

1 SENATE BILL NO. 37
2 INTRODUCED BY BISHOP

4 A BILL FOR AN ACT ENTITLED: "AN ACT IMPLEMENTING THE RECOMMENDATION OF THE GOVERNOR'S
5 TASK FORCE TO RENEW MONTANA GOVERNMENT BY SUBMITTING TO THE QUALIFIED ELECTORS OF
6 MONTANA AN AMENDMENT TO COMBINE THE OFFICES OF THE LIEUTENANT GOVERNOR AND THE
7 SECRETARY OF STATE; PROVIDING THAT CANDIDATES FOR THE OFFICES OF SECRETARY OF STATE
8 AND GOVERNOR FILE JOINTLY; AMENDING ARTICLE IV, SECTION 8, AND ARTICLE VI, SECTIONS 1, 2,
9 3, 4, 6, 7, AND 14, OF THE MONTANA CONSTITUTION; PROVIDING FOR THE TRANSITION TO A SINGLE
10 OFFICE; AND PROVIDING A DELAYED EFFECTIVE DATE."

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

13

14 **Section 1.** Article IV, section 8, of The Constitution of the State of Montana is amended to read:

15 **"Section 8. Limitation on terms of office.** (1) The secretary of state or other authorized official

16 shall not certify a candidate's nomination or election to, or print or cause to be printed on any ballot the

17 name of a candidate for, one of the following offices if, at the end of the current term of that office, the

18 candidate will have served in that office or had ~~he~~ the candidate not resigned or been recalled would have

19 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;

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

24 (d) 6 or more years in any 12-year period as a member of the U.S. house of representatives; and
25 (e) 12 or more years in any 24-year period as a member of the U.S. senate.

27 do not apply to time served in terms that end during or prior to January 1993.

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

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

2 **"Section 1. Officers.** (1) The executive branch includes a governor, ~~lieutenant governor~~, secretary
3 of state, attorney general, superintendent of public instruction, and auditor.

4 (2) Each holds office for a term of four years which begins on the first Monday of January next
5 succeeding election, and until a successor is elected and qualified.

6 (3) Each shall reside at the seat of government, there keep the public records of ~~his~~ each office,
7 and perform such other duties as are provided in this constitution and by law."

9 **Section 3.** Article VI, section 2, of The Constitution of the State of Montana is amended to read:

10 **"Section 2. Election.** (1) The governor, ~~lieutenant governor~~, secretary of state, attorney general,
11 superintendent of public instruction, and auditor shall be elected by the qualified electors at a general
12 election provided by law.

13 (2) Each candidate for governor shall file jointly with a candidate for ~~lieutenant governor~~ secretary
14 of state in primary elections, or so otherwise comply with nomination procedures provided by law that the
15 offices of governor and ~~lieutenant governor~~ secretary of state are voted upon together in primary and
16 general elections."

18 **Section 4.** Article VI, section 3, of The Constitution of the State of Montana is amended to read:

19 **"Section 3. Qualifications.** (1) No person shall be eligible to the office of governor, ~~lieutenant~~
20 ~~governor~~, secretary of state, attorney general, superintendent of public instruction, or auditor unless ~~he~~ the
21 person is 25 years of age or older at the time of ~~his~~ election. In addition, each shall be a citizen of the
22 United States who has resided within the state two years next preceding ~~his~~ the person's election.

23 (2) Any person with the foregoing qualifications is eligible to the office of attorney general if an
24 attorney in good standing admitted to practice law in Montana who has engaged in the active practice
25 thereof for at least five years before election.

26 (3) The superintendent of public instruction shall have such educational qualifications as are
27 provided by law."

29 **Section 5.** Article VI, section 4, of The Constitution of the State of Montana is amended to read:

30 **"Section 4. Duties.** (1) The executive power is vested in the governor who shall see that the laws

1 are faithfully executed. ~~He~~ The governor shall have such other duties as are provided in this constitution
2 and by law.

3 (2) ~~The lieutenant governor shall perform the duties provided by law and those delegated to him by the governor.~~ No power specifically vested in the governor by this constitution may be delegated to the
4 ~~lieutenant governor~~ secretary of state.

5 (3) The secretary of state shall maintain official records of the executive branch and of the acts
6 of the legislature, as provided by law. ~~He~~ The secretary of state shall keep the great seal of the state of
7 Montana and perform any other duties provided by law.

8 (4) The attorney general is the legal officer of the state and shall have the duties and powers
9 provided by law.

10 (5) The superintendent of public instruction and the auditor shall have such duties as are provided
11 by law."

12

13 **Section 6.** Article VI, section 6, of The Constitution of the State of Montana is amended to read:

14 "Section 6. Vacancy in office. (1) If the office of ~~lieutenant governor~~ secretary of state becomes
15 vacant by ~~his~~ the secretary's succession to the office of governor, or by ~~his~~ death, resignation, or disability
16 as determined by law, the governor shall appoint a qualified person to serve in that office for the remainder
17 of the term. If both the elected governor and the elected ~~lieutenant governor~~ secretary of state become
18 unable to serve in the office of governor, succession to the respective offices shall be as provided by law
19 for the period until the next general election. Then, a governor and ~~lieutenant governor~~ secretary of state
20 shall be elected to fill the remainder of the original term.

21 (2) If the office of ~~secretary of state~~, attorney general, auditor, or superintendent of public
22 instruction becomes vacant by death, resignation, or disability as determined by law, the governor shall
23 appoint a qualified person to serve in that office until the next general election and until a successor is
24 elected and qualified. The person elected to fill a vacancy shall hold the office until the expiration of the
25 term for which ~~his~~ the person's predecessor was elected."

26

27 **Section 7.** Article VI, section 7, of The Constitution of the State of Montana is amended to read:

28 "Section 7. 20 departments. All executive and administrative offices, boards, bureaus,
29 commissions, agencies and instrumentalities of the executive branch (except for the office of governor,
30

1 ~~lieutenant governor~~, secretary of state, attorney general, superintendent of public instruction, and auditor)
2 and their respective functions, powers, and duties, shall be allocated by law among not more than 20
3 principal departments so as to provide an orderly arrangement in the administrative organization of state
4 government. Temporary commissions may be established by law and need not be allocated within a
5 department."

6

7 **Section 8.** Article VI, section 14, of The Constitution of the State of Montana is amended to read:

8 **"Section 14. Succession.** (1) If the governor-elect is disqualified or dies, the ~~lieutenant~~
9 ~~governor elect~~ secretary of state-elect upon qualifying for the office shall become governor for the full term.
10 If the governor-elect fails to assume office for any other reason, the ~~lieutenant governor elect~~ secretary of
11 state-elect upon qualifying as such shall serve as acting governor until the governor-elect is able to assume
12 office, or until the office becomes vacant.

13 (2) The ~~lieutenant governor~~ secretary of state shall serve as acting governor when so requested
14 in writing by the governor. After the governor has been absent from the state for more than 45 consecutive
15 days, the ~~lieutenant governor~~ secretary of state shall serve as acting governor.

16 (3) ~~He~~ The secretary of state shall serve as acting governor when the governor is so disabled as
17 to be unable to communicate to the ~~lieutenant governor~~ secretary of state the fact of ~~his~~ the governor's
18 inability to perform the duties of ~~his~~ the governor's office. The ~~lieutenant governor~~ secretary of state shall
19 continue to serve as acting governor until the governor is able to resume the duties of ~~his~~ office.

20 (4) Whenever, at any other time, the ~~lieutenant governor~~ secretary of state and attorney general
21 transmit to the legislature their written declaration that the governor is unable to discharge the powers and
22 duties of ~~his~~ the governor's office, the legislature shall convene to determine whether ~~he~~ the governor is
23 able to do so.

24 (5) If the legislature, within 21 days after convening, determines by two-thirds vote of its members
25 that the governor is unable to discharge the powers and duties of ~~his~~ office, the ~~lieutenant governor~~
26 secretary of state shall serve as acting governor. Thereafter, when the governor transmits to the legislature
27 ~~his~~ a written declaration that no inability exists, ~~he~~ the governor shall resume the powers and duties of ~~his~~
28 office within 15 days, unless the legislature determines otherwise by two-thirds vote of its members. If the
29 legislature so determines, the ~~lieutenant governor~~ secretary of state shall continue to serve as acting
30 governor.

(6) If the office of governor becomes vacant by reason of death, resignation, or disqualification, the ~~lieutenant governor~~ secretary of state shall become governor for the remainder of the term, except as provided in this constitution.

(7) Additional succession to fill vacancies shall be provided by law.

(8) When there is a vacancy in the office of governor, the successor shall be the governor. The acting governor shall have the powers and duties of the office of governor only for the period during which he the acting governor serves."

NEW SECTION. **Section 9. Transition.** In order to implement this act, candidates for the offices of secretary of state and governor shall file jointly for the primary election in June 2000.

NEW SECTION. **Section 10. Effective date.** If approved by the electorate, this act is effective January 1, 2001.

NEW SECTION. **Section 11. Submission to electorate.** This amendment shall be submitted to the qualified electors of Montana at the general election to be held in November 1996 by printing on the ballot the full title of this act and the following:

[] FOR combining the offices of lieutenant governor and secretary of state and requiring candidates for secretary of state and governor to file jointly.

[] AGAINST combining the offices of lieutenant governor and secretary of state and requiring candidates for secretary of state and governor to file jointly.

-END-



STATE OF MONTANA - FISCAL NOTE

Fiscal Note for SB0037, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

Implementing the recommendation of the Governor's Task Force to Renew Montana Government by submitting to the qualified electors of Montana an amendment to combine the offices of Lieutenant Governor and the Secretary of State.

ASSUMPTIONS:

1. If approved by the electorate, the constitutional amendment will become effective January 1, 2001. Therefore, no change in the current structure of the executive branch will take place during the 1997 biennium.
2. If approved by the electorate, the position of Lieutenant Governor and 1.00 FTE will be eliminated January 1, 2001. The elimination of the position is estimated to reduce general fund by approximately \$49,300 each year. Estimated reductions in associated travel expenses will reduce general fund by another \$16,500 per year.
3. If approved by the electorate, it is assumed that the merging of the Lieutenant Governor's Office and the Secretary of State's Office will result in some duplication of administrative and administrative support resources. It is estimated that elimination of 1.00 FTE administrative position and 1.00 FTE Grade 6 administrative support position will create a reduction of approximately \$63,400 each year. If the FTE were eliminated from the Secretary of State's Office, the reduction will be in proprietary funds.
4. Election costs in fiscal year 1997 related to the publication and distribution of the Voter Information Pamphlet (VIP) and the publication of the complete text of the constitutional amendment in newspapers of general circulation are included in the present law base levels for the Secretary of State's Office in the Governor's Executive Budget. At the present time, no constitutional amendments have been placed on the November, 1996, ballot.

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

If approved by the electorate, there will be a permanent reduction of 3.00 FTE and approximately \$129,000 each year beginning January 1, 2001.

Dave Lewis 1-17-95
DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

Al Bishop 1/18/95
AL BISHOP, PRIMARY SPONSOR DATE

Fiscal Note for SB0037, as introduced

SB 37

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4 A BILL FOR AN ACT ENTITLED: "AN ACT IMPLEMENTING THE RECOMMENDATION OF THE GOVERNOR'S
5 TASK FORCE TO RENEW MONTANA GOVERNMENT BY SUBMITTING TO THE QUALIFIED ELECTORS OF
6 MONTANA AN AMENDMENT TO ~~COMBINE THE OFFICES OF THE LIEUTENANT GOVERNOR AND THE~~
7 ~~ELIMINATE THE OFFICE OF SECRETARY OF STATE AND ASSIGNING THE DUTIES OF THAT OFFICE TO~~
8 ~~THE LIEUTENANT GOVERNOR; PROVIDING THAT CANDIDATES FOR THE OFFICES OF SECRETARY OF~~
9 ~~STATE AND GOVERNOR FILE JOINTLY; AMENDING ARTICLE III, SECTIONS 4 AND 5, ARTICLE IV,~~
10 ~~SECTION 8, AND ARTICLE V, SECTION 14, ARTICLE VI, SECTIONS 1, 2, 3, 4, 6, 7, AND 14 10, ARTICLE~~
11 ~~X, SECTION 4, AND ARTICLE XIV, SECTIONS 2 AND 9, OF THE MONTANA CONSTITUTION; PROVIDING~~
12 ~~FOR THE TRANSITION TO A SINGLE OFFICE; AND PROVIDING A DELAYED EFFECTIVE DATE."~~

13
14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

15
16 SECTION 1. ARTICLE III, SECTION 4, OF THE CONSTITUTION OF THE STATE OF MONTANA IS
17 AMENDED TO READ:

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

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

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

26
27 SECTION 2. ARTICLE III, SECTION 5, OF THE CONSTITUTION OF THE STATE OF MONTANA IS
28 AMENDED TO READ:

29 "Section 5. Referendum. (1) The people may approve or reject by referendum any act of the
30 legislature except an appropriation of money. A referendum shall be held either upon order by the legislature

1 or upon petition signed by at least five percent of the qualified electors in each of at least one-third of the
2 legislative representative districts. The total number of signers must be at least five percent of the qualified
3 electors of the state. A referendum petition shall be filed with the ~~secretary of state~~ lieutenant governor no
4 later than six months after adjournment of the legislature which passed the act.

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

9

10 **Section 3.** Article IV, section 8, of The Constitution of the State of Montana is amended to read:

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

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

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

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

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

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

22 (2) When computing time served for purposes of subsection (1), the provisions of subsection (1)
23 do not apply to time served in terms that end during or prior to January 1993.

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

26

27 **SECTION 4. ARTICLE V, SECTION 14, OF THE CONSTITUTION OF THE STATE OF MONTANA IS**
28 **AMENDED TO READ:**

29 **"Section 14. Districting and apportionment.** (1) The state shall be divided into as many districts
30 as there are members of the house, and each district shall elect one representative. Each senate district



1 shall be composed of two adjoining house districts, and shall elect one senator. Each district shall consist
2 of compact and contiguous territory. All districts shall be as nearly equal in population as is practicable.

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

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

14 (4) The commission shall submit its plan for legislative districts to the legislature at the first regular
15 session after its appointment or after the census figures are available. Within 30 days after submission, the
16 legislature shall return the plan to the commission with its recommendations. Within 30 days thereafter,
17 the commission shall file its final plan for legislative districts with the ~~secretary of state~~ lieutenant governor
18 and it shall become law.

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

20
21 **Section 5.** Article VI, section 1, of The Constitution of the State of Montana is amended to read:

22 "**Section 1. Officers.** (1) The executive branch includes a governor, ~~lieutenant governor, secretary~~
23 ~~of state~~ LIEUTENANT GOVERNOR, attorney general, superintendent of public instruction, and auditor.

24 (2) Each holds office for a term of four years which begins on the first Monday of January next
25 succeeding election, and until a successor is elected and qualified.

26 (3) Each shall reside at the seat of government, there keep the public records of ~~his~~ each office,
27 and perform such other duties as are provided in this constitution and by law."

28
29 **Section 6.** Article VI, section 2, of The Constitution of the State of Montana is amended to read:
30 "**Section 2. Election.** (1) The governor, ~~lieutenant governor, secretary of state~~ LIEUTENANT

1 GOVERNOR, attorney general, superintendent of public instruction, and auditor shall be elected by the
2 qualified electors at a general election provided by law.

3 (2) Each candidate for governor shall file jointly with a candidate for ~~lieutenant governor~~ secretary
4 of state LIEUTENANT GOVERNOR in primary elections, or so otherwise comply with nomination procedures
5 provided by law that the offices of governor and ~~lieutenant governor~~ secretary of state LIEUTENANT
6 GOVERNOR are voted upon together in primary and general elections."

7

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

9 **"Section 3. Qualifications.** (1) No person shall be eligible to the office of governor, ~~lieutenant~~
10 governor, secretary of state LIEUTENANT GOVERNOR, attorney general, superintendent of public
11 instruction, or auditor unless ~~he~~ the person is 25 years of age or older at the time of ~~his~~ election. In
12 addition, each shall be a citizen of the United States who has resided within the state two years next
13 preceding ~~his~~ the person's election.

14 (2) Any person with the foregoing qualifications is eligible to the office of attorney general if an
15 attorney in good standing admitted to practice law in Montana who has engaged in the active practice
16 thereof for at least five years before election.

17 (3) The superintendent of public instruction shall have such educational qualifications as are
18 provided by law."

19

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

21 **"Section 4. Duties.** (1) The executive power is vested in the governor who shall see that the laws
22 are faithfully executed. ~~He~~ The governor shall have such other duties as are provided in this constitution
23 and by law.

24 (2) ~~The lieutenant governor shall perform the duties provided by law and those delegated to him~~
25 by the governor. THE LIEUTENANT GOVERNOR SHALL PERFORM THE DUTIES PROVIDED BY LAW AND
26 THOSE DELEGATED BY THE GOVERNOR. No power specifically vested in the governor by this constitution
27 may be delegated to the ~~lieutenant governor~~ secretary of state LIEUTENANT GOVERNOR.

28 (3) The secretary of state LIEUTENANT GOVERNOR shall maintain official records of the executive
29 branch and of the acts of the legislature, as provided by law. ~~He~~ The secretary of state LIEUTENANT
30 GOVERNOR shall keep the great seal of the state of Montana and perform any other duties provided by law.

1 (4) The attorney general is the legal officer of the state and shall have the duties and powers
2 provided by law.

3 (5) The superintendent of public instruction and the auditor shall have such duties as are provided
4 by law."

5

6 **Section 9.** Article VI, section 6, of The Constitution of the State of Montana is amended to read:

7 **"Section 6. Vacancy in office.** (1) If the office of ~~lieutenant governor~~ ~~secretary of state~~
8 LIEUTENANT GOVERNOR becomes vacant by ~~his~~ ~~the secretary's~~ LIEUTENANT GOVERNOR'S succession
9 to the office of governor, or by ~~his~~ death, resignation, or disability as determined by law, the governor shall
10 appoint a qualified person to serve in that office for the remainder of the term. If both the elected governor
11 and the elected ~~lieutenant governor~~ ~~secretary of state~~ LIEUTENANT GOVERNOR become unable to serve
12 in the office of governor, succession to the respective offices shall be as provided by law for the period
13 until the next general election. Then, a governor and ~~lieutenant governor~~ ~~secretary of state~~ LIEUTENANT
14 GOVERNOR shall be elected to fill the remainder of the original term.

15 (2) If the office of ~~secretary of state~~, attorney general, auditor, or superintendent of public
16 instruction becomes vacant by death, resignation, or disability as determined by law, the governor shall
17 appoint a qualified person to serve in that office until the next general election and until a successor is
18 elected and qualified. The person elected to fill a vacancy shall hold the office until the expiration of the
19 term for which ~~his~~ ~~the person's~~ predecessor was elected."

20

21 **Section 10.** Article VI, section 7, of The Constitution of the State of Montana is amended to read:

22 **"Section 7. 20 departments.** All executive and administrative offices, boards, bureaus,
23 commissions, agencies and instrumentalities of the executive branch (except for the office of governor,
24 ~~lieutenant governor~~, ~~secretary of state~~ LIEUTENANT GOVERNOR, attorney general, superintendent of public
25 instruction, and auditor) and their respective functions, powers, and duties, shall be allocated by law among
26 not more than 20 principal departments so as to provide an orderly arrangement in the administrative
27 organization of state government. Temporary commissions may be established by law and need not be
28 allocated within a department."

29

30 **Section 8.** Article VI, section 14, of The Constitution of the State of Montana is amended to read:

1 ~~"Section 14. Succession. (1) If the governor elect is disqualified or dies, the lieutenant~~
2 ~~governor elect secretary of state elect upon qualifying for the office shall become governor for the full term.~~
3 ~~If the governor elect fails to assume office for any other reason, the lieutenant governor elect secretary of~~
4 ~~state elect upon qualifying as such shall serve as acting governor until the governor elect is able to assume~~
5 ~~office, or until the office becomes vacant.~~

6 ~~(2) The lieutenant governor secretary of state shall serve as acting governor when so requested~~
7 ~~in writing by the governor. After the governor has been absent from the state for more than 15 consecutive~~
8 ~~days, the lieutenant governor secretary of state shall serve as acting governor.~~

9 ~~(3) He The secretary of state shall serve as acting governor when the governor is so disabled as~~
10 ~~to be unable to communicate to the lieutenant governor secretary of state the fact of his the governor's~~
11 ~~inability to perform the duties of his the governor's office. The lieutenant governor secretary of state shall~~
12 ~~continue to serve as acting governor until the governor is able to resume the duties of his office.~~

13 ~~(4) Whenever, at any other time, the lieutenant governor secretary of state and attorney general~~
14 ~~transmit to the legislature their written declaration that the governor is unable to discharge the powers and~~
15 ~~duties of his the governor's office, the legislature shall convene to determine whether he the governor is~~
16 ~~able to do so.~~

17 ~~(5) If the legislature, within 21 days after convening, determines by two thirds vote of its members~~
18 ~~that the governor is unable to discharge the powers and duties of his office, the lieutenant governor~~
19 ~~secretary of state shall serve as acting governor. Thereafter, when the governor transmits to the legislature~~
20 ~~his a written declaration that no inability exists, he the governor shall resume the powers and duties of his~~
21 ~~office within 15 days, unless the legislature determines otherwise by two thirds vote of its members. If the~~
22 ~~legislature so determines, the lieutenant governor secretary of state shall continue to serve as acting~~
23 ~~governor.~~

24 ~~(6) If the office of governor becomes vacant by reason of death, resignation, or disqualification,~~
25 ~~the lieutenant governor secretary of state shall become governor for the remainder of the term, except as~~
26 ~~provided in this constitution.~~

27 ~~(7) Additional succession to fill vacancies shall be provided by law.~~

28 ~~(8) When there is a vacancy in the office of governor, the successor shall be the governor. The~~
29 ~~acting governor shall have the powers and duties of the office of governor only for the period during which~~
30 ~~he the acting governor serves."~~



1 ~~NEW SECTION. Section 9. Transition. In order to implement this act, candidates for the offices~~
2 ~~of secretary of state and governor shall file jointly for the primary election in June 2000.~~
3

4 **SECTION 11. ARTICLE VI, SECTION 10, OF THE CONSTITUTION OF THE STATE OF MONTANA**
5 **IS AMENDED TO READ:**

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

12 (2) The governor may return any bill to the legislature with ~~his~~ a recommendation for amendment.
13 If the legislature passes the bill in accordance with the governor's recommendation, it shall again return the
14 bill to the governor for ~~his~~ reconsideration. The governor shall not return a bill for amendment a second
15 time.

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

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

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

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

27

28 **SECTION 12. ARTICLE X, SECTION 4, OF THE CONSTITUTION OF THE STATE OF MONTANA**
29 **IS AMENDED TO READ:**

30 "Section 4. **Board of land commissioners.** (1) The governor, superintendent of public instruction,

1 auditor, ~~secretary of state, and attorney general, and a member chosen by the other members~~ constitute
2 the board of land commissioners. If the four members are unable to agree on the fifth member, the chief
3 justice shall appoint the member.

4 (2) It has the authority to direct, control, lease, exchange, and sell school lands and lands which
5 have been or may be granted for the support and benefit of the various state educational institutions, under
6 such regulations and restrictions as may be provided by law."

7

8 **SECTION 13. ARTICLE XIV, SECTION 2, OF THE CONSTITUTION OF THE STATE OF MONTANA**
9 **IS AMENDED TO READ:**

10 "Section 2. Initiative for constitutional convention. (1) The people may by initiative petition direct
11 the ~~secretary of state~~ lieutenant governor to submit to the qualified electors the question of whether there
12 shall be an unlimited convention to revise, alter, or amend this constitution. The petition shall be signed by
13 at least ten percent of the qualified electors of the state. That number shall include at least ten percent of
14 the qualified electors in each of two-fifths of the legislative districts.

15 (2) The ~~secretary of state~~ lieutenant governor shall certify the filing of the petition in ~~his~~ the
16 lieutenant governor's office and cause the question to be submitted at the next general election."

17

18 **SECTION 14. ARTICLE XIV, SECTION 9, OF THE CONSTITUTION OF THE STATE OF MONTANA**
19 **IS AMENDED TO READ:**

20 "Section 9. Amendment by initiative. (1) The people may also propose constitutional amendments
21 by initiative. Petitions including the full text of the proposed amendment shall be signed by at least ten
22 percent of the qualified electors of the state. That number shall include at least ten percent of the qualified
23 electors in each of two-fifths of the legislative districts.

24 (2) The petitions shall be filed with the ~~secretary of state~~ lieutenant governor. If the petitions are
25 found to have been signed by the required number of electors, the ~~secretary of state~~ lieutenant governor
26 shall cause the amendment to be published as provided by law twice each month for two months previous
27 to the next regular state-wide election.

28 (3) At that election, the proposed amendment shall be submitted to the qualified electors for
29 approval or rejection. If approved by a majority voting thereon, it shall become a part of the constitution
30 effective the first day of July following its approval, unless the amendment provides otherwise."

1 NEW SECTION. Section 15. Effective date. If approved by the electorate, this act is effective
2 January 1, 2001.

3
4 **NEW SECTION. Section 16. Submission to electorate.** This amendment shall be submitted to the
5 qualified electors of Montana at the general election to be held in November 1996 by printing on the ballot
6 the full title of this act and the following:

7 [] FOR combining the offices of lieutenant governor and ELIMINATING THE OFFICE OF THE
8 secretary of state and requiring candidates for secretary of state and governor to file jointly TRANSFERRING
9 THE FUNCTIONS OF THAT OFFICE TO THE LIEUTENANT GOVERNOR.

10 [] AGAINST combining the offices of lieutenant governor and ELIMINATING THE OFFICE OF
11 THE secretary of state and requiring candidates for secretary of state and governor to file jointly
12 TRANSFERRING THE FUNCTIONS OF THAT OFFICE TO THE LIEUTENANT GOVERNOR.

13 -END-



1

SENATE BILL NO. 37

2

INTRODUCED BY BISHOP

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT IMPLEMENTING THE RECOMMENDATION OF THE GOVERNOR'S
5 TASK FORCE TO RENEW MONTANA GOVERNMENT BY SUBMITTING TO THE QUALIFIED ELECTORS OF
6 MONTANA AN AMENDMENT TO ~~COMBINE THE OFFICES OF THE LIEUTENANT GOVERNOR AND THE~~
7 ~~ELIMINATE THE OFFICE OF SECRETARY OF STATE AND ASSIGNING THE DUTIES OF THAT OFFICE TO~~
8 ~~THE LIEUTENANT GOVERNOR; PROVIDING THAT CANDIDATES FOR THE OFFICES OF SECRETARY OF~~
9 ~~STATE AND GOVERNOR FILE JOINTLY; AMENDING ARTICLE III, SECTIONS 4 AND 5, ARTICLE IV,~~
10 ~~SECTION 8, AND ARTICLE V, SECTION 14, ARTICLE VI, SECTIONS 1, 2, 3, 4, 6, 7, AND 14 10, ARTICLE~~
11 ~~X, SECTION 4, AND ARTICLE XIV, SECTIONS 2 AND 9, OF THE MONTANA CONSTITUTION; PROVIDING~~
12 ~~FOR THE TRANSITION TO A SINGLE OFFICE; AND PROVIDING A DELAYED EFFECTIVE DATE."~~

13

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

15

16 SECTION 1. ARTICLE III, SECTION 4, OF THE CONSTITUTION OF THE STATE OF MONTANA IS
17 AMENDED TO READ:

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

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

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

26

27 SECTION 2. ARTICLE III, SECTION 5, OF THE CONSTITUTION OF THE STATE OF MONTANA IS
28 AMENDED TO READ:

29 "Section 5. Referendum. (1) The people may approve or reject by referendum any act of the
30 legislature except an appropriation of money. A referendum shall be held either upon order by the legislature

1 or upon petition signed by at least five percent of the qualified electors in each of at least one-third of the
2 legislative representative districts. The total number of signers must be at least five percent of the qualified
3 electors of the state. A referendum petition shall be filed with the ~~secretary of state~~ lieutenant governor no
4 later than six months after adjournment of the legislature which passed the act.

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

9

10 **Section 3.** Article IV, section 8, of The Constitution of the State of Montana is amended to read:

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

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

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

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

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

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

22 (2) When computing time served for purposes of subsection (1), the provisions of subsection (1)
23 do not apply to time served in terms that end during or prior to January 1993.

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

26

27 **SECTION 4. ARTICLE V, SECTION 14, OF THE CONSTITUTION OF THE STATE OF MONTANA IS**
28 **AMENDED TO READ:**

29 "Section 14. Districting and apportionment. (1) The state shall be divided into as many districts
30 as there are members of the house, and each district shall elect one representative. Each senate district

1 shall be composed of two adjoining house districts, and shall elect one senator. Each district shall consist
2 of compact and contiguous territory. All districts shall be as nearly equal in population as is practicable.

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

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

14 (4) The commission shall submit its plan for legislative districts to the legislature at the first regular
15 session after its appointment or after the census figures are available. Within 30 days after submission, the
16 legislature shall return the plan to the commission with its recommendations. Within 30 days thereafter,
17 the commission shall file its final plan for legislative districts with the ~~secretary of state~~ lieutenant governor
18 and it shall become law.

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

20

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

22 **"Section 1. Officers.** (1) The executive branch includes a governor, ~~lieutenant governor, secretary~~
23 ~~of state~~ LIEUTENANT GOVERNOR, attorney general, superintendent of public instruction, and auditor.

24 (2) Each holds office for a term of four years which begins on the first Monday of January next
25 succeeding election, and until a successor is elected and qualified.

26 (3) Each shall reside at the seat of government, there keep the public records of ~~his~~ each office,
27 and perform such other duties as are provided in this constitution and by law."

28

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

30 **"Section 2. Election.** (1) The governor, ~~lieutenant governor, secretary of state~~ LIEUTENANT

1 GOVERNOR, attorney general, superintendent of public instruction, and auditor shall be elected by the
2 qualified electors at a general election provided by law.

3 (2) Each candidate for governor shall file jointly with a candidate for ~~lieutenant governor~~ secretary
4 of state LIEUTENANT GOVERNOR in primary elections, or so otherwise comply with nomination procedures
5 provided by law that the offices of governor and ~~lieutenant governor~~ secretary of state LIEUTENANT
6 GOVERNOR are voted upon together in primary and general elections."

7

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

9 **"Section 3. Qualifications.** (1) No person shall be eligible to the office of governor, ~~lieutenant~~
10 governor, secretary of state LIEUTENANT GOVERNOR, attorney general, superintendent of public
11 instruction, or auditor unless ~~he~~ the person is 25 years of age or older at the time of ~~his~~ election. In
12 addition, each shall be a citizen of the United States who has resided within the state two years next
13 preceding ~~his~~ the person's election.

14 (2) Any person with the foregoing qualifications is eligible to the office of attorney general if an
15 attorney in good standing admitted to practice law in Montana who has engaged in the active practice
16 thereof for at least five years before election.

17 (3) The superintendent of public instruction shall have such educational qualifications as are
18 provided by law."

19

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

21 **"Section 4. Duties.** (1) The executive power is vested in the governor who shall see that the laws
22 are faithfully executed. ~~He~~ The governor shall have such other duties as are provided in this constitution
23 and by law.

24 (2) ~~The lieutenant governor shall perform the duties provided by law and those delegated to him~~
25 ~~by the governor.~~ THE LIEUTENANT GOVERNOR SHALL PERFORM THE DUTIES PROVIDED BY LAW AND
26 THOSE DELEGATED BY THE GOVERNOR. No power specifically vested in the governor by this constitution
27 may be delegated to the ~~lieutenant governor~~ secretary of state LIEUTENANT GOVERNOR.

28 (3) The secretary of state LIEUTENANT GOVERNOR shall maintain official records of the executive
29 branch and of the acts of the legislature, as provided by law. ~~He~~ The secretary of state LIEUTENANT
30 GOVERNOR shall keep the great seal of the state of Montana and perform any other duties provided by law.

1 ~~"Section 14. Succession. (1) If the governor elect is disqualified or dies, the lieutenant~~
2 ~~governor elect secretary of state elect upon qualifying for the office shall become governor for the full term.~~
3 ~~If the governor elect fails to assume office for any other reason, the lieutenant governor elect secretary of~~
4 ~~state elect upon qualifying as such shall serve as acting governor until the governor elect is able to assume~~
5 ~~office, or until the office becomes vacant.~~

6 ~~(2) The lieutenant governor secretary of state shall serve as acting governor when so requested~~
7 ~~in writing by the governor. After the governor has been absent from the state for more than 45 consecutive~~
8 ~~days, the lieutenant governor secretary of state shall serve as acting governor.~~

9 ~~(3) He The secretary of state shall serve as acting governor when the governor is so disabled as~~
10 ~~to be unable to communicate to the lieutenant governor secretary of state the fact of his the governor's~~
11 ~~inability to perform the duties of his the governor's office. The lieutenant governor secretary of state shall~~
12 ~~continue to serve as acting governor until the governor is able to resume the duties of his office.~~

13 ~~(4) Whenever, at any other time, the lieutenant governor secretary of state and attorney general~~
14 ~~transmit to the legislature their written declaration that the governor is unable to discharge the powers and~~
15 ~~duties of his the governor's office, the legislature shall convene to determine whether he the governor is~~
16 ~~able to do so.~~

17 ~~(5) If the legislature, within 21 days after convening, determines by two thirds vote of its members~~
18 ~~that the governor is unable to discharge the powers and duties of his office, the lieutenant governor~~
19 ~~secretary of state shall serve as acting governor. Thereafter, when the governor transmits to the legislature~~
20 ~~his a written declaration that no inability exists, he the governor shall resume the powers and duties of his~~
21 ~~office within 15 days, unless the legislature determines otherwise by two thirds vote of its members. If the~~
22 ~~legislature so determines, the lieutenant governor secretary of state shall continue to serve as acting~~
23 ~~governor.~~

24 ~~(6) If the office of governor becomes vacant by reason of death, resignation, or disqualification,~~
25 ~~the lieutenant governor secretary of state shall become governor for the remainder of the term, except as~~
26 ~~provided in this constitution.~~

27 ~~(7) Additional succession to fill vacancies shall be provided by law.~~

28 ~~(8) When there is a vacancy in the office of governor, the successor shall be the governor. The~~
29 ~~acting governor shall have the powers and duties of the office of governor only for the period during which~~
30 ~~he the acting governor serves."~~

1 ~~NEW SECTION. Section 9. Transition. In order to implement this act, candidates for the offices~~
2 ~~of secretary of state and governor shall file jointly for the primary election in June 2000.~~

3

4 SECTION 11. ARTICLE VI, SECTION 10, OF THE CONSTITUTION OF THE STATE OF MONTANA
5 IS AMENDED TO READ:

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

12 (2) The governor may return any bill to the legislature with ~~his~~ a recommendation for amendment.
13 If the legislature passes the bill in accordance with the governor's recommendation, it shall again return the
14 bill to the governor for ~~his~~ reconsideration. The governor shall not return a bill for amendment a second
15 time.

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

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

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

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

28

29 SECTION 12. ARTICLE X, SECTION 4, OF THE CONSTITUTION OF THE STATE OF MONTANA IS
30 AMENDED TO READ:

1 **"Section 4. Board of land commissioners.** (1) The governor, superintendent of public instruction,
2 auditor, ~~secretary of state, and attorney general, and a member chosen by the other members~~ constitute
3 the board of land commissioners. If the four members are unable to agree on the fifth member, THE FOUR
4 MEMBERS SHALL SUBMIT THE NAMES OF THREE TO FIVE PERSONS TO the chief justice, WHO shall
5 appoint the FIFTH member FROM THE THREE TO FIVE PERSONS ON THIS LIST.

6 (2) It has the authority to direct, control, lease, exchange, and sell school lands and lands which
7 have been or may be granted for the support and benefit of the various state educational institutions, under
8 such regulations and restrictions as may be provided by law."

9

10 **SECTION 13. ARTICLE XIV, SECTION 2, OF THE CONSTITUTION OF THE STATE OF MONTANA**
11 **IS AMENDED TO READ:**

12 **"Section 2. Initiative for constitutional convention.** (1) The people may by initiative petition direct
13 the ~~secretary of state~~ lieutenant governor to submit to the qualified electors the question of whether there
14 shall be an unlimited convention to revise, alter, or amend this constitution. The petition shall be signed by
15 at least ten percent of the qualified electors of the state. That number shall include at least ten percent of
16 the qualified electors in each of two-fifths of the legislative districts.

17 (2) The ~~secretary of state~~ lieutenant governor shall certify the filing of the petition in ~~his~~ the
18 lieutenant governor's office and cause the question to be submitted at the next general election."

19

20 **SECTION 14. ARTICLE XIV, SECTION 9, OF THE CONSTITUTION OF THE STATE OF MONTANA**
21 **IS AMENDED TO READ:**

22 **"Section 9. Amendment by initiative.** (1) The people may also propose constitutional amendments
23 by initiative. Petitions including the full text of the proposed amendment shall be signed by at least ten
24 percent of the qualified electors of the state. That number shall include at least ten percent of the qualified
25 electors in each of two-fifths of the legislative districts.

26 (2) The petitions shall be filed with the ~~secretary of state~~ lieutenant governor. If the petitions are
27 found to have been signed by the required number of electors, the ~~secretary of state~~ lieutenant governor
28 shall cause the amendment to be published as provided by law twice each month for two months previous
29 to the next regular state-wide election.

30 (3) At that election, the proposed amendment shall be submitted to the qualified electors for

1 approval or rejection. If approved by a majority voting thereon, it shall become a part of the constitution
2 effective the first day of July following its approval, unless the amendment provides otherwise."

3

4 **NEW SECTION. Section 15. Effective date.** If approved by the electorate, this act is effective
5 January 1, 2001.

6

7 **NEW SECTION. Section 16. Submission to electorate.** This amendment shall be submitted to the
8 qualified electors of Montana at the general election to be held in November 1996 by printing on the ballot
9 the full title of this act and the following:

10 ~~FOR combining the offices of lieutenant governor and~~ ELIMINATING THE OFFICE OF THE
11 ~~secretary of state and requiring candidates for secretary of state and governor to file jointly~~ TRANSFERRING
12 THE FUNCTIONS OF THAT OFFICE TO THE LIEUTENANT GOVERNOR.

13 ~~AGAINST combining the offices of lieutenant governor and~~ ELIMINATING THE OFFICE OF
14 ~~THE secretary of state and requiring candidates for secretary of state and governor to file jointly~~
15 TRANSFERRING THE FUNCTIONS OF THAT OFFICE TO THE LIEUTENANT GOVERNOR.

16 -END-

1

SENATE BILL NO. 37

2

INTRODUCED BY BISHOP

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT IMPLEMENTING THE RECOMMENDATION OF THE GOVERNOR'S
5 TASK FORCE TO RENEW MONTANA GOVERNMENT BY SUBMITTING TO THE QUALIFIED ELECTORS OF
6 MONTANA AN AMENDMENT TO ~~COMBINE THE OFFICES OF THE LIEUTENANT GOVERNOR AND THE~~
7 ~~ELIMINATE THE OFFICE OF SECRETARY OF STATE AND ASSIGNING THE DUTIES OF THAT OFFICE TO~~
8 ~~THE LIEUTENANT GOVERNOR; PROVIDING THAT CANDIDATES FOR THE OFFICES OF SECRETARY OF~~
9 ~~STATE AND GOVERNOR FILE JOINTLY; AMENDING ARTICLE III, SECTIONS 4 AND 5, ARTICLE IV,~~
10 ~~SECTION 8, AND ARTICLE V, SECTION 14, ARTICLE VI, SECTIONS 1, 2, 3, 4, 6, 7, AND 14 10, ARTICLE~~
11 ~~X, SECTION 4, AND ARTICLE XIV, SECTIONS 2 AND 9, OF THE MONTANA CONSTITUTION; PROVIDING~~
12 ~~FOR THE TRANSITION TO A SINGLE OFFICE; AND PROVIDING A DELAYED EFFECTIVE DATE."~~

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

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16 SECTION 1. ARTICLE III, SECTION 4, OF THE CONSTITUTION OF THE STATE OF MONTANA IS
17 AMENDED TO READ:

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

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

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

26

27 SECTION 2. ARTICLE III, SECTION 5, OF THE CONSTITUTION OF THE STATE OF MONTANA IS
28 AMENDED TO READ:

29 "Section 5. Referendum. (1) The people may approve or reject by referendum any act of the
30 legislature except an appropriation of money. A referendum shall be held either upon order by the legislature

1 or upon petition signed by at least five percent of the qualified electors in each of at least one-third of the
2 legislative representative districts. The total number of signers must be at least five percent of the qualified
3 electors of the state. A referendum petition shall be filed with the ~~secretary of state~~ lieutenant governor no
4 later than six months after adjournment of the legislature which passed the act.

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

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10 **Section 3.** Article IV, section 8, of The Constitution of the State of Montana is amended to read:

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

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

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

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

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

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

22 (2) When computing time served for purposes of subsection (1), the provisions of subsection (1)
23 do not apply to time served in terms that end during or prior to January 1993.

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

26

27 **SECTION 4. ARTICLE V, SECTION 14, OF THE CONSTITUTION OF THE STATE OF MONTANA IS**
28 **AMENDED TO READ:**

29 **"Section 14. Districting and apportionment.** (1) The state shall be divided into as many districts
30 as there are members of the house, and each district shall elect one representative. Each senate district

1 shall be composed of two adjoining house districts, and shall elect one senator. Each district shall consist
2 of compact and contiguous territory. All districts shall be as nearly equal in population as is practicable.

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

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

14 (4) The commission shall submit its plan for legislative districts to the legislature at the first regular
15 session after its appointment or after the census figures are available. Within 30 days after submission, the
16 legislature shall return the plan to the commission with its recommendations. Within 30 days thereafter,
17 the commission shall file its final plan for legislative districts with the ~~secretary of state~~ lieutenant governor
18 and it shall become law.

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

20
21 **Section 5.** Article VI, section 1, of The Constitution of the State of Montana is amended to read:
22
23 "Section 1. Officers. (1) The executive branch includes a governor, ~~lieutenant governor, secretary~~
24 ~~of state~~ LIEUTENANT GOVERNOR, attorney general, superintendent of public instruction, and auditor.

25 (2) Each holds office for a term of four years which begins on the first Monday of January next
26 succeeding election, and until a successor is elected and qualified.

27 (3) Each shall reside at the seat of government, there keep the public records of ~~his~~ each office,
28 and perform such other duties as are provided in this constitution and by law."

29
30 **Section 6.** Article VI, section 2, of The Constitution of the State of Montana is amended to read:
31 "Section 2. Election. (1) The governor, ~~lieutenant governor, secretary of state~~ LIEUTENANT

1 GOVERNOR, attorney general, superintendent of public instruction, and auditor shall be elected by the
2 qualified electors at a general election provided by law.

3 (2) Each candidate for governor shall file jointly with a candidate for ~~lieutenant governor~~ secretary
4 of state LIEUTENANT GOVERNOR in primary elections, or so otherwise comply with nomination procedures
5 provided by law that the offices of governor and ~~lieutenant governor~~ secretary of state LIEUTENANT
6 GOVERNOR are voted upon together in primary and general elections."

7

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

9 "Section 3. Qualifications. (1) No person shall be eligible to the office of governor, ~~lieutenant~~
10 governor, secretary of state LIEUTENANT GOVERNOR, attorney general, superintendent of public
11 instruction, or auditor unless ~~he~~ the person is 25 years of age or older at the time of ~~his~~ election. In
12 addition, each shall be a citizen of the United States who has resided within the state two years next
13 preceding ~~his~~ the person's election.

14 (2) Any person with the foregoing qualifications is eligible to the office of attorney general if an
15 attorney in good standing admitted to practice law in Montana who has engaged in the active practice
16 thereof for at least five years before election.

17 (3) The superintendent of public instruction shall have such educational qualifications as are
18 provided by law."

19

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

21 "Section 4. Duties. (1) The executive power is vested in the governor who shall see that the laws
22 are faithfully executed. ~~He~~ The governor shall have such other duties as are provided in this constitution
23 and by law.

24 (2) ~~The lieutenant governor shall perform the duties provided by law and those delegated to him~~
25 ~~by the governor.~~ THE LIEUTENANT GOVERNOR SHALL PERFORM THE DUTIES PROVIDED BY LAW AND
26 THOSE DELEGATED BY THE GOVERNOR. No power specifically vested in the governor by this constitution
27 may be delegated to the ~~lieutenant governor~~ secretary of state LIEUTENANT GOVERNOR.

28 (3) The ~~secretary of state~~ LIEUTENANT GOVERNOR shall maintain official records of the executive
29 branch and of the acts of the legislature, as provided by law. ~~He~~ The secretary of state LIEUTENANT
30 GOVERNOR shall keep the great seal of the state of Montana and perform any other duties provided by law.

1 (4) The attorney general is the legal officer of the state and shall have the duties and powers
2 provided by law.

3 (5) The superintendent of public instruction and the auditor shall have such duties as are provided
4 by law."

5

6 **Section 9.** Article VI, section 6, of The Constitution of the State of Montana is amended to read:

7 "Section 6. Vacancy in office. (1) If the office of ~~lieutenant governor~~ ~~secretary of state~~
8 LIEUTENANT GOVERNOR becomes vacant by ~~his~~ ~~the secretary's~~ LIEUTENANT GOVERNOR'S succession
9 to the office of governor, or by ~~his~~ death, resignation, or disability as determined by law, the governor shall
10 appoint a qualified person to serve in that office for the remainder of the term. If both the elected governor
11 and the elected ~~lieutenant governor~~ ~~secretary of state~~ LIEUTENANT GOVERNOR become unable to serve
12 in the office of governor, succession to the respective offices shall be as provided by law for the period
13 until the next general election. Then, a governor and ~~lieutenant governor~~ ~~secretary of state~~ LIEUTENANT
14 GOVERNOR shall be elected to fill the remainder of the original term.

15 (2) If the office of ~~secretary of state~~, attorney general, auditor, or superintendent of public
16 instruction becomes vacant by death, resignation, or disability as determined by law, the governor shall
17 appoint a qualified person to serve in that office until the next general election and until a successor is
18 elected and qualified. The person elected to fill a vacancy shall hold the office until the expiration of the
19 term for which ~~his~~ the person's predecessor was elected."

20

21 **Section 10.** Article VI, section 7, of The Constitution of the State of Montana is amended to read:

22 "Section 7. 20 departments. All executive and administrative offices, boards, bureaus,
23 commissions, agencies and instrumentalities of the executive branch (except for the office of governor,
24 ~~lieutenant governor, secretary of state~~ LIEUTENANT GOVERNOR, attorney general, superintendent of public
25 instruction, and auditor) and their respective functions, powers, and duties, shall be allocated by law among
26 not more than 20 principal departments so as to provide an orderly arrangement in the administrative
27 organization of state government. Temporary commissions may be established by law and need not be
28 allocated within a department."

29

30 **Section 8.** Article VI, section 14, of The Constitution of the State of Montana is amended to read:

1 ~~"Section 14. Succession. (1) If the governor elect is disqualified or dies, the lieutenant~~
2 ~~governor elect secretary of state elect upon qualifying for the office shall become governor for the full term.~~
3 ~~If the governor elect fails to assume office for any other reason, the lieutenant governor elect secretary of~~
4 ~~state elect upon qualifying as such shall serve as acting governor until the governor elect is able to assume~~
5 ~~office, or until the office becomes vacant.~~

6 ~~(2) The lieutenant governor secretary of state shall serve as acting governor when so requested~~
7 ~~in writing by the governor. After the governor has been absent from the state for more than 45 consecutive~~
8 ~~days, the lieutenant governor secretary of state shall serve as acting governor.~~

9 ~~(3) He The secretary of state shall serve as acting governor when the governor is so disabled as~~
10 ~~to be unable to communicate to the lieutenant governor secretary of state the fact of his the governor's~~
11 ~~inability to perform the duties of his the governor's office. The lieutenant governor secretary of state shall~~
12 ~~continue to serve as acting governor until the governor is able to resume the duties of his office.~~

13 ~~(4) Whenever, at any other time, the lieutenant governor secretary of state and attorney general~~
14 ~~transmit to the legislature their written declaration that the governor is unable to discharge the powers and~~
15 ~~duties of his the governor's office, the legislature shall convene to determine whether he the governor is~~
16 ~~able to do so.~~

17 ~~(5) If the legislature, within 21 days after convening, determines by two thirds vote of its members~~
18 ~~that the governor is unable to discharge the powers and duties of his office, the lieutenant governor~~
19 ~~secretary of state shall serve as acting governor. Thereafter, when the governor transmits to the legislature~~
20 ~~his a written declaration that no inability exists, he the governor shall resume the powers and duties of his~~
21 ~~office within 15 days, unless the legislature determines otherwise by two thirds vote of its members. If the~~
22 ~~legislature so determines, the lieutenant governor secretary of state shall continue to serve as acting~~
23 ~~governor.~~

24 ~~(6) If the office of governor becomes vacant by reason of death, resignation, or disqualification,~~
25 ~~the lieutenant governor secretary of state shall become governor for the remainder of the term, except as~~
26 ~~provided in this constitution.~~

27 ~~(7) Additional succession to fill vacancies shall be provided by law.~~

28 ~~(8) When there is a vacancy in the office of governor, the successor shall be the governor. The~~
29 ~~acting governor shall have the powers and duties of the office of governor only for the period during which~~
30 ~~he the acting governor serves."~~

1 ~~NEW SECTION. Section 9. Transition. In order to implement this act, candidates for the offices~~
2 ~~of secretary of state and governor shall file jointly for the primary election in June 2000.~~

3

4 **SECTION 11. ARTICLE VI, SECTION 10, OF THE CONSTITUTION OF THE STATE OF MONTANA**
5 **IS AMENDED TO READ:**

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

11 The governor shall return a vetoed bill to the legislature with a statement of ~~his~~ the reasons therefor.

12 (2) The governor may return any bill to the legislature with ~~his~~ a recommendation for amendment.
13 If the legislature passes the bill in accordance with the governor's recommendation, it shall again return the
14 bill to the governor for ~~his~~ reconsideration. The governor shall not return a bill for amendment a second
15 time.

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

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

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

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

28

29 **SECTION 12. ARTICLE X, SECTION 4, OF THE CONSTITUTION OF THE STATE OF MONTANA IS**
30 **AMENDED TO READ:**

1 "**Section 4. Board of land commissioners.** (1) The governor, superintendent of public instruction,
2 auditor, ~~secretary of state, and attorney general, and a member chosen by the other members~~ constitute
3 the board of land commissioners. If the four members are unable to agree on the fifth member, THE FOUR
4 MEMBERS SHALL SUBMIT THE NAMES OF THREE TO FIVE PERSONS TO the chief justice, WHO shall
5 appoint the FIFTH member FROM THE THREE TO FIVE PERSONS ON THIS LIST.

6 (2) It has the authority to direct, control, lease, exchange, and sell school lands and lands which
7 have been or may be granted for the support and benefit of the various state educational institutions, under
8 such regulations and restrictions as may be provided by law."

9

10 **SECTION 13. ARTICLE XIV, SECTION 2, OF THE CONSTITUTION OF THE STATE OF MONTANA**
11 **IS AMENDED TO READ:**

12 "**Section 2. Initiative for constitutional convention.** (1) The people may by initiative petition direct
13 the ~~secretary of state~~ lieutenant governor to submit to the qualified electors the question of whether there
14 shall be an unlimited convention to revise, alter, or amend this constitution. The petition shall be signed by
15 at least ten percent of the qualified electors of the state. That number shall include at least ten percent of
16 the qualified electors in each of two-fifths of the legislative districts.

17 (2) The ~~secretary of state~~ lieutenant governor shall certify the filing of the petition in ~~his~~ the
18 lieutenant governor's office and cause the question to be submitted at the next general election."

19

20 **SECTION 14. ARTICLE XIV, SECTION 9, OF THE CONSTITUTION OF THE STATE OF MONTANA**
21 **IS AMENDED TO READ:**

22 "**Section 9. Amendment by initiative.** (1) The people may also propose constitutional amendments
23 by initiative. Petitions including the full text of the proposed amendment shall be signed by at least ten
24 percent of the qualified electors of the state. That number shall include at least ten percent of the qualified
25 electors in each of two-fifths of the legislative districts.

26 (2) The petitions shall be filed with the ~~secretary of state~~ lieutenant governor. If the petitions are
27 found to have been signed by the required number of electors, the ~~secretary of state~~ lieutenant governor
28 shall cause the amendment to be published as provided by law twice each month for two months previous
29 to the next regular state-wide election.

30 (3) At that election, the proposed amendment shall be submitted to the qualified electors for

1 approval or rejection. If approved by a majority voting thereon, it shall become a part of the constitution
2 effective the first day of July following its approval, unless the amendment provides otherwise."

3

4 **NEW SECTION. Section 15. Effective date.** If approved by the electorate, this act is effective
5 January 1, 2001.

6

7 **NEW SECTION. Section 16. Submission to electorate.** This amendment shall be submitted to the
8 qualified electors of Montana at the general election to be held in November 1996 by printing on the ballot
9 the full title of this act and the following:

10 FOR ~~combining the offices of lieutenant governor and~~ ELIMINATING THE OFFICE OF THE
11 ~~secretary of state and requiring candidates for secretary of state and governor to file jointly~~ TRANSFERRING
12 THE FUNCTIONS OF THAT OFFICE TO THE LIEUTENANT GOVERNOR.

13 AGAINST ~~combining the offices of lieutenant governor and~~ ELIMINATING THE OFFICE OF
14 ~~THE secretary of state and requiring candidates for secretary of state and governor to file jointly~~
15 TRANSFERRING THE FUNCTIONS OF THAT OFFICE TO THE LIEUTENANT GOVERNOR.

16

-END-