

VOTERS' INFORMATION PAMPHLET ON PROPOSED AMENDMENT TO  
THE CONSTITUTION OF THE STATE OF MONTANA WHICH WILL  
APPEAR ON THE OFFICIAL BALLOT FOR THE  
GENERAL ELECTION TO BE HELD NOVEMBER 5, 1974

Prepared by FRANK MURRAY, Secretary of State, pursuant to  
Sections 23-2802 and 37-107, Revised Codes of Montana, 1947

ON THE QUESTION OF AMENDING THE CONSTITUTION  
OF THE STATE OF MONTANA TO ESTABLISH A  
RESOURCE INDEMNITY TRUST IN THE STATE WHICH SHALL BE FOREVER  
INVIOLE AND GUARANTEED BY THE STATE  
AGAINST LOSS OR DIVERSION

Comparison of Existing Constitutional Provision and  
Proposed Constitutional Amendment is as follows:

The following is a true and exact copy of the PROPOSED AMENDMENT to Section 2, Article IX of the Constitution of the State of Montana:

"Section 2. Reclamation. (1) All lands disturbed by the taking of natural resources shall be reclaimed. The legislature shall provide effective requirements and standards for the reclamation of lands disturbed.

(2) The legislature shall provide for a fund, to be known as the resource indemnity trust of the state of Montana, to be funded by such taxes on the extraction of natural resources as the legislature may from time to time impose for that purpose.

(3) The principal of the resource indemnity trust shall forever remain inviolate in an amount of one hundred million dollars (\$100,000,000), guaranteed by the state against loss or diversion."

The following is a true and exact copy of Section 2, Article IX of the Constitution of the State of Montana as it exists at the present time:

"Section 2. Reclamation. All lands disturbed by the taking of natural resources shall be reclaimed. The legislature shall provide effective requirements and standards for the reclamation of lands disturbed."

Page Two

THE FORM IN WHICH THE QUESTION ON AMENDING THE CONSTITUTION  
WILL BE PRINTED ON THE OFFICIAL BALLOT AT THE GENERAL ELECTION,  
NOVEMBER 5, 1974, IS AS FOLLOWS:

### CONSTITUTIONAL AMENDMENT NO. 1

#### Attorney General's Explanatory Statement

This amendment would provide for a resource indemnity trust in the state to be funded by taxes that the legislature may impose on the extraction of natural resources. The principal of the resource indemnity trust would be inviolate in the sum of One Hundred Million Dollars (\$100,000,000) and guaranteed by the state against loss or diversion.

AN ACT TO SUBMIT TO THE QUALIFIED ELECTORS OF MONTANA AN  
AMENDMENT TO ARTICLE IX, SECTION 2, OF THE CONSTITUTION OF MONTANA  
ESTABLISHING A RESOURCE INDEMNITY TRUST IN THE STATE WHICH SHALL  
BE FOREVER INVIOLE AND GUARANTEED BY THE STATE AGAINST LOSS  
OR DIVERSION.

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

Section 1. Article IX, section 2, of the constitution of the state of Montana is amended to read as follows:

"Section 2. Reclamation. (1) All lands disturbed by the taking of natural resources shall be reclaimed. The legislature shall provide effective requirements and standards for the reclamation of lands disturbed.

(2) The legislature shall provide for a fund, to be known as the resource indemnity trust of the state of Montana, to be funded by such taxes on the extraction of natural resources as the legislature may from time to time impose for that purpose.

(3) The principal of the resource indemnity trust shall forever remain inviolate in an amount of one hundred million dollars (\$100,000,000), guaranteed by the state against loss or diversion."

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For the Above Amendment

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Against the Above Amendment

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The following is a copy of the title and text of the proposed Constitutional Amendment as passed by the second regular session of the Forty-third Montana Legislature and approved by the Governor on March 11, 1974:

CHAPTER NO. 117  
MONTANA SESSION LAWS 1974  
HOUSE BILL NO. 576

AN ACT TO SUBMIT TO THE QUALIFIED ELECTORS OF MONTANA AN AMENDMENT TO ARTICLE IX, SECTION 2, OF THE CONSTITUTION OF MONTANA ESTABLISHING A RESOURCE INDEMNITY TRUST IN THE STATE WHICH SHALL BE FOREVER INVIOLEATE AND GUARANTEED BY THE STATE AGAINST LOSS OR DIVERSION.

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

Section 1. Article IX, section 2, of the constitution of the state of Montana is amended to read as follows:

"Section 2. Reclamation. (1) All lands disturbed by the taking of natural resources shall be reclaimed. The legislature shall provide effective requirements and standards for the reclamation of lands disturbed.

(2) The legislature shall provide for a fund, to be known as the resource indemnity trust of the state of Montana, to be funded by such taxes on the extraction of natural resources as the legislature may from time to time impose for that purpose.

(3) The principal of the resource indemnity trust shall forever remain inviolate in an amount of one hundred million dollars (\$100,000,000), guaranteed by the state against loss or diversion."

Section 3. When this amendment is submitted to the electors of the state of Montana there shall be printed on the ballot the full title and section 1 of this act and the following words:

☐ For the above amendment.

☐ Against the above amendment."

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VOTERS' INFORMATION PAMPHLET ON PROPOSED AMENDMENT TO  
THE CONSTITUTION OF THE STATE OF MONTANA WHICH WILL  
APPEAR ON THE OFFICIAL BALLOT FOR THE  
GENERAL ELECTION TO BE HELD NOVEMBER 5, 1974

Prepared by FRANK MURRAY, Secretary of State, pursuant to  
Sections 23-2802 and 37-107, Revised Codes of Montana, 1947

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ON THE QUESTION OF AMENDING THE  
CONSTITUTION OF THE STATE OF MONTANA TO ALLOW  
THE LEGISLATURE, BY A  $\frac{2}{3}$  VOTE OF EACH HOUSE,  
TO ENACT LAWS RELATING TO THE WAIVER OF SOVEREIGN IMMUNITY

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Comparison of Existing Constitutional Provision and  
Proposed Constitutional Amendment is as follows:

The following is a true and exact  
copy of the PROPOSED AMENDMENT  
to Section 18, Article II of the Constitu-  
tion of the State of Montana:

"Section 18. STATE SUBJECT TO  
SUIT. The state, counties, cities, towns,  
and all other local governmental entities  
shall have no immunity from suit for  
injury to a person or property, except  
as may be specifically provided by law  
by a  $\frac{2}{3}$  vote of each house of the  
legislature."

The following is a true and exact  
copy of Section 18, Article II of the  
Constitution of the State of Montana as  
it exists at the present time.

"Section 18. STATE SUBJECT TO  
SUIT. The state, counties, cities, towns,  
and all other local governmental entities  
shall have no immunity from suit for  
injury to a person or property. This  
provision shall apply only to causes of  
action arising after July 1, 1973."

Page Two

THE FORM IN WHICH THE QUESTION ON AMENDING THE CONSTITUTION WILL BE PRINTED ON THE OFFICIAL BALLOT AT THE GENERAL ELECTION, NOVEMBER 5, 1974, IS AS FOLLOWS:

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CONSTITUTIONAL AMENDMENT NO. 2

Attorney General's Explanatory Statement

Presently the Constitution of Montana provides that the state, counties, cities, towns, and all other local governmental entities shall have no immunity from suit for injury to person or property. This amendment would allow specific exceptions to the waiver of sovereign immunity by a  $\frac{2}{3}$  vote of each house of the legislature.

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A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA SUBMITTING TO THE QUALIFIED ELECTORS OF THE STATE OF MONTANA AN AMENDMENT TO THE CONSTITUTION OF MONTANA AMENDING ARTICLE II, SECTION 18 OF THE CONSTITUTION, RELATING TO WAIVER OF SOVEREIGN IMMUNITY BY THE STATE OF MONTANA.

BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

"It is proposed by the legislature of the state of Montana that Article II, Section 18 of the Montana constitution be amended to read as follows: "Section 18. STATE SUBJECT TO SUIT. The state, counties, cities, towns, and all other local governmental entities shall have no immunity from suit for injury to a person or property, except as may be specifically provided by law by a  $\frac{2}{3}$  vote of each house of the legislature."

☐

For the Above Amendment

☐

Against the Above Amendment

Page Three

The following is a copy of the title and text of the proposed Constitutional Amendment as enacted by the second regular session of the Forty-third Montana Legislature on March 16, 1974:

SENATE JOINT RESOLUTION NO. 64

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA SUBMITTING TO THE QUALIFIED ELECTORS OF THE STATE OF MONTANA AN AMENDMENT TO THE CONSTITUTION OF MONTANA AMENDING ARTICLE II, SECTION 18 OF THE CONSTITUTION, RELATING TO WAIVER OF SOVEREIGN IMMUNITY BY THE STATE OF MONTANA.

BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That there be submitted to the qualified electors at the next general election a proposal for an amendment to the constitution of the State of Montana.

BE IT FURTHER RESOLVED, that [sic] the proposal shall read as follows: "It is proposed by the legislature of the state of Montana that Article II, Section 18 of the Montana constitution be amended to read as follows: "Section 18. STATE SUBJECT TO SUIT. The state, counties, cities, towns, and all other local governmental entities shall have no immunity from suit for injury to a person or property, except as may be specifically provided by law by a  $\frac{2}{3}$  vote of each house of the legislature."

BE IT FURTHER RESOLVED, that this full text of the above proposal be printed on the ballot along with the following words:

☐ For the above amendment.

☐ Against the above amendment."

BE IT FURTHER RESOLVED, that a copy of this resolution be transmitted to the Secretary of State on its final passage.

Page One

VOTERS' INFORMATION PAMPHLET ON PROPOSED PETITION FOR  
INITIATIVE AMENDMENT TO THE CONSTITUTION OF THE STATE OF MONTANA  
WHICH WILL APPEAR ON THE OFFICIAL BALLOT FOR THE  
GENERAL ELECTION TO BE HELD NOVEMBER 5, 1974

Prepared by FRANK MURRAY, Secretary of State, pursuant to  
Sections 23-2802 and 37-107, Revised Codes of Montana, 1947

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ON THE QUESTION OF AMENDING THE  
CONSTITUTION OF THE STATE OF MONTANA TO PROVIDE  
FOR 90 DAY BIENNIAL LEGISLATIVE SESSIONS

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Comparison of Existing Constitutional Provision and  
Proposed Constitutional Amendment is as follows:

The following is a true and exact  
copy of the PROPOSED AMENDMENT  
to Section 6, Article V of the Constitu-  
tion of the State of Montana:

"Section 6. Sessions. The legislature  
shall meet each odd-numbered year in  
regular session of not more than 90  
legislative days. Any legislature may  
increase the limit on the length of any  
subsequent session. The legislature may  
be convened in special sessions by the  
governor or at the written request of a  
majority of the members."

The following is a true and exact  
copy of Section 6, Article V of the  
Constitution of the State of Montana  
as it exists at the present time:

"Section 6. Sessions. The legislature  
shall be a continuous body for two-year  
periods beginning when newly elected  
members take office. Any business, bill,  
or resolution pending at adjournment of  
a session shall carry over with the  
same status to any other session of the  
legislature during the biennium. The  
legislature shall meet at least once a  
year in regular session of not more than  
60 legislative days. Any legislature may  
increase the limit on the length of any  
subsequent session. The legislature may  
be convened in special sessions by the  
governor or at the written request of a  
majority of the members."

Page Two

THE FORM IN WHICH THE QUESTION ON AMENDING THE CONSTITUTION  
WILL BE PRINTED ON THE OFFICIAL BALLOT AT THE GENERAL ELECTION,  
NOVEMBER 5, 1974, IS AS FOLLOWS:

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PROPOSED PETITION FOR INITIATIVE

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CONSTITUTIONAL AMENDMENT NO. 3

Attorney General's Explanatory Statement

Presently the Constitution of Montana provides that the legislature shall meet at least once a year for not more than 60 legislative days. This amendment would provide for biennial legislative sessions of not more than 90 legislative days in each odd-numbered year.

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AN INITIATIVE PROPOSAL TO AMEND ARTICLE V, SECTION 6 OF THE  
1972 MONTANA CONSTITUTION TO PROVIDE FOR 90 DAY BIENNIAL LEGISLA-  
TIVE SESSIONS.

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

Section 1. Article V, Section 6 of the 1972 Montana Constitution is amended to read as follows:

"Section 6. Sessions. ~~The legislature shall be a continuous body for two year periods beginning when newly elected members take office. Any business, bill, or resolution pending at adjournment of a session shall carry over with the same status to any other session of the legislature during the biennium.~~ The legislature shall meet at least once a each odd-numbered year in regular session of not more than 90 legislative days. Any legislature may increase the limit on the length of any subsequent session. The legislature may be convened in special sessions by the governor or at the written request of a majority of the members."

Section 2. The Amendment shall be effective December 31, 1974.

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For the Above Amendment

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Against the Above Amendment

Page Three

The following is a copy of the title and text of the proposed Constitutional Amendment as it appears on the Petitions for Initiative certified to the Governor on July 8, 1974:

CONSTITUTIONAL INITIATIVE NO. 1

PEOPLE'S INITIATIVE PETITION

PROPOSED CONSTITUTIONAL AMENDMENT

AN INITIATIVE PROPOSAL TO AMEND ARTICLE V, SECTION 6 OF THE 1972 MONTANA CONSTITUTION TO PROVIDE FOR 90 DAY BIENNIAL LEGISLATIVE SESSIONS.

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

Section 1, Article V, Section 6 of the 1972 Montana Constitution is amended to read as follows:

"Section 6. Sessions. ~~The legislature shall be a continuous body for two year periods beginning when newly elected members take office. Any business, bill, or resolution pending at adjournment of a session shall carry over with the same status to any other session of the legislature during the biennium.~~ The legislature shall meet at least once a each odd-numbered year in regular session of not more than 90 legislative days. Any legislature may increase the limit on the length of any subsequent session. The legislature may be convened in special sessions by the governor or at the written request of a majority of the members."

Section 2. The Amendment shall be effective December 31, 1974.

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