature passes the bill in accordance with the governor's recommendation, it shall again return the bill to the

governor for his reconsideration. The governor shall not return a bill for amendment a second time.

(3) If after receipt of a veto message, two-thirds of the members of each-house the legislature present approve the bill, it shall become law.

(4) (a) If the legislature is not in session when the governor vetoes a bill approved by two-thirds of the members present, he shall return the bill with his reasons therefor to the secretary of state. The secretary of state shall poll the members of the legislature by mail and shall send each member a copy of the governor's veto message. If two-thirds or more of the members of each-house vote to override the veto, the bill shall become law.

(b) The legislature may reconvene as provided by law to reconsider any bill vetoed by the governor when the legislature is not in session.

(5) The governor may veto items in appropriation bills, and in such instances the procedure shall be the same as upon veto of an entire bill."

Section 13. Article VII, section 8, of The Constitution of the State of Montana is amended to read:

"Section 8. Selection. (1) Supreme court justices and district court judges shall be elected by the qualified electors as provided by law.

(2) For any vacancy in the office of supreme court

justice or district court judge, the governor shall appoint a replacement from nominees selected in the manner provided by law. If the governor fails to appoint within thirty days after receipt of nominees, the chief justice or acting chief justice shall make the appointment from the same nominees within thirty days of the governor's failure to appoint. Appointments made under this subsection shall be subject to confirmation by the senate legislature, as provided by law. If the appointee is not confirmed, the office shall be vacant and a replacement shall be made under the procedures provided for in this section. The appointee shall serve until the election for the office as provided by law and until a successor is elected and qualified. The person elected or retained at the election shall serve until the expiration of the term for which his predecessor was elected. No appointee, whether confirmed or unconfirmed, shall serve past the term of his predecessor without standing for election.

(3) If an incumbent files for election and there is no election contest for the office, the name of the incumbent shall nevertheless be placed on the general election ballot to allow the voters of the state or district to approve or reject him. If an incumbent is rejected, the vacancy in the office for which the election was held shall be filled as provided in subsection (2)."

Section 14. Article VIII, section 6, of The Constitution of the State of Montana is amended to read:

"Section 6. Highway revenue non-diversion. (1) Revenue from gross vehicle weight fees and excise and license taxes (except general sales and use taxes) on gasoline, fuel, and other energy sources used to propel vehicles on public highways shall be used as authorized by the legislature, after deduction of statutory refunds and adjustments, solely for:

(a) Payment of obligations incurred for construction, reconstruction, repair, operation, and maintenance of public highways, streets, roads, and bridges.

(b) Payment of county, city, and town obligations on streets, roads, and bridges.

(c) Enforcement of highway safety, driver education, tourist promotion, and administrative collection costs.

(2) Such revenue may be appropriated for other purposes by a three-fifths vote of the members of ~~each-house--of~~ the legislature."

Section 15. Article VIII, section 8, of The Constitution of the State of Montana is amended to read:

"Section 8. State debt. No state debt shall be created unless authorized by a two-thirds vote of the members of ~~each-house-of~~ the legislature or a majority of the electors voting thereon. No state debt shall be created to cover

1 deficits incurred because appropriations exceeded
2 anticipated revenue."

3 **Section 16.** Article IX, section 5, of The Constitution
4 of the State of Montana is amended to read:

5 "Section 5. Severance tax on coal -- trust fund. The
6 legislature shall dedicate not less than one-fourth (1/4) of
7 the coal severance tax to a trust fund, the interest and
8 income from which may be appropriated. The principal of the
9 trust shall forever remain inviolate unless appropriated by
10 vote of three-fourths (3/4) of the members of ~~each-house--of~~
11 the legislature. After December 31, 1979, at least fifty
12 percent (50%) of the severance tax shall be dedicated to the
13 trust fund."

14 **Section 17.** Article X, section 9, of The Constitution
15 of the State of Montana is amended to read:

16 "Section 9. Boards of education. (1) There is a state
17 board of education composed of the board of regents of
18 higher education and the board of public education. It is
19 responsible for long-range planning, and for coordinating
20 and evaluating policies and programs for the state's
21 educational systems. It shall submit unified budget
22 requests. A tie vote at any meeting may be broken by the
23 governor, who is an ex officio member of each component
24 board.

25 (2) (a) The government and control of the Montana

1 university system is vested in a board of regents of higher
2 education which shall have full power, responsibility, and
3 authority to supervise, coordinate, manage and control the
4 Montana university system and shall supervise and coordinate
5 other public educational institutions assigned by law.

6 (b) The board consists of seven members appointed by
7 the governor, and confirmed by the senate legislature, to
8 overlapping terms, as provided by law. The governor and
9 superintendent of public instruction are ex officio
10 non-voting members of the board.

11 (c) The board shall appoint a commissioner of higher
12 education and prescribe his term and duties.

13 (d) The funds and appropriations under the control of
14 the board of regents are subject to the same audit
15 provisions as are all other state funds.

16 (3) (a) There is a board of public education to
17 exercise general supervision over the public school system
18 and such other public educational institutions as may be
19 assigned by law. Other duties of the board shall be provided
20 by law.

21 (b) The board consists of seven members appointed by
22 the governor, and confirmed by the senate legislature, to
23 overlapping terms as provided by law. The governor,
24 commissioner of higher education and state superintendent of
25 public instruction shall be ex officio non-voting members of

1 the board."

2 **Section 18.** Article XIV, section 1, of The Constitution
3 of the State of Montana is amended to read:

4 "Section 1. Constitutional convention. The legislature,
5 by an affirmative vote of two-thirds of all the members,
6 ~~whether one or more bodies,~~ may at any time submit to the
7 qualified electors the question of whether there shall be an
8 unlimited convention to revise, alter, or amend this
9 constitution."

10 **Section 19.** Article XIV, section 4, of The Constitution
11 of the State of Montana is amended to read:

12 "Section 4. Call of convention. If a majority of those
13 voting on the question answer in the affirmative, the
14 legislature shall provide for the calling thereof at its
15 next session. The number of delegates to the convention
16 shall be the same as that of the ~~larger body of the~~
17 legislature. The qualifications of delegates shall be the
18 same as the highest qualifications required for election to
19 the legislature. The legislature shall determine whether the
20 delegates may be nominated on a partisan or a non-partisan
21 basis. They shall be elected at the same places and in the
22 same districts as are the members of the ~~legislative body,~~
23 ~~determining the number of delegates~~ legislature."

24 **Section 20.** Article XIV, section 8, of The Constitution
25 of the State of Montana is amended to read:

1 "Section 8. Amendment by legislative referendum.
2 Amendments to this constitution may be proposed by any
3 member of the legislature. If adopted by an affirmative roll
4 call vote of two-thirds of all the members thereof, ~~whether~~
5 ~~one or more bodies,~~ the proposed amendment shall be
6 submitted to the qualified electors at the next general
7 election. If approved by a majority of the electors voting
8 thereon, the amendment shall become a part of this
9 constitution on the first day of July after certification of
10 the election returns unless the amendment provides
11 otherwise."

12 NEW SECTION. **Section 21.** The Constitution of the State
13 of Montana is amended to add the following:

14 **Transition schedule.** (1) The first unicameral
15 legislature shall be elected at the November 1996 general
16 election. The unicameral legislature shall consist of 100
17 members until the November 2004 general election. For that
18 election and thereafter, the legislature shall, as required
19 by Article V, section 2, of this constitution, consist of 80
20 to 100 members as provided by law. For purposes of the
21 legislature elected in November 1996 and until
22 reapportionment in 2003, the legislative districts are the
23 senate districts that became law in 1993.

24 (2) Senators elected in November 1994 shall serve a
25 two-year term.

(3) All 100 members of the unicameral legislature shall be elected at the November 1996 general election, but those elected in the odd-numbered districts at that election shall serve a term of only two years.

(4) This provision shall remain a part of this constitution until the terms of the provision have been executed. Execution of the terms shall be certified to the secretary of state by the attorney general, after which this provision shall no longer be published as a part of this constitution.

NEW SECTION. Section 22. Effective dates. (1) If approved by the electorate, sections 1 through 20 are effective on the first day of the 1997 regular legislative session.

(2) If approved by the electorate, section 21 and this section are effective on the date of approval.

NEW SECTION. Section 23. Submission to electorate. This amendment shall be submitted to the qualified electors of Montana at the general election to be held in November 1994 by printing on the ballot the full title of this act and the following:

☐ FOR an 80- to 100-member, unicameral legislature.

☐ AGAINST an 80- to 100-member, unicameral legislature.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0126, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION: Constitutional Referendum creating a unicameral Legislature composed of 80 to 100 members. Election on the referendum to be held in November, 1994. First unicameral Legislature to be elected November, 1996 and seated January 1997. Redistricting of the unicameral Legislature will take place in 2003.

ASSUMPTIONS:

Legislative Council

1. As a Constitutional Amendment, this bill, if passed by the Legislature, must be referred to the electorate for approval or disapproval at the general election to be held in November, 1994.
2. There will be no fiscal impact on the legislature or the Legislative Council during the 1995 biennium.

Secretary of State

3. The executive current level budget includes funding for the costs of placement of at least one Constitutional Amendment on the 1994 ballot.
4. The first 100 member unicameral legislature will not be elected until 1996.
5. No changes in the electoral process will be necessary in FY94 or FY95.
6. Filing fees for the legislature will remain at current level.

FISCAL IMPACT:

None.

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

If this bill is passed and approved and the electorate approves the proposed amendment, there will be a fiscal impact on the 55th Legislature (1997). Reduction of 50 legislators is comparable to the elimination of the entire Senate. The feed bill (HB1) for the current session appropriates \$1,782,666 for the operation of the Senate. It is reasonable to assume that an amount equal to or exceeding this amount (due to inflation) would be unnecessary in the feed bill for the 1997 and future sessions.

Approval of the bill and the amendment would also cause a decline in revenue from legislative filing fees. The reduction in revenue would be approximately \$750 in FY96 and approximately \$2,250 in FY98 and each even numbered fiscal year thereafter.

David Lewis 1-16-93
DAVID LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

Mike Kadas 1-18-93
MIKE KADAS, PRIMARY SPONSOR DATE

Fiscal Note for HB0126, as introduced

HB 126

53rd Legislature re-referred and LC 0392/01
CONSTITUTIONAL AMENDMENT APPROVED BY COMMITTEE
ON STATE ADMINISTRATION

LC 0392/01

1 House BILL NO. 126
2 INTRODUCED BY Kadas Bob Brown & Banfield
3 etc

4 A BILL FOR AN ACT ENTITLED: "AN ACT SUBMITTING TO THE
5 QUALIFIED ELECTORS OF MONTANA AN AMENDMENT TO THE MONTANA
6 CONSTITUTION TO CREATE AN 80- TO 100-MEMBER, UNICAMERAL
7 LEGISLATURE; AND PROVIDING EFFECTIVE DATES."

8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 **Section 1.** Article III, section 4, of The Constitution
11 of the State of Montana is amended to read:

12 "Section 4. Initiative. (1) The people may enact laws
13 by initiative on all matters except appropriations of money
14 and local or special laws.

15 (2) Initiative petitions must contain the full text of
16 the proposed measure, shall be signed by at least five
17 percent of the qualified electors in each of at least
18 one-third of the legislative representative districts and
19 the total number of signers must be at least five percent of
20 the total qualified electors of the state. Petitions shall
21 be filed with the secretary of state at least three months
22 prior to the election at which the measure will be voted
23 upon.

24 (3) The sufficiency of the initiative petition shall
25 not be questioned after the election is held."

1 **Section 2.** Article III, section 5, of The Constitution
2 of the State of Montana is amended to read:

3 "Section 5. Referendum. (1) The people may approve or
4 reject by referendum any act of the legislature except an
5 appropriation of money. A referendum shall be held either
6 upon order by the legislature or upon petition signed by at
7 least five percent of the qualified electors in each of at
8 least one-third of the legislative representative districts.
9 The total number of signers must be at least five percent of
10 the qualified electors of the state. A referendum petition
11 shall be filed with the secretary of state no later than six
12 months after adjournment of the legislature which passed the
13 act.

14 (2) An act referred to the people is in effect until
15 suspended by petitions signed by at least 15 percent of the
16 qualified electors in a majority of the legislative
17 representative districts. If so suspended the act shall
18 become operative only after it is approved at an election,
19 the result of which has been determined and declared as
20 provided by law."

21 **Section 3.** Article III, section 7, of The Constitution
22 of the State of Montana is amended to read:

23 "Section 7. Number of electors. The number of qualified
24 electors required in each legislative representative
25 district and in the state shall be determined by the number

of votes cast for the office of governor in the preceding general election."

Section 4. Article IV, section 8, of The Constitution of the State of Montana is amended to read:

"Section 8. Limitation on terms of office. (1) The secretary of state or other authorized official shall not certify a candidate's nomination or election to, or print or cause to be printed on any ballot the name of a candidate for, one of the following offices if, at the end of the current term of that office, the candidate will have served in that office or had he not resigned or been recalled would have served in that office:

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~~(d)~~ (c) 6 or more years in any 12-year period as a member of the U.S. house of representatives; and

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apply to time served in terms that end during or prior to January 1993.

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15 its members.

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17 smaller number may adjourn from day to day and compel
18 attendance of absent members.

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23 and other interim committees. The legislature shall
24 establish a legislative post-audit committee which shall
25 supervise post-auditing duties provided by law.

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13 procedure, and causes for impeachment and--may--select--the
14 senate-as-tribunal.

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(2) In the legislative session following ratification of this constitution and thereafter in each session preceding each federal population census, a commission of five citizens, none of whom may be public officials, shall be selected to prepare a plan for redistricting and reapportioning the state into legislative districts and a plan for redistricting the state into congressional districts. The majority and minority leaders of each-house the legislature shall each designate one--~~commissioner~~ two commissioners. Within 20 days after their designation, the four commissioners shall select the fifth member, who shall serve as chairman of the commission. If the four members fail to select the fifth member within the time prescribed, a majority of the supreme court shall select him.

(3) Within 90 days after the official final decennial census figures are available, the commission shall file its final plan for congressional districts with the secretary of state and it shall become law.

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legislative districts to the legislature at the first regular session after its appointment or after the census figures are available. Within 30 days after submission, the legislature shall return the plan to the commission with its recommendations. Within 30 days thereafter, the commission shall file its final plan for legislative districts with the secretary of state and it shall become law.

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(2) The governor shall appoint, subject to confirmation by the senate legislature, all officers provided for in this constitution or by law whose appointment or election is not otherwise provided for. They shall hold office until the end of the governor's term unless sooner removed by the governor.

(3) If a vacancy occurs in any such office when the legislature is not in session, the governor shall appoint a qualified person to discharge the duties thereof until the office is filled by appointment and confirmation.

(4) A person not confirmed by the senate legislature for an office shall not, except at its request, be nominated again for that office at the same session, or be appointed to that office when the legislature is not in session."

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"Section 10. Veto power. (1) Each bill passed by the legislature, except bills proposing amendments to the Montana constitution, bills ratifying proposed amendments to the United States constitution, resolutions, and initiative and referendum measures, shall be submitted to the governor for his signature. If he does not sign or veto the bill within five days after its delivery to him if the legislature is in session or within 25 days if the legislature is adjourned, it shall become law. The governor shall return a vetoed bill to the legislature with a statement of his reasons therefor.

(2) The governor may return any bill to the legislature with his recommendation for amendment. If the legislature passes the bill in accordance with the governor's recommendation, it shall again return the bill to the

governor for his reconsideration. The governor shall not return a bill for amendment a second time.

(3) If after receipt of a veto message, two-thirds of the members of each-house the legislature present approve the bill, it shall become law.

(4) (a) If the legislature is not in session when the governor vetoes a bill approved by two-thirds of the members present, he shall return the bill with his reasons therefor to the secretary of state. The secretary of state shall poll the members of the legislature by mail and shall send each member a copy of the governor's veto message. If two-thirds or more of the members of each-house vote to override the veto, the bill shall become law.

(b) The legislature may reconvene as provided by law to reconsider any bill vetoed by the governor when the legislature is not in session.

(5) The governor may veto items in appropriation bills, and in such instances the procedure shall be the same as upon veto of an entire bill."

Section 13. Article VII, section 8, of The Constitution of the State of Montana is amended to read:

"Section 8. Selection. (1) Supreme court justices and district court judges shall be elected by the qualified electors as provided by law.

(2) For any vacancy in the office of supreme court

1 justice or district court judge, the governor shall appoint
 2 a replacement from nominees selected in the manner provided
 3 by law. If the governor fails to appoint within thirty days
 4 after receipt of nominees, the chief justice or acting chief
 5 justice shall make the appointment from the same nominees
 6 within thirty days of the governor's failure to appoint.
 7 Appointments made under this subsection shall be subject to
 8 confirmation by the senate legislature, as provided by law.
 9 If the appointee is not confirmed, the office shall be
 10 vacant and a replacement shall be made under the procedures
 11 provided for in this section. The appointee shall serve
 12 until the election for the office as provided by law and
 13 until a successor is elected and qualified. The person
 14 elected or retained at the election shall serve until the
 15 expiration of the term for which his predecessor was
 16 elected. No appointee, whether confirmed or unconfirmed,
 17 shall serve past the term of his predecessor without
 18 standing for election.

19 (3) If an incumbent files for election and there is no
 20 election contest for the office, the name of the incumbent
 21 shall nevertheless be placed on the general election ballot
 22 to allow the voters of the state or district to approve or
 23 reject him. If an incumbent is rejected, the vacancy in the
 24 office for which the election was held shall be filled as
 25 provided in subsection (2)."

1 **Section 14.** Article VIII, section 6, of The
 2 Constitution of the State of Montana is amended to read:

3 "Section 6. Highway revenue non-diversion. (1) Revenue
 4 from gross vehicle weight fees and excise and license taxes
 5 (except general sales and use taxes) on gasoline, fuel, and
 6 other energy sources used to propel vehicles on public
 7 highways shall be used as authorized by the legislature,
 8 after deduction of statutory refunds and adjustments, solely
 9 for:

10 (a) Payment of obligations incurred for construction,
 11 reconstruction, repair, operation, and maintenance of public
 12 highways, streets, roads, and bridges.

13 (b) Payment of county, city, and town obligations on
 14 streets, roads, and bridges.

15 (c) Enforcement of highway safety, driver education,
 16 tourist promotion, and administrative collection costs.

17 (2) Such revenue may be appropriated for other purposes
 18 by a three-fifths vote of the members of each-house--of the
 19 legislature."

20 **Section 15.** Article VIII, section 8, of The
 21 Constitution of the State of Montana is amended to read:

22 "Section 8. State debt. No state debt shall be created
 23 unless authorized by a two-thirds vote of the members of
 24 each-house-of the legislature or a majority of the electors
 25 voting thereon. No state debt shall be created to cover

1 deficits incurred because appropriations exceeded
2 anticipated revenue."

3 **Section 16.** Article IX, section 5, of The Constitution
4 of the State of Montana is amended to read:

5 "Section 5. Severance tax on coal -- trust fund. The
6 legislature shall dedicate not less than one-fourth (1/4) of
7 the coal severance tax to a trust fund, the interest and
8 income from which may be appropriated. The principal of the
9 trust shall forever remain inviolate unless appropriated by
10 vote of three-fourths (3/4) of the members of each-house--of
11 the legislature. After December 31, 1979, at least fifty
12 percent (50%) of the severance tax shall be dedicated to the
13 trust fund."

14 **Section 17.** Article X, section 9, of The Constitution
15 of the State of Montana is amended to read:

16 "Section 9. Boards of education. (1) There is a state
17 board of education composed of the board of regents of
18 higher education and the board of public education. It is
19 responsible for long-range planning, and for coordinating
20 and evaluating policies and programs for the state's
21 educational systems. It shall submit unified budget
22 requests. A tie vote at any meeting may be broken by the
23 governor, who is an ex officio member of each component
24 board.

25 (2) (a) The government and control of the Montana

1 university system is vested in a board of regents of higher
2 education which shall have full power, responsibility, and
3 authority to supervise, coordinate, manage and control the
4 Montana university system and shall supervise and coordinate
5 other public educational institutions assigned by law.

6 (b) The board consists of seven members appointed by
7 the governor, and confirmed by the senate legislature, to
8 overlapping terms, as provided by law. The governor and
9 superintendent of public instruction are ex officio
10 non-voting members of the board.

11 (c) The board shall appoint a commissioner of higher
12 education and prescribe his term and duties.

13 (d) The funds and appropriations under the control of
14 the board of regents are subject to the same audit
15 provisions as are all other state funds.

16 (3) (a) There is a board of public education to
17 exercise general supervision over the public school system
18 and such other public educational institutions as may be
19 assigned by law. Other duties of the board shall be provided
20 by law.

21 (b) The board consists of seven members appointed by
22 the governor, and confirmed by the senate legislature, to
23 overlapping terms as provided by law. The governor,
24 commissioner of higher education and state superintendent of
25 public instruction shall be ex officio non-voting members of

1 the board."

2 **Section 18.** Article XIV, section 1, of The Constitution
3 of the State of Montana is amended to read:

4 "Section 1. Constitutional convention. The legislature,
5 by an affirmative vote of two-thirds of all the members,
6 whether-one-or-more-bodies, may at any time submit to the
7 qualified electors the question of whether there shall be an
8 unlimited convention to revise, alter, or amend this
9 constitution."

10 **Section 19.** Article XIV, section 4, of The Constitution
11 of the State of Montana is amended to read:

12 "Section 4. Call of convention. If a majority of those
13 voting on the question answer in the affirmative, the
14 legislature shall provide for the calling thereof at its
15 next session. The number of delegates to the convention
16 shall be the same as that of the larger--body--of--the
17 legislature. The qualifications of delegates shall be the
18 same as the highest qualifications required for election to
19 the legislature. The legislature shall determine whether the
20 delegates may be nominated on a partisan or a non-partisan
21 basis. They shall be elected at the same places and in the
22 same districts as are the members of the legislative-body
23 determining-the-number-of-delegates legislature."

24 **Section 20.** Article XIV, section 8, of The Constitution
25 of the State of Montana is amended to read:

1 "Section 8. Amendment by legislative referendum.
2 Amendments to this constitution may be proposed by any
3 member of the legislature. If adopted by an affirmative roll
4 call vote of two-thirds of all the members thereof, whether
5 one---or---more---bodies, the proposed amendment shall be
6 submitted to the qualified electors at the next general
7 election. If approved by a majority of the electors voting
8 thereon, the amendment shall become a part of this
9 constitution on the first day of July after certification of
10 the election returns unless the amendment provides
11 otherwise."

12 **NEW SECTION. Section 21.** The Constitution of the State
13 of Montana is amended to add the following:

14 **Transition schedule.** (1) The first unicameral
15 legislature shall be elected at the November 1996 general
16 election. The unicameral legislature shall consist of 100
17 members until the November 2004 general election. For that
18 election and thereafter, the legislature shall, as required
19 by Article V, section 2, of this constitution, consist of 80
20 to 100 members as provided by law. For purposes of the
21 legislature elected in November 1996 and until
22 reapportionment in 2003, the legislative districts are the
23 senate districts that became law in 1993.

24 (2) Senators elected in November 1994 shall serve a
25 two-year term.

(3) All 100 members of the unicameral legislature shall be elected at the November 1996 general election, but those elected in the odd-numbered districts at that election shall serve a term of only two years.

(4) This provision shall remain a part of this constitution until the terms of the provision have been executed. Execution of the terms shall be certified to the secretary of state by the attorney general, after which this provision shall no longer be published as a part of this constitution.

NEW SECTION. Section 22. Effective dates. (1) If approved by the electorate, sections 1 through 20 are effective on the first day of the 1997 regular legislative session.

(2) If approved by the electorate, section 21 and this section are effective on the date of approval.

NEW SECTION. Section 23. Submission to electorate. This amendment shall be submitted to the qualified electors of Montana at the general election to be held in November 1994 by printing on the ballot the full title of this act and the following:

☐ FOR an 80- to 100-member, unicameral legislature.

☐ AGAINST an 80- to 100-member, unicameral legislature.

-End-