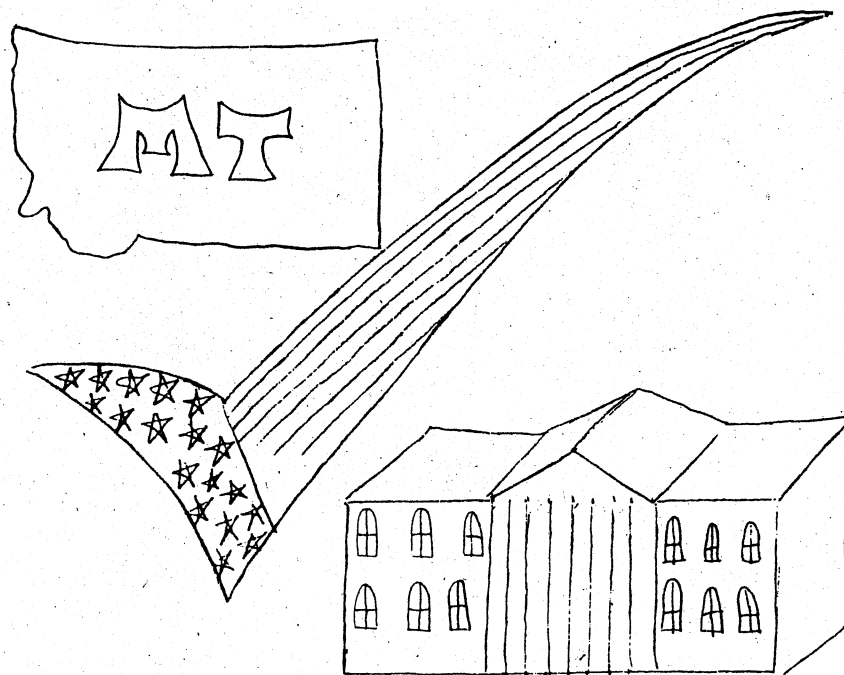


# 1998 VOTER INFORMATION PAMPHLET

Vote on November 3rd!

Vote Today For  
Changes That Affect  
Tomorrow



The cover's drawing was done by Melanie Overcast of Zurich Elementary School, winner of the Voter Information Pamphlet cover contest.

## What's Inside

	Arguments	Text		Arguments	Text
Constitutional Amendment 33	5	31	Initiative 134	19	34
Constitutional Initiative 75	9	31	Initiative 136	23	34
Legislative Referendum 113	13	32	Initiative 137	27	39
Initiative Referendum 114	15	33			

*Published by Secretary of State Mike Cooney*

**P.O. Box 202801 - Helena, Montana 59620 - Phone: 1-888-884-VOTE (8683)**

**Web Site: [www.state.mt.us/sos/](http://www.state.mt.us/sos/)**

**DID YOU KNOW THAT ONLY 27% OF ELIGIBLE VOTERS  
SHOWED UP TO VOTE FOR THE JUNE PRIMARY?**

As we watched the returns come in for the June primary, it was apparent this would be a record setting election, but unfortunately for all the wrong reasons. More Montanans voted in the general election in 1916 than voted in the 1998 primary. The last time fewer Montanans voted in a primary was 1966. The primary's turnout of 27% was the lowest in Montana's history for any state election.

**SECRETARY OF STATE MIKE COONEY  
SECRETARY OF STATE VERNER BERTELSEN**



**BUILDING EXCELLENT STATEWIDE TURNOUT**

Since the Primary election, we have been working with folks from around the state to remind everyone just how important it is to vote. We have reached schools, businesses, service organizations, the media and more. All in an effort to remind electors that being part of a democracy requires all of us to participate.

We'd like to thank everyone for their time, their efforts and their dedication. Your response and willingness to help has been outstanding.

*Now it's up to each of us.....*

**WON'T YOU JOIN US NOVEMBER 3RD & BECOME  
ONE OF MONTANA'S BEST?**



If you are not registered to vote or know someone who is not, remember that **October 5th is the deadline for registering.** Below you will find a voter registration card that you may complete, clip out, and mail in an envelope to your county election administrator.

If you have questions on voter registration or elections in general, please contact my office directly on the toll free hot-line I have set up for this specific purpose. That number is **1-888-884-VOTE (8683)**. Large print versions of this pamphlet, as well as an audio version on cassette are available through your local library or by calling our toll free number.

**See you at the polls on Tuesday, November 3rd!**

Sincerely,

**Mike Cooney**  
**Secretary of State**

**You have the right to vote** if you are at least 18 years old, a citizen of the United States, and have resided in Montana for at least 30 days. You can register to vote even if you do not yet satisfy the age or residency requirements as long as you will by the election.

**Your right to vote** is secured by being properly registered in the precinct where you reside. You have the right to register to vote by completing a registration card and delivering it to your county election administrator, either in person or by mail, 30 days before the election. You must notify the election administrator of any changes you make in your name or place of residence.

If you are registered but failed to respond to a confirmation mailing sent by the county election administrator (or did not vote in the 1996 general election), you are placed on an inactive list. Electors on the inactive list may reactivate their registration by notifying their county election administrator of their current address, which must be in the same county, or by appearing and voting in a federal election. After being placed on the inactive list, the voter's registration will be canceled if he or she does not vote in the two subsequent federal elections.

FOR OFFICE USE ONLY	Polling Place	Date	Pct.	Ward	Sch.	Hse.	Sen.	FD	HD	SC	Reg. #
<b>1. NAME (PLEASE PRINT Last, First, Middle)</b>					<b>7. IF YOU'VE CHANGED YOUR NAME, PRINT FORMER NAME</b>						
<b>2. COUNTY</b>					<b>8. PLACE LAST REGISTERED TO VOTE</b> CITY COUNTY STATE						
<b>3. ADDRESS WHERE YOU LIVE</b> (Street, City, Zip OR Sec., Twp. & Range)					<b>9. VOTER DECLARATION (Read and sign below)</b> I swear/affirm that: a) I'm a U.S. citizen; b) I'll be at least 18 years old on or before the next election; c) I'll have lived in this county for at least 30 days before the next election; d) I'm neither in a penal institution for a felony conviction nor found of unsound mind by a court; e) If I don't now meet these qualifications, I will by the next election; and f) I've provided true information, to the best of my knowledge under penalty of perjury. If I've given false information, I may be subject to a fine or imprisonment or both under Federal or State laws.						
<b>4. ADDRESS WHERE YOU GET YOUR MAIL</b> (if different from #3)					<b>SIGNATURE</b> <b>DATE</b>						
<b>5. YOUR TELEPHONE NUMBER</b> (406)											
<b>6. DATE OF BIRTH (month/day/year)</b>											

## **VIP and Voting Information**

### ***What is the Voter Information Pamphlet?***

The Voter Information Pamphlet (or VIP) is a publication printed by the Secretary of State to provide Montana voters with information on statewide ballot measures. The Secretary of State distributes the pamphlets to the county election administrators who mail a VIP to each household with a registered voter.

### ***Who writes the information in the VIP?***

The Attorney General writes an explanatory statement for each measure. The statement, not to exceed 100 words, is a true and impartial explanation of the purpose of each measure in easy to understand language. The Attorney General also prepares the fiscal statement, if necessary, and for and against statements for each issue.

Pro and con arguments and rebuttals are written by the members of the appropriate committee. Arguments are limited to one page and rebuttals to a half page. All arguments and rebuttals are printed exactly as filed by the committees and do not necessarily represent the views of the Secretary of State or the State of Montana.

### ***What if I can't vote on election day?***

You can vote an absentee ballot if you cannot get to the polls because you: 1) expect to be absent from your precinct or county on election day, 2) are physically incapacitated, 3) suffer from chronic illness or general ill health, 4) are a handicapped or elderly voter assigned to an inaccessible polling place, or 5) have a health emergency between 5 p.m. on October 30th and noon on election day.

If you qualify for an absentee ballot, contact your county election administrator (usually the clerk and recorder) to request an absentee ballot application. Absentee ballots may be requested starting August 20th. Absentee ballot applications, except for health emergencies, will be accepted up to noon the day before the election.

### ***How can I find out if I am registered?***

If you have voted since the last presidential election, you are still registered to vote. If you are not sure if you are or where you are registered, you should contact your county election administrator. The registration deadline for the general election is October 5th.

### ***Who is eligible to register?***

Anyone who is a citizen of the U.S., at least 18 years of age, and a resident of Montana and the county for 30 days by the date of the election may register to vote.

## CONSTITUTIONAL AMENDMENT NO. 33

### AN AMENDMENT TO THE CONSTITUTION PROPOSED BY THE LEGISLATURE

An act submitting to the qualified electors of Montana an amendment to Article II, Section 28, of the Montana Constitution providing that criminal laws must be based on principles of public safety and restitution for victims as well as prevention and reformation.

The Legislature submitted this proposal for a vote. The Montana Constitution currently provides that laws concerning criminal punishment are based upon the principles of prevention and reformation. This proposal would amend the Constitution to include public safety and restitution as additional principles upon which the criminal laws are to be founded. If approved the measure would take effect July 1, 1999.

- ☐ FOR revising the principles of criminal laws to include public safety and restitution.
- ☐ AGAINST revising the principles of criminal laws to include public safety and restitution.

The PROPONENT argument and rebuttal for this measure were prepared by Tom Esch, Senator Ric Holden and Representative Rod Bitney.

The OPPONENT argument and rebuttal for this measure were prepared by Senator Mike Halligan, Representative David Ewer and Mae Nan Ellingson.

## ARGUMENT FOR

FOR revising the principles of criminal laws to include public safety and restitution.

The rights of criminals are protected by Article II section 28 ("Rights of the Convicted") of the Montana Constitution. Our Constitution presently does not even mention the victims of crimes. The current language of Article II, Section 28 speaks to the need of deterring future criminals by punishment and reformation. It fails to speak to the full need for public safety or restitution of losses incurred by victims. The proposed amendment would guarantee that victims of crime would have constitutional protections that would serve to balance the heavy, criminal end of the scales of justice.

Crime is no small issue. According to the Montana Board of Crime Control, in one year alone, more than \$19 million was reported lost in property crimes alone, of which only 18 percent (\$3.5 million) was recovered. This "loss" figure does not include the dollars not earned because of lost wages, medical and hospital expenses, and increased security measures.

Crime is a huge issue. At any one time, there are over 8,000 convicted felons in our state under some form of supervision or incarceration, plus untold numbers of criminals serving sentences for misdemeanor. At the most conservative estimate, there would be at least one victim per criminal, at least 8,000 victims, so no less that 10 percent of our state's population is a "current" victim. Many, many more fellow citizens have been suffering the effects of crime.

So far, more than 20 states have adopted victims' rights amendments in an effort to help restore balance to their systems. But Montanans can only be helped if they, too, vote to restore balance by amending public safety and restitution into our Constitution.

The approval of this Constitutional amendment would be one step in reforming a criminal justice system which far too often focuses only on the rights of the criminal. Focusing our lawmakers' attention upon the safety of the public, upon the losses of crime victims, and upon restitution of those losses by those who cause them, is an important step that this State should take to improve our criminal justice system and make it more responsive to the needs of all Montanans.

A vote for Constitutional Amendment No 33 is a vote for greater public safety, a vote for greater peace of mind, and a vote for greater redress to victims when they need it most.

## ARGUMENT AGAINST

The constitution already addresses an appropriate philosophy for dealing with those who break the law. Montana statutes have many penalties including fines, jail sentences, community service, treatment programs, as well as restitution.

The Constitution appropriately sets general principles and the legislature enacts specific corrective actions to address the changing needs of society.

Changing the Montana Constitution is unnecessary and will not further enhance the public safety for Montanans.

No rebuttal submitted by proponent.

**OPPONENTS' rebuttal of those supporting the issue**

The proponents argue that voting for C-33 will restore a balance between the rights of criminals and of victims. The proposed constitutional amendment is not needed to achieve that balance. Montana currently has comprehensive laws extending rights and benefits to victims. Montana law already requires judges to emphasize restitution in sentencing criminals (46-18-101, M.C.A.). Almost all sentences handed down impose restitution. In fact, restitution is legally required to victims who suffer financial loss (46-18-201, M.C.A.). Montana law also provides victims the right to make statements during sentencing hearings and offer opinions regarding the appropriate sentence as well as the effects of the crime on the victim (46-18-115, M.C.A.). Montana statutes go farther still. To protect a victim, the court may restrict a defendant's employment, freedom of association, or any other limitation to protect the victim and society. Sex offenders can be forcibly treated with drugs to reduce the likelihood of additional sex offenses (45-5-512, M.C.A.).

Even in non-violent cases, a judge under Montana law, when sentencing a defendant **MUST** consider the safety of the public and whether restitution has been made to the victim (46-18-225). Montana law has an entire section, the Crime Victims Compensation Act of Montana (53-9-1, et seq.) which in great detail enables victims to receive compensation as a result of crime.

There is not an imbalance in our criminal code. Legislators have not ignored victims, their families or our community and neither do our judges. Clearly, victims should have rights, but amending the Montana Constitution will not make Montana a safer state and voters should not be misled into thinking it will. The greatest good that the State can do for its citizens is to minimize the chances of them becoming victims of crime in the first place. There is no right that the State can grant to a rape victim or the parents of a murdered child that can begin to replace the pain of loss caused by the crime. Vote NO on C-33.



## CONSTITUTIONAL AMENDMENT NO. 75

### A CONSTITUTIONAL AMENDMENT PROPOSED BY INITIATIVE PETITION

This initiative would amend the Montana Constitution to require an election and voter approval of any new or increased tax imposed by state and local governments, school districts, and other taxing districts. Each governmental unit could hold only one tax election per year. As an emergency measure, a bill passed by 3/4 of each house of the legislature could enact a state or local tax without voter approval, but it would be in effect for only a limited time. Any elector could sue to enforce this amendment, and public officials and employees could be held civilly liable for violations.

The exact fiscal impact of this proposed constitutional amendment is unknown; however, it will limit increases in government revenue and spending if voters do not approve new taxes and tax increases. There would also be fiscal impact if special elections are held for tax measures.

- ☐ FOR amending the Constitution to require voter approval of all new or increased taxes imposed by state and local governments, school districts and other districts.
- ☐ AGAINST amending the Constitution to require voter approval of all new or increased taxes imposed by state and local governments, school districts and other districts.

The PROPONENT argument and rebuttal for this measure was prepared by Professor Robert G Natelson, Joseph R Balyeat, CPA and Wes C Higgins.

The OPPONENT argument and rebuttal for this measure was prepared by Eric Feaver, Dennis M Burr, Senator Dorothy Eck, Alec Hansen and Representative Dan Harrington.

## YOUR RIGHT TO VOTE ON NEW TAXES

Polls show 65% voter approval for CI-75. Why? Because voters like common sense.

*Here's what CI-75 will do for you and all Montanans:*

- ✓ **CI-75 PROTECTS US FROM ARBITRARY TAX INCREASES**, by giving us *a right to vote on new or higher taxes* first. *This applies to all state, county, or local taxes* - sales tax, property tax, income tax, gas tax, payroll tax....
- ✓ **THE NUMBER (AND COST) OF ELECTIONS WILL ACTUALLY DECREASE**. Voter turnout will increase because tax issues will be on the ballot *and all tax elections (including mill levy elections) could be held only once per year* on regular election days. No more repeat "stealth elections" with ridiculous 7% voter turnout, and "NO" will finally mean "NO" instead of "Let's vote again."
- ✓ **BETTER JOBS AND MORE OPPORTUNITIES**. Our children's future will be more secure. Your pocketbook will benefit not only from lower taxes, but also from a prosperous economy. *CI-75 is based on proven success. It offers Montanans the same protection already enjoyed by citizens in other states.* Despite dire warnings from opponents, other states such as Colorado have seen their economies boom since they passed similar laws. Businesses flock to states with stable tax environments. Colorado's unemployment rate dropped to 2% below the rest of the country. *CI-75 means jobs.*
- ✓ **CI-75 IS SIMPLE FAIRNESS. THE TAXPAYERS WHO PAY THE TAB OUGHT TO HAVE A REAL VOICE ABOUT "HOW MUCH?"** This does not remove tax policy-making authority from the legislature. Elected officials will still formulate tax law (including rates, exclusions, etc.). They will simply submit any tax increase laws to the voters for a final veto or approval.
- ✓ **NEW MANDATORY FEES ARE ALSO COVERED**. No longer could new fees and red tape be imposed arbitrarily on a targeted group without giving those affected a chance to object.
- ✓ **NARROW BUT APPROPRIATE EXCEPTIONS**. *CI-75 excludes true user fees for optional services*, (i.e., library photocopy prices), where voter approval is not needed because competition from private enterprise keeps government charges in check. Also, CI-75 permits government to deal with true emergencies through careful, self-expiring override provisions.
- ✓ **CI-75 PARTIALLY SOLVES THE "DONUT AREA" PROBLEM**, where people living outside city limits are subjected to city taxation and regulation without representation in city government. **It also prevents forced annexations to extract higher taxes.** *People in the geographic area will get to vote on these issues.*
- ✓ **CI-75 OFFERS INCENTIVES FOR GOVERNMENT OFFICIALS TO ADOPT POLICIES THAT SPUR ECONOMIC GROWTH** and result in more tax revenue. It carefully permits government revenue increases that come from economic prosperity. Government's inflationary cost increases will be met by corresponding natural increases in income tax revenue.
- ✓ **CI-75 REDUCES RISK TO WORKERS AND BUSINESSES**. Montana workers and businesses often find themselves stuck with sharp tax and fee hikes because of political deals they couldn't control or knew nothing about. *Under CI-75, decisions on tax increases will no longer be backroom deals* made behind closed doors. *Those opposing CI-75 are groups that profit from higher taxes. Some have nice sounding names, but all are special interest lobbies that feed at the government trough.* CI-75 takes the tax decisions out of their hands and gives it to the people who foot the bill. By subjecting backroom tax deals to full public debate and vote, it reduces (rather than increases) the chance that a tax will be imposed unfairly on a minority group or industry.
- ✓ **CI-75 WILL SLOW THE GROWTH OF MONTANA'S BLOATED BUREAUCRACY**. Montana is fifth highest among states in per capita government employees, and *near the top in share of income consumed by government*. That's a big reason, studies tell us, why Montanans have the lowest pay in the U.S.

*What happens if CI-75 loses? Higher taxes, bigger government, stagnant economy, less individual freedom. But... If CI-75 wins, it's a win for prosperity and freedom.*

✓ **VOTE FOR CI-75!**

## ARGUMENT AGAINST

CI-75 is the second attempt to win voter approval for a Constitutional Amendment to require a public vote on any tax or fee increase by any level of government in Montana. CI-66, a similar measure, was defeated at the General Election in 1994. It comes as no surprise that locally elected officials oppose this type of measure. They believe it diminishes their ability to manage revenue systems and provide quality education and necessary city and county services to their constituents. The Montana League of Cities and Towns, the Montana Association of Counties, the Montana Education Association, and the Montana Public Employees Association, among others, opposed the initiative in 1994. Like the previous measure, CI-75 will not reduce taxes but it will require hundreds of complicated and expensive ballot measures on issues as mundane as raising the fee for overdue library books or increasing the assessments paid by livestock owners for predator control and brand inspections.

These organizations representing government were joined in opposition to this measure in 1994 by the Montana Taxpayers Association, the Montana Chamber of Commerce, the Montana Contractors Association, the Montana Mining Association and other organizations that represent taxpayers and business interests in the state. In addition to the costs imposed by a "Right to Vote on Taxes Initiative", it may well result in higher, not lower taxes. Rather than resist the bureaucratic requests for more spending, state and local officials will more likely pass the decision onto voters. Public votes on local, popular services, may well result in higher taxes, particularly if the tax increases are targeted at an unpopular segment of the business community, or one that is unable to adequately defend itself against the interest groups that benefit from the tax increase.

Just as important, the Montana legislature and local elected officials will never voluntarily reduce tax rates in times of surplus if it will require a public vote to raise taxes when poor economic conditions require expansion of government programs. CI-75 will frustrate tax reform in Montana as have similar measures in states like Colorado. Colorado's economy is producing more revenue for government than is necessary, resulting in increased government costs to rebate tax collections to Colorado citizens. Other western states like Utah and Arizona which are not restricted by "vote on taxes" provisions have reduced the taxes on their citizens by millions of dollars during the current economic expansion. CI-75 is expensive, it provides no tax reductions, and it will hinder efforts at true tax reform in Montana. We urge you to vote no on Constitutional Amendment 75.

## PROPOSERS' rebuttal of those opposing the issue

### CI-75 OPPONENTS MISS THE MARK

✓ Opponents argue against things that CI-75 doesn't do. Here's what CI-75 does do: It gives you a constitutional right you don't have now — **the right to choose whether you are going to pay more taxes or new taxes. For example, under CI-75, the legislature must give us a vote if it wants a sales tax.** CI-75 doesn't require a vote on library late fees, etc. It gives you the Right to Vote on all major tax increases without forcing votes on minor fee arrangements. We invite opponents to read the initiative.

✓ Opponents criticize another measure (CI-66) that's not even on the ballot! **But we're not voting on CI-66; we're voting on CI-75.** CI-75 is a big improvement on CI-66.

✓ In opponents' three-paragraph argument, paragraphs 1 and 3 contradict each other; and paragraph 2 is a potential violation of Montana campaign finance laws. Paragraph 1 says if you get the right to vote on taxes, you can't be trusted to give government enough money. Paragraph 3 says **your right to vote on taxes may lead to so much economic growth and added tax revenue that the state may be forced to (God forbid!) give you back a tax rebate** like they did in Colorado! Which is it — too little money or too much? Neither! CI-75 will simply force the government to live within its means like the rest of us must do.

✓ Opponents' paragraph 2 lists various groups, implying they may oppose CI-75. Montana campaign laws now say it's illegal for any of these groups to spend a dime opposing initiatives! And **none of these groups has opposed CI-75.**

✓ Opponents write as if they think you're not smart enough to see through their fear-mongering. Talk to someone from Colorado, Oklahoma, or Washington — all of which already have the Right to Vote on Taxes. In their two decades of combined experience, none of these states has experienced higher taxes, cluttered ballots, hampered tax reform,, rampant litigation, or more targeted taxation. What they have experienced is this — in 1997, **all three states ranked in the top 10 in personal income growth.** Meanwhile, without the Right to Vote on Taxes, **Montanans saw our pay drop to dead last in the nation!** Dave Lewis, the Governor's budget director, checked into these other states and now says, "Vote FOR CI-75."

✓ Colorado and Arizona both have booming economies and tax surpluses precisely because voters enacted tax limitation in those states. CI-75 means blue skies, not fallen skies — lower taxes, better jobs, less bureaucracy, more freedom — and more take-home pay!

### **HAVE A SAY IN WHAT YOU PAY - VOTE FOR CI-75!**

## OPPONENTS' rebuttal of those supporting the issue

**CI-75 IS BAD FOR TAXPAYERS, BAD FOR GOVERNMENT, AND BAD FOR CONSUMERS OF GOVERNMENT PROGRAMS AND SERVICES.**

\*CI-75 binds in concrete whatever bad tax system and/or rate of taxation we have now.

\*CI-75 destroys representative democracy. It divests elected officials of responsibility and accountability for tax and spend policies.

\* CI-75 invites constitutional challenge. One section repeals unmentioned existing constitutional provisions that may conflict with CI-75.

\* CI-75 gives local governments no emergency authority to battle whatever fiscal crisis they might face nor meet new demands placed on their programs and services by increases in inflation and/or population.

\* CI-75 denies all public officials and public employees of protection from civil liability for alleged violations of law created by CI-75.

**VOTE "NO" on CI-75.**

## LEGISLATIVE REFERENDUM NO. 113

### AN ACT REFERRED BY THE LEGISLATURE

An act continuing the authority for the tax levy for the support of the Montana university system for 10 years; providing that the proposed authority be submitted to the electors of Montana; amending section 20-25-423, MCA; and providing effective dates.

The Legislature submitted this proposal for a vote. State law currently gives the legislature authority to levy up to 6 mills on the taxable value of all real and personal property for the support, maintenance and improvement of the Montana university system. This legislative authority, however, expires in 1999. A statewide university mill levy has been in effect since approval by the electorate in 1920, and since 1948 has stayed constant at six mills. This proposal would continue the authority for the tax levy for ten additional years.

The levy would generate revenue of up to \$15 million a year beginning in fiscal year 2000 and increase approximately 2% a year for the remaining nine years.

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

The PROPONENT argument and rebuttal for this measure were prepared by Senator Chuck Swysgood, Representative Royal Johnson and Senator Bob Brown.

No opposing committee was appointed.

## ARGUMENT FOR

More than three-quarters of a century ago Montanans decided to invest in the future by approving a statewide levy for higher education. The levy came about in 1920 because Montana people believed in the benefits of higher education. Montana voters kept their commitment to the future by approving the levy in every decade since 1920. In 1948 it was set at six mills and in 1958, 1968, 1978 and 1988 Montanans voted to retain the levy at the same six mill level. It will again be on the general election ballot in 1998 as Referendum 113.

The six-mill levy is not a tax increase. It was six mills back in 1948, and it has been six mills ever since. On a statewide basis, the six mills make up only about 1.5% of a property owner's taxes. But, nearly 14% of the total state support for higher education comes from the six-mill levy.

Six-mill levy funding directly supports our state's four year colleges as well as the five colleges of technology, educating nearly 35,000 students. The levy pays for educational programs. It is not used for constructing or renovating buildings or stadiums. The levy has been vital in giving generations of Montana students top quality training and knowledge to pursue useful and productive careers.

The six-mill levy is the only statewide property tax citizens have traditionally voted on. It is endorsed by both the Montana Republican and Democratic parties; by all three members of our state's Congressional delegation; by Governor Marc Racicot and former Governors Ted Schwinden, Stan Stephens, Tom Judge and Tim Babcock. It has received the endorsements of dozens of grassroots Montana organizations including the Montana Chamber of Commerce and the Montana State AFL-CIO; the Farm Bureau and the Farmers Union; the Montana School Boards Association and the major teachers organizations; Montana chapters of Big Brothers and Sisters and the Montana Senior Citizens Association.

The six-mill levy helps keep the quality of educational programs up and the cost to students down, without unduly burdening homeowners. It has the broad-based support of diverse groups of citizens from across the state. The six-mill levy was a good deal for the state in 1948, and it's a good deal now. Let's renew it for the future.

State Senator Chuck Swysgood, chair, Dillon  
Representative Royal Johnson, Billings  
Bob Brown, Whitefish

## INITIATIVE REFERENDUM NO. 114

### AN ACT OF THE LEGISLATURE REFERRED BY REFERENDUM PETITION

In 1996, Montana voters passed Initiative 125, prohibiting--except from certain non-profit corporations with no for-profit corporate members--direct corporate spending toward the support or defeat of ballot issues, and setting voluntary spending limits for ballot issue committees. The 1997 legislature passed House Bill 575, amending I-125 to prohibit all contributions to ballot issue campaigns by corporations, partnerships, associations, and tax-exempt organizations, except from a separate political fund created through voluntary contributions from shareholders, employees, or members. It amends the definition of "expenditures" by political committees, for purposes of voluntary spending limits, to remove reference to loans received by committees.

- ☐ APPROVE House Bill 575, amending Initiative 125 to prohibit contributions or expenditures by all corporations, associations, and tax-exempt organizations in connection with ballot issue campaigns.
- ☐ REJECT House Bill 575, amending Initiative 125 to prohibit contributions or expenditures by all corporations, associations, and tax-exempt organizations in connection with ballot issue campaigns.

The PROPONENT argument and rebuttal for this measure were prepared by David Owen, Senator Thomas F Keating and Representative William Rehbieh Jr.

The OPPONENT argument and rebuttal for this measure were prepared by CB Pearson, Jonathan Motl and Chris Newbold.

**ARGUMENT FOR**

**Argument For Approval of HB575 In IR-114**

IR-114 asks you, the voters, to Approve or Reject HB 575 which prohibits ALL corporations, whether for-profit or not-for-profit, from contributing campaign finances to 'ballot issues'. HB 575 assures that only individuals may make campaign contributions to ballot issues just as they can for political candidates and political parties.

HB 575 makes ballot issue debate fair for everyone and assures that you, the voter, will hear both sides of the argument for and against every ballot issue.

Vote to APPROVE HB 575 in IR-114 in the interests of fairness and honesty in political issues.



## ARGUMENT AGAINST

The League of Women Voters of Montana, Common Cause of Montana, the Montana Public Interest Research Group and the Montana Citizens League urge you to vote AGAINST H.B. 575.

These citizens groups urge you to vote AGAINST H.B. 575 because that vote will protect and preserve the initiative process itself.

In 1996 Montana voters passed Initiative 125, a measure which prohibited direct campaign spending from the corporate checkbook on initiative campaigns. I-125 was passed after wealthy tobacco companies spent over \$1.5 Million in 1990 and big mining companies spent over \$2 Million in 1996 to defeat citizen initiatives.

Following passage of I-125 the same corporate interests affected by I-125 persuaded the 1997 Montana legislature to pass House Bill 575, a poison pill amendment to I-125. Heavy lobbying by big money interests pushed the Montana legislature to change a law established by citizen initiative before it was used for even one election cycle.

The citizens and citizen groups which supported I-125 and campaign finance reform went back to work, again using the initiative process to place H.B. 575 on the ballot. An "AGAINST" vote therefore means that citizens will reject the attempt by corporate interests to end run the initiative process with a legislative amendment.

In February of this year U.S. District Court Judge Lovell ruled that H.B. 575 was unconstitutional thereby leaving I-125 intact as passed by voters in the 1996 elections. Following that legal victory we urge you to vote against H.B. 575 as a message that the initiative process itself should be respected by Montana legislators regardless of the amount of special interest pressure.

Any legislative reform of campaign finance will take place against resistance by those special interests who supply campaign related money and be enacted by legislators who receive the money. This makes legislative reform unlikely and that is why the initiative process is so important to campaign finance reform.

Any campaign finance reform effort also needs to meet certain requirements of constitutional examination. These strict constitutional standards are important, but make any reform effort easy prey for an amendment that will destroy that reform by adding in legally indefensible language. This was the tact taken by H.B. 575 which, under the guise of "leveling the playing field", added in legally indefensible restrictions on money coming from human beings rather than from corporate profits. Fortunately, the H.B. 575 language was sufficiently separate such that the Court was able to sever H.B. 575, leaving the original language of I-125 for further review.

For these reasons we urge you to vote AGAINST H.B. 575.

No rebuttal submitted by proponent

OPPONENTS' rebuttal of those supporting the issue

The Montana State Legislature passed HB 575, a devious amendment, sponsored by special interest groups to clearly make I-125 unconstitutional. Now its your turn to hold the Montana State Legislature accountable for undercutting the citizen initiative process.

When it comes to political speech, there is a legally recognized difference between for-profit corporate money and not-for profit corporate money

Money from a for-profit corporation may be limited by a law such as I-125. The U.S. Supreme Court stated such a limitation was necessary in order to control:

"The corrosive and distorting effects [on the political system] of immense aggregations of wealth that are accumulated with the help of the corporate form and that have little or no correlation to the public's support for corporation's political ideas..."

-- *Austin v. Michigan Chamber of Commerce*

---

### Fair and Honest?

Here is what Montana's editorial pages said about House Bill 575:

Bozeman Daily Chronicle

Miles City Star

Attempts to  
amend I-125  
may be the  
law's undoing

Tampering takes  
sense from I-125

**Missoulian**  
Bill would sabotage Initiative 125

Montana Standard

A case of sabotage

---

## INITIATIVE NO. 134

### A LAW PROPOSED BY INITIATIVE PETITION

This initiative would repeal the Montana Retail Motor Fuel Marketing Act. The Act was passed in 1991 to prevent fuel dealers from selling fuel below cost to drive out competition from smaller independent dealers and distributors. It prohibits selling fuel for less than the price the seller paid, plus overhead and labor costs, if the effect of the below-cost pricing is to destroy or injure competitors or competition. A gas station cannot sell fuel for less than the wholesale price it pays plus a 6% markup, unless its cost of doing business is actually less than the 6% markup.

The effect of this measure on state government is difficult to predict since most state government fuel purchases are already the result of competitive bid and not affected by the current law.

☐ FOR repealing the Montana Retail Motor Fuel Marketing Act.

☐ AGAINST repealing the Montana Retail Motor Fuel Marketing Act.

The PROPONENT argument and rebuttal for this measure were prepared by Ben Taormina, Jack Gunderson and Jay Stovall.

The OPPONENT argument and rebuttal for this measure were prepared by John M Smart, Tim Hornbacher, Ronald C Leland and Senator Arnie A Mohl.

ARGUMENT FOR

**MONTANA RETAIL MOTOR FUEL MARKETING ACT  
ARGUMENT TO REPEAL**

The Montana Retail Motor Fuel Marketing Act should be repealed. Initiative 134 will repeal that state law which established a minimum price for fuel resulting in higher prices for consumers. This law eliminated competition among retail dealers and only benefits the larger wholesalers who also own retail stations.

The law was supposed to protect small "Mom and Pop" retail stations from predatory pricing by large, mainly out-of-state chains. Existing Federal and State anti-trust laws prohibit predatory pricing and work well for all other Montana businesses. So, why does motor fuel need special legislation to establish a minimum price when everything else (except cigarettes!) is subject to the free market to determine price and how it is marketed?

According to the Montana Department of Transportation, we purchased more than 646 million gallons of fuel in fiscal year 1997. An editorial in *The Missoulian*, July 5, 1998, states we are being overcharged 13 cents per gallon in Montana, according to A.A.A. and Lundberg reports. This 13 cents per gallon amounts to more than \$84 million in annual overcharge. This equates to approximately \$100 for every Montana man, woman and child per year or \$400 for a family of four.

**Montana gas tax is not the culprit.** According to the Department of Transportation, we are 20th highest for gasoline (27 cents) and 18th highest for diesel fuel (27 3/4 cents). Nationally, other states add state sales tax, petroleum tax surcharges and other fees to their basic gas tax.

**The real reason for our higher prices is that the Retail Motor Fuel Marketing Act creates a monopoly for the petroleum consortium.** Violating this act imposes severe fines and penalties on those who wish to be competitive. **There no longer can be free enterprise and competition.** When the law establishes a minimum price it distorts the entire marketing system. The minimum 1% wholesale and 6% retail markups required by law results in higher prices.

Everything in the state moves on wheels, using fuel as its prime mover, and affects our economy. The \$84 million dollars overcharge Montanans paid would be a stimulating boost to our economy. **Maybe we would not rank last in per capita income nationally.**

Benefits of competition would be:

- Reduce travel and operation costs for everyone, which would help the tourist industry
- Reduce fuel costs for trucking, logging and agriculture to compete in more markets
- Lower construction bids which would reduce government and private sector costs
- Reduce prices for all commodities, food, clothing and shelter
- Reduce the costs for transportation of students, thereby increasing education funding for classroom instruction
- Entice new industries to locate in Montana creating new and better paying jobs and increasing the tax base to improve our economy
- The BNSF Railroad may consider reducing their grain hauling and other rates to compete with lower trucking costs, which would open new world markets for our number one industry, **agriculture**

The petroleum industry would have us believe repealing the law would put small "Mom and Pop" operations out of business. **They are doing that now with non-attendant fueling stations and credit card pumps that allow 24 hour operations. Most of the new BP stations are replacing the existing "Mom and Pop" stations.** This is accomplishing what the Retail Motor Fuel Marketing Act was supposed to prevent.

Don't be fooled by the opposition's name "Montanans for Fair Fuel Price Against I-134 Committee." They are financed mainly by bulk dealers and have the same spokesperson as the Montana Petroleum Marketing Association.

**VOTE FOR I-134 -- TO REPEAL THE MONTANA RETAIL MOTOR FUEL MARKETING ACT.**

ARGUMENTS IN OPPOSITION TO I-134

1. Repealing the Motor Fuel Marketing Act will not lower gas prices overall, as it is not the reason Montana suffers from higher retail fuel prices than surrounding states. Rather, by repealing a law that protects both small business owners and consumers alike, you may assure monopoly situations that will result in HIGHER prices in the long run. Montana has always had higher gas prices even before the MFMA was passed. It can be attributed to two major causes: The third highest state excise fuel tax, and; the highest wholesale prices charged by refiners in the country. Two major oil companies refine products in Montana. Both own a majority share of the pipeline that transfers fuel across and, out of the state. Those companies charge less for the same fuel sold to in-state distributors than they do to out of state distributors. The reason is that in other states they have more competition from other major oil companies, therefore more competitive 'starting' prices. Inside Montana they can command a price.
2. The Motor Fuel Marketing Act is an extension of a general anti-trust law written in relation to all products, passed in 1936; that prohibits the sales of products 'below-cost' when the intent is to destroy competition. The anti-trust law passed in 1936 in Montana is deemed the "Consumer Protection Act". The Motor Fuel Marketing Act is nothing more except that; it sets a formula for determining what 'cost' is, in the petroleum marketing industry. Twenty-eight states have some type of below-cost statute in place. Sixteen states have laws specific to motor fuels and the anti-competitive situations that exist in the industry. Predatory pricing is a problem across the country, not just in MT.
3. Repealing the MFMA may well result in the demise of family owned gas stations and convenience stores. Without the clout of large subsidized operations that own numerous locations, a single outlet owner cannot survive a predatory pricing situation for any length of time. A neighborhood convenience store may well have to close its doors if it has to sell its primary product at a loss. This results in fewer locations that sell gas. The long-term ramifications of less competition will not only cause higher prices, but will also create great inconvenience to the consumer.
4. A legislative oversight committee in 1990 decided that predatory pricing in the retail petroleum industry had occurred and could occur again. The committee recommended the bill that created the MFMA to the legislature in 1991 as they determined that small independent businesses were vital to Montana's economy and that unfair competition by cash-rich "big-oil" chains was detrimental to consumers. Then Attorney General and now Governor Marc Racicot along with many legislators supported the bill.

## Rebuttal to Opposition Argument to I-134

The opposition's arguments are bogus. Repealing the law will eliminate the minimum price requirement and restore competition without government interference. They refuse to recognize the Montana Department of Transportation figures that Montana ranks **20th highest, not 3rd**, on total gas taxes paid at the pump. The attempt to disguise the Montana Fuel Marketing Act as an extension of the Consumer Protections Act is absurd! The cost-of-doing business formula referred to contains 10 items such as labor, selling costs, and all taxes, including the 45.4 cents gas tax the consumer pays. **The 7% mark-up increases the cost of fuel an additional 3.178 cents at the pump.** How can every station in town have exactly the same costs and identical prices? The opposition says gas is cheaper out of state because of competition. Why not have some of that competition in Montana?

Since passage of the Montana Motor Fuel Marketing Act, family-owned stations are being bought out by the bulk dealers who are making the big money. Do you consider B.P., Cenex, Town Pump, Thriftway, etc., to be family owned stations? Do you really think large corporations are going to build million dollar stations in small towns in rural areas to compete with existing stations?

The Legislative Oversight Committee minutes fail to prove any predatory pricing in Montana. While the intent of this legislation was good, history proves the law unworkable and costly for consumers. The County Attorneys' Association, the State Chamber of Commerce and AAA have all testified to repeal the law and allow the free market to operate. **Vote for I-134 which will repeal this law.**

No rebuttal submitted by opponent

## INITIATIVE NO. 136

### A LAW PROPOSED BY INITIATIVE PETITION

State law reserves approximately 7,800 outfitter-sponsored licenses for out-of-state hunters each year: 5,500 licenses entitle the nonresidents to fish and to hunt birds, deer and elk, while the remaining 2,300 exclude the elk tag. Nonresident hunters are guaranteed this license if they agree to purchase it at market rate and use the services of a Montana-licensed outfitter. This initiative would eliminate the requirement that the nonresident use an outfitter to obtain these licenses. However, these licenses would still be set at the market rate. This initiative would not affect other resident or nonresident hunting and fishing licenses.

The fiscal impacts are difficult to project. Increasing the group of nonresident hunters eligible for the guaranteed license will increase demand, forcing an increase in price to stay within the statutory quotas. Eliminating the "outfitter set-aside" will have a negative impact on the outfitting business in Montana.

- ☐ FOR eliminating the requirement that nonresidents hire a Montana-licensed outfitter in order to purchase a guaranteed combination hunting and fishing license.
- ☐ AGAINST eliminating the requirement that nonresidents hire a Montana-licensed outfitter in order to purchase a guaranteed combination hunting and fishing license.

The PROPONENT argument and rebuttal for this measure was prepared by Mark Baker, Representative Brad Molnar and Senator Ken Miller.

The OPPONENT argument and rebuttal for this measure was prepared by Jack Rich, Jean Johnson, Senator Ken Mesaros, Representative Emily Swanson and Kelly Flynn.

#### ARGUMENT FOR

Currently a nonresident deer or elk hunter can purchase a higher priced guaranteed issue license to hunt in Montana instead of putting in for the drawing of permits. Funds raised are used to fund the Block Management program. In order for a nonresident to obtain one of these guaranteed licenses they must hire an outfitter. **If I-136 is accepted by the voters of Montana the requirement to have an outfitter will be eliminated. They may hire an outfitter, but it will not be mandatory.**

The guaranteed client base for outfitters has strengthened their ability to lease up private lands, 14,500 square miles of private land and shut down access to both private and public lands that have traditionally held the best habitats in the state. Lands that in the past were opened up to residents, all for the sake of profits, based on a public owned resource, that the public can no longer enjoy. **I-136 will end the policy that a nonresident is guaranteed an elk or deer license if they give money to an outfitter to lease land to keep Montanans from hunting.**

**I-136 Does not jeopardize Block Management since the funding for the program will remain the same.**

**I-136 does not take away any property rights. Land Owners will have all the same options available to them that they now have.**

The current policy of requiring an out of state hunter to hire an outfitter if they want to purchase a guaranteed issue license has a major flaw, **it takes away the protections of a "free market."** It would be the same as setting a policy that requires anyone that is

not a resident of Montana to buy gas from only full service gas stations in order to drive in Montana and at the same time not allow any more full service stations to be established.

While the livestock industry seeks help to break up the monopoly in the meat packing industry, citizens of Montana **can eliminate an outfitter monopoly created in 1995.** The 7,800 outfitter licenses must be purchased through them, whether the purchaser needs an outfitter or not! Our brothers, sons and daughters who live out of state are forced to pay an outfitter in order to be assured of a license in the year they would like to come home and hunt with their family or friends. Under I-136, choice exists and persons wanting the service that an outfitter provides, can still hire an outfitter of their choice. I-136 was not written to eliminate outfitters. **Outfitters doing a good job will continue to have customers and earn income if they choose.**

Most residents of the State of Montana live here because of our abundant opportunities for outdoor recreation. At the top of this list are our hunting and fishing opportunities. **We endure above average taxation and below average wages to enjoy the privileges that residents are afforded in the outdoors.**

A report done by Dr. John Duffield for the Montana Department of Fish, Wildlife and Parks clearly shows that for **every dollar outfitting generates five dollars are lost** to hotels, gas stations, restaurants, grocery stores, etc. by the lack of activity due to closed access and lost opportunities.

**Vote for I-136.**



## ARGUMENT AGAINST

Montana has a deep-rooted hunting tradition about which Montanans feel strongly. Conflicts over places to hunt and the quality of hunting has been growing. Many attempts have been made to minimize conflicts, most recently by the Governor's Private Lands/Public Wildlife Council (PL/PW). **I-136 jeopardizes this progress by once again pitting sportsmen against landowners and outfitters.**

In addition, the passage of I-136 would weaken Montana's small business and struggling rural economy. Another consequence of I-136 is the potential crippling of the very successful Enhanced Block Management program, which has opened millions of private acres to free public hunting.

Currently, nonresident elk and deer licenses are limited to no more than 28,600. 73% of those are available to any nonresident. I-136 takes aim at the remaining 27% reserved for nonresidents who choose to book with an outfitter.

This guaranteed, outfitter-sponsored license is the funding mechanism for the Enhanced Block Management program. It was initiated by the 1993 Legislature and developed by Gov. Marc Racicot's PL/PW Council over 18 months. It involved over 100 organizations and was adopted by the 1995 Legislature as HB 195. The five-year program went into effect with the 1996 hunting season.

Presently, the nonresidents with a guaranteed license can hunt only within the outfitter's area of operation for the duration of their guided hunt. **Under I-136, the nonresident with a guaranteed license will be turned loose to hunt all of Montana for the entire season, unrestricted and uncontrolled.**

I-136 makes price the ONLY requirement for acquiring a guaranteed license. Eventually, the prices may go so high that **traditional Montana small businesses will be replaced by out-of-state corporations, nonresident hunting clubs, and celebrity landowners.**

### • History of the "set-aside" - guaranteed license •

1986 - Fish, Wildlife and Parks Director Jim Flynn, under the guidance of Gov. Ted Schwinden, recognized the industry's important contribution to the Montana economy. The set-aside pool of licenses was created as the tool to provide economic stability and allow the nonresident sportsmen to plan ahead.

1987 - The legislature upheld that decision, as did the 1993 Legislature when the issue came up again.

1993 - HJR 24 created the Private Lands/Public Wildlife Advisory Council. HJR 24 recognized the valid service provided by the outfitters and charged the Council with "encouraging the continuance of a viable outfitting industry".

1995 - The legislature endorsed the Council's work and passed HB 195 as a five-year program. HB 195 left the Council in place as the mechanism to address future corrections to the program. Gov. Racicot called HB 195 a "minor miracle".

### • Conclusion •

For these reasons, it is critical that voters are fully aware that they are not just tinkering with a "state law" - they are potentially destroying what is slated to be a five-year agreement between landowners, sportsmen and outfitters.

Before we scuttle the work of the 1995 Legislature, the Private Lands/Public Wildlife Council, over 100 groups, and many individuals around Montana, let's address the potential problems and continue working together as Montana landowners, sportsmen, and outfitters for win-win solutions for all groups.

PROPOSERS' rebuttal of those opposing the issue

Montanans do have a deep-rooted hunting tradition about which we feel strongly and that tradition is slipping away, to out of state money interest.

The 1995 legislature adopted the laws that created outfitter guaranteed nonresident licenses, with the intention of curbing outfitter growth. The board of outfitters (made up by a majority of outfitters) were given the duty of writing rules so that any increases in leased land did not conflict with resident hunters. As of August 1, 1998, those rules still have not been written and the growth of outfitter leased land continues.

If passed, I-136 still gives the landowner all of the options they presently have. I-136 will increase the funding for the block management and Habitat Acquisition programs. I-136 will strengthen local economies, as Dr. John Duffield found in his research, as was pointed out in the pro-

arguments. I-136 will not cause any more out of state corporations, nonresident hunting clubs and celebrity landowners to control Montana lands.

A large number of Democrat and Republican Legislators, sportsman and land owners, not only support I-136, but actively helped gather signatures to put I-136 on the ballot. I-136 only gives a nonresident with a guaranteed issue license the option to hire an outfitter, instead of a mandate.

The deep rooted hunting tradition mentioned at the beginning, is about Montana families experiencing our public resources, not someone from New York experiencing an outfitted trophy hunt.

Please help all Montanans, not just a special few. Vote for I-136

OPPOSERS' rebuttal of those supporting the issue

## I-136 is BAD for Montanans

- If you believe in neighborly relations between sportsmen, landowners, and outfitters, vote AGAINST I-136.

*I-136 returns Montana sportsmen, landowners, and outfitters to an era of confrontation.*

- If you want better access to hunt, vote AGAINST I-136.

*I-136 jeopardizes access to 7.5 million acres for Montana residents.*

- If you believe negotiating a solution is better than gouging one another, vote AGAINST I-136.

*I-136 destroys 5 years of work by the Private Lands/Public Wildlife Council, over 100 organizations, and the Montana Legislature.*

- If you support small business in Montana, vote AGAINST I-136.

*I-136 could cost Montana businesses over \$28 million per year.*

- "Outfitter monopoly??" — Guided nonresidents make up less than 3% of the total elk and deer hunting opportunities in Montana. Vote AGAINST I-136.

*Outfitter-sponsored nonresident licenses constitute only 7,800 of the 300,000+ deer and elk licenses purchased by all hunters. (1997)*



## INITIATIVE NO. 137

### A LAW PROPOSED BY INITIATIVE PETITION

Cyanide leach mineral processing is the procedure used in mining operations that applies a cyanide-based solution over gold or silver ore to remove the precious metals from the waste rock, so the metals can be recovered. This measure would prohibit new open-pit gold and silver mines in Montana that use heap and vat cyanide leach processing. Any open-pit mines currently operating and permitted to use cyanide leach processing could continue to do so, but this measure would prohibit any expansion of these mines. If approved, this measure would be effective immediately.

If approved, Montana would potentially lose taxes and royalties from new or expanded mining development. There would also be a potential reduction in the number of new mining jobs in Montana. However, the potential for state environmental liabilities may be reduced if cyanide leach mineral processing is prohibited.

- ☐ FOR prohibiting cyanide leach processing at new open-pit gold and silver mines and prohibiting expansion of existing mines using cyanide leach processing.
- ☐ AGAINST prohibiting cyanide leach processing at new open-pit gold and silver mines and prohibiting expansion of existing mines using cyanide leach processing.

The PROPONENT argument and rebuttal for this measure were prepared by Joan T. Toole, Donald R Marble and Stephanie Shammel.

The OPPONENT argument and rebuttal for this measure were prepared by Alan Joscelyn, Jerry Driscoll, Senator Lorents Grosfield and Representative Duane Grimes.

# ARGUMENT FOR

## Billings Gazette

### Reclamation costs may fall on taxpayers

By JIM GRANTHEBY  
Of The Gazette Staff

Additionally, as a result of a consent decree with the U.S. Environmental Protection Agency for water pollution problems, Pegasus had to post a bond for \$12 million in July 1986 to upgrade

## MONTANA

### Cyanide found in well at mine

By Tribune staff

LANDUSKY — Cyanide has been discovered in a monitoring well below a gold processing plant near

## Billings Gazette

### Acid, metals found in mine discharge

By Tribune staff

LANDUSKY — Cyanide has been discovered in a monitoring well below a gold processing plant near

## Helena Independent Record

### Residents worried about Sweet Grass Hills

By Tribune staff

LANDUSKY — Cyanide has been discovered in a monitoring well below a gold processing plant near

## Helena Independent Record

### Ranchers blame gold mine for diminishing water supply

By Tribune staff

LANDUSKY — Cyanide has been discovered in a monitoring well below a gold processing plant near

### Mine gear fails twice

Pipe blowout, pump failure raise doubts about McDonald's safety

## Missoulian

### Criticism doesn't faze Pegasus

Bankrupt mining firm still plans to give execs millions in bonuses

### Dear Voters,

We believe that it's time for a common sense discussion about cyanide leach open-pit mining Montana. As the newspaper headlines indicate, this is a serious problem for all Montanans. It is why we want to share our experiences with you in this Voter Information Pamphlet.

**Stephanie Shammel** ranches with her husband Alan and their family in Hilger near the Kendall Mine — a medium sized open-pit cyanide heap leach gold mine. "I have seen my neighbors' water taken from them by the Kendall Mine. Our spring has been contaminated. Our families and livelihoods are in jeopardy. What can our kids look forward to after three generations of our family ranching this land? We must have water for ourselves, our crops, and our livestock. We are not opposed to all mining. But after ten years of dealing with cyanide heap leaching, I believe it should be prohibited in the future. We owe it to our kids."



**Don Marble** of Chester has practiced law in rural Montana for 31 years. "I have seen first hand the devastation to many of my friends' lives caused by the Zortman/Landusky Mines. For years the state officials in charge assured us all that full bonding was in place. However, now that the mine's owner, Pegasus Gold, has gone bankrupt the state admits it needs \$8.5 million in additional bonding to reclaim the mines. We taxpayers are likely to end up paying some of this cost. Government agencies just do not seem able to keep these big corporations in line. Before becoming a lawyer I was an engineer. After observing cyanide leach mining for two decades I believe it is a failed technology that just cannot be done responsibly."

**Joan Toole** is a former Bitterroot Valley rancher now retired to Helena who until recently served on the Lewis and Clark City-County Board of Health. Joan is also a former member of the state Board of Natural Resources and Conservation. "As a former chapter president of the League of Women Voters, I have always studied the facts about controversial subjects. When the big cyanide leach mine was proposed on the Blackfoot River in Lewis and Clark County I decided to study cyanide leach open-pit mining and its impacts to surface and groundwater. I concluded that the downstream threat to public health is very real. I am convinced that with the industry's record of failure to protect neighbors' private property rights, obey existing laws, and prevent water pollution it makes good sense to pass I-137. There are other, better ways to mine as is being done at the Montana Tunnels and Diamond Hill Mines near Helena. We can and will have gold mining in Montana, but cyanide leaching is just too dangerous. It does not make sense to keep doing something that always fails."



We want to thank you for reading our views and hope they help you decide how to vote on I-137.

*Stephanie Shammel*  
Stephanie Shammel

*Don Marble*  
Don Marble

*Joan Toole*  
Joan Toole

### OPPONENTS' ARGUMENT AGAINST I-137

Here they go again.

Preservationists, funded by wealthy out-of-staters and enormous international groups, are back at it. This time they're promoting another anti-jobs campaign, Initiative 137.

Montanans possess a strong desire to have a clean and healthy environment, and a robust and healthy economy. It is that balance the vast majority of us strive for every day. *The promoters of I-137 want us to believe that we are incapable of having both, so legitimate businesses and hard-working employees must pay with their jobs and income.*

### I-137 IS NOT ABOUT THE ENVIRONMENT

It's part of a political agenda that does nothing to help Montanans provide for our families, allow our kids to stay in the State, or sustain our small-town communities. The agenda comes first.

Those behind I-137 have made it clear that they intend to run the State through the use of endless lawsuits and ballot initiatives -- with the taxpayers picking up much of the bill.

Last election, the environmental group behind I-137 (MEIC) also supported I-125. Promoters told Montana voters that I-125 was designed to eliminate big money from ballot initiatives. Then this year, MEIC turned around and paid out-of-state firms thousands of dollars to get I-137 on the ballot. When the newspaper asked about the issue, MEIC's spokeswoman replied, "we're not subject to that law." Of course not. *Their lawyers wrote that law.*

### WHO'S NEXT?

Now that these groups have almost everyone but themselves excluded from meaningful participation in ballot initiatives, they've started promoting their agenda by stopping businesses they don't like.

The promoters of I-137 have made it clear that mining is simply first on their list. What will they

want to ban next? Fertilizers? Sport utility vehicles? Hospital disinfectants? Who knows?

### POINTS TO CONSIDER:

When voting, we ask you to consider these points:

- Cyanide has been used safely for decades with no harm to people.
- I-137 will have a terrible impact on schools, students and teachers. At a minimum, passage of I-137 will stop the flow of 70 million dollars or more to Montana's education funds.
- I-137 will put the brakes on hundreds of real jobs in Montana. Worse, they are good-paying, family supporting jobs with excellent benefits. According to government statistics, the types of workers specifically targeted by I-137 currently make more than double the average Montana wage. Montanans deserve good-paying jobs.
- Montana businesses will suffer. One operation targeted by I-137 will purchase 550 million dollars in goods and services. Most of that money will be spent right here in Montana.
- I-137 will mean the loss of 100 million in tax dollars from just one project alone. Who will be forced to make up that loss? You and me?
- Strong regulations are necessary, and specific, existing regulations are now in place. More than 50 laws already on the books REQUIRE that mines protect the water, air, fish, wildlife, people -- the entire environment.

Please, join us and thousands of other Montanans who believe the facts, not emotional rhetoric, should guide our voting decisions. **We urge you to Vote No on I-137.** Thank you.

This measure's opponents' argument and rebuttal were prepared by Jerry Driscoll, President, Montana AFL-CIO; Representative Duane Grimes (R), Chair of House Human Services Committee; Senator Lorents Grosfield (R), Chair of the Senate Natural Resources Committee; and Alan Joscelyn, J.D.

## PROPOSERS' rebuttal of those opposing the issue

Why have the opponents of I-137 resorted to name calling, distortions and fear tactics? Hospital disinfectants? Wealthy out-of-staters? Run the state? Clearly they do not want to address the merits of this issue — the record of cyanide heap leach open-pit gold mining in Montana.

They have labeled us as preservationists. We suppose, in a way, that is true. We are simply long-time Montanans trying to preserve private property, water rights, our groundwater, and our neighbors' and our children's health.

The mine companies' lobbyists and their politicians say cyanide "has been used safely for decades with no harm to people." That is not true. At the Zortman/Landusky mines water pollution resulted in \$38 million in fines and penalties against Pegasus Gold. People in Zortman, Pony, near Whitehall, and in Landusky have all had their groundwater contaminated with cyanide.

Montana's economy, private property rights, and health depend on clean water in our wells, springs, creeks and rivers.

We say "lobbyists and their politicians" because that is what the opponents are. Although Jerry Driscoll is listed as the president of the Montana AFL-CIO, he failed to disclose that he is also employed by the non-union Canyon Resources, Inc. as a lobbyist to push for the massive open-pit cyanide leach mine on the beautiful Blackfoot River. Alan Joscelyn is a Pegasus Gold lawyer and lobbyist, and he also represents Canyon Resources.

We are not being paid or compensated to share our concerns with you. We are volunteering so that you will get both sides of the story before you decide how to vote.

**As a rancher whose groundwater has been contaminated by a cyanide leach mine, I can tell you this type of gold mining damages property and hurts families.**

Stephanie Shammel, Hilger

They say I-137 would cost our schools money without offering any evidence to back up their claims. They can't — it is just not true. We have raised our families in Montana communities and care deeply about our schools. Recent evidence shows that the boom and bust economy of mining has hurt many local schools. The bankruptcy of Pegasus Gold is a good example. In that case, the company's executives asked for and received millions of dollars in raises while refusing to pay taxes. I-137 opponents are simply trying to "change the subject."

It's very simple: I-137 is about whether to allow future open-pit cyanide leach mining. The opponents argue that existing laws are strong and will protect Montanans. That is obviously not true. Just read the headlines.

The opponents claim I-137 will put hundreds of people out of work. Again, they have no evidence. We would not support it if this were true. I-137 was intentionally written with a "grandfather" clause to make sure the folks who work at the state's existing cyanide leach gold mine would not lose their jobs.

Please read the measure and see for yourselves. Not one existing mining job will be lost if I-137 passes. But farm and ranch jobs, and those of thousands of other Montanans who depend on clean water, could be lost if this kind of mining is allowed in our future. Cyanide leach mining is just not compatible with other uses of our land and water.

There are safer methods of mining gold now in use in Montana. Please use your own common sense in deciding how to vote on I-137.

We want to thank you very much for considering our views.

## OPPONENTS' rebuttal of those supporting the issue

Take a long hard look at those carefully selected, emotion-packed headlines. At first glance they're impressive. The problem is, *six of the seven newspaper headlines have nothing to do with the issue I-137 pretends to address*. Three people highlighted in the "advertisement" are no doubt, well-meaning folks. But their comments don't provide voters any factual information necessary to make an informed decision.

I-137 is simply a recycled initiative that was overwhelmingly rejected by the voters in 1996. This year the same out-of-state environmental groups and wealthy individuals, are back again!

Their philosophy: *Never mind the last election*. They know what is best for our state and their *national agenda* will not be deterred by a mere vote of the good people of Montana.

The promoters of I-137, bruised but enlightened by their last defeat, have shifted their strategy. This time they will not take on an entire industry but instead will target only a "few" mines. But make no mistake, their agenda remains the same, shutting down entire industries in Montana. I-137 is the camel's nose under the tent. If they are successful, who knows what industry will be next on their list.

Their campaign has depended on scare tactics, emotional appeal and half-truths. Montanans will have to sort it out. We ask your support in defeating this regressive initiative and trust in your sense of fairness and good judgement. Please vote **NO** on I-137.

## The Complete Text of Constitutional Amendment No. 33 (C-33)

AN ACT SUBMITTING TO THE QUALIFIED ELECTORS OF MONTANA AN AMENDMENT TO ARTICLE II, SECTION 28, OF THE MONTANA CONSTITUTION PROVIDING THAT CRIMINAL LAWS MUST BE BASED ON PRINCIPLES OF PUBLIC SAFETY AND RESTITUTION FOR VICTIMS AS WELL AS PREVENTION AND REFORMATION.

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

**Section 1.** Article II, section 28, of The Constitution of the State of Montana is amended to read:

**"Section 28. Rights Criminal justice policy -- rights of the convicted.** (1) ~~Laws for the~~ Laws for the

punishment of crime shall be ~~founded on~~ founded on the principles of ~~prevention and reformation of prevention, reformation, public safety, and restitution for victims.~~

(2) ~~Full Full~~ rights ~~are are~~ restored ~~by by~~ termination of state supervision for any offense against the state."

**Section 2. Submission to electorate.** This amendment shall be submitted to the qualified electors of Montana at the general election to be held in November 1998 by printing on the ballot the full title of this act and the following:

[ ] FOR revising the principles of criminal laws to include public safety and restitution.

[ ] AGAINST revising the principles of criminal laws to include public safety and restitution.

---

## The Complete Text of Constitutional Initiative No. 75 (CI-75)

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

Section 1. Article VIII of the Constitution of the State of Montana is amended by adding a new section 17 that reads:

**NEW SECTION. Section 17. People's right to vote on taxes - fairness in tax elections - enforcement.**

(1) No new tax or tax increase may be enacted unless first approved by a majority of the electors voting on the measure in the geographic area subject to the tax.

(2) As used in this section, the following definitions apply:

(a) "Government" or "governmental unit" means the state or any political subdivision of the state, including but not limited to local governments, school districts, and other districts.

(b) "New tax" includes:

(i) any new tax imposed by a governmental unit; and  
(ii) any tax extended to a geographic area not formerly subject to the tax.

(c) "Tax" means any financial charge, however denominated, imposed by a governmental unit and from which revenue accrues to government, other than:

(i) a price in a voluntary transaction in a competitive market where the item for which the price is being imposed is not monopolized by government, including but not limited to educational tuition; or  
(ii) civil and criminal fines and other charges collected in cases of restitution or violation of law or contract.

(d) "Tax increase" includes:

(i) an increase in the rate of a tax;

(ii) an expansion in the legal definition of a tax base;

(iii) an extension of an expiring tax;

(iv) complete or partial repeal of inflation indexing;

(v) a required acceleration in payment of a tax; and

(vi) beginning with tax years following [the effective date of this amendment], any increase in a governmental unit's expected annual property tax revenue that is not attributable to property improvements or to personal property being moved into the geographic area subject to the governmental unit. In calculating a prior year's property tax revenue in order to ascertain any rise in expected annual property tax revenue, revenue collected in excess of that permitted by this section shall be disregarded.

(3) This section does not apply to:

(a) new taxes and tax increases approved by voter initiative;

(b) specific taxes while dedicated to payment of public debt either existing on [the effective date of this amendment] or authorized by the voters;

(c) any specific emergency measure authorized by vote of three-fourths (3/4) of the members of each house of the legislature, subject to Article III, Section 5 and expiring not later than the end of the tax year during which the succeeding regular legislative session ends;

(d) any price for voluntary purchase of an item provided by a governmental unit where the purchaser is not a resident of the geographic area subject to the governmental unit charging the price.

(4) In order to promote fairness in tax elections:

(a) no governmental unit shall hold more than one tax election, which may include multiple ballot issues, in any calendar year. Every tax election shall be held on a date assigned by law for a primary or general election or, if there is no general election or no primary election during that year, on the corresponding date.

(b) each ballot issue shall encompass only a single tax and shall not encompass a general waiver or delegation of approval authority for future taxing power.

Statements of implication for new taxes shall begin, "SHALL A NEW TAX, DESCRIBED AS FOLLOWS, BE IMPOSED? [followed by description of new tax]." Statements of implication for tax increases shall begin, "SHALL THE [NAME OF TAX] TAX BE INCREASED ANNUALLY BY [followed by amount of annual increase when in full effect], IN THE FOLLOWING MANNER?" [followed by description of tax increase]. If a proposed tax increase requires an election because it raises the base or rate, but does not raise additional revenue, the statement of implication shall so declare.

(c) The legislature may raise the required level of voter turn-out or the required percentage of voter approval.

(5) Notwithstanding the referendum exception of Article VI, Section 10, before a bill imposing new or increased taxes is referred to the people the governor shall have veto power, to be exercised and overridden under the same rules applicable to other bills.

(6) In order to promote effective enforcement of this section:

(a) a governmental unit collecting revenue in violation of this section shall refund the revenue to the taxpayers within one year after the tax payment deadline, together with simple interest at the rate of 10 percent per year.

All refunds, including refunds of property taxes, shall be based on excess actual collections rather than on estimated collections. A governmental unit may pay a refund of excess revenue and interest on the refund as a credit toward an entitled taxpayer's following year tax liability, but only insofar as the credit fully reimburses the taxpayer.

(b) any elector of a governmental unit has standing to sue for enforcement of this section against the governmental unit and its agents. Notwithstanding any legislative limitation created pursuant to Article II, Section 18, sovereign immunity does not shield public officials or employees from appropriate civil liability for violation of this section. To the extent the elector prevails, the elector is entitled to attorney fees.

(c) this section is self-executing and shall be liberally construed to subject to fair referendum new or increased government financial charges not subject to the discipline of the competitive market.

**NEW SECTION. Section 2. Severability.** If a part of this amendment is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this amendment is invalid in one or more of its application, the part remains in effect in all valid applications that are severable from the invalid applications.

**NEW SECTION. Section 3. Effect of conflict.** If there is an irreconcilable conflict between any part of section 1 and any other pre-existing or contemporaneously approved constitutional provision, section 1 prevails.

**NEW SECTION. Section 4. Effective date.** If approved by the electorate, this amendment is effective immediately.

---

**The Complete Text of Legislative Referendum No. 113 (LR-113)**

AN ACT CONTINUING THE AUTHORITY FOR THE TAX LEVY FOR THE SUPPORT OF THE MONTANA UNIVERSITY SYSTEM FOR 10 YEARS; PROVIDING THAT THE PROPOSED AUTHORITY BE SUBMITTED TO THE ELECTORS OF MONTANA; AMENDING SECTION 20-25-423, MCA; AND PROVIDING EFFECTIVE DATES.

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

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

**"20-25-423. State tax levy -- support of public education institutions.** The legislature shall levy a property tax of not more than 6 mills on the taxable value of all real and personal property each year for 10 years beginning with the year ~~1989~~ 1999. All revenue from this property tax levy ~~shall~~ **must** be appropriated for the support, maintenance, and improvement of the Montana university system."

**Section 2. Submission to electorate.** The question of whether section 1 will become effective shall be submitted to the qualified electors of Montana at the general election to be held in November 1998 by



*The Complete Text of Legislative Referendum No. 113 continued*

printing on the ballot the full title of this act and the following:

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

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

university system.

**Section 3. Effective dates.** (1) Section 2 and this section are effective on passage and approval.

(2) If approved by the electorate, section 1 is effective January 1, 1999.

---

**The Complete Text of Initiative Referendum No. 114 (IR-114)**

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

**Section 1:** Section 13-35-227, MCA, is amended to read:

**"13-35-227. Prohibited contributions from corporations for candidates or political parties.** (1) ~~Except as provided in subsection (4), a~~ A corporation may not make a contribution or an expenditure in connection with a candidate, ~~a ballot issue, or a political committee which that~~ supports or opposes a candidate, ~~a ballot issue, or a political party.~~

(b) For purposes of this section, "corporation" refers to for-profit and nonprofit corporations.

(2) A person, candidate, or political committee may not accept or receive a corporate contribution described in subsection (1).

(3) This section does not prohibit the establishment or administration of a separate, segregated fund to be used for making political contributions or expenditures if the fund consists only of voluntary contributions solicited from ~~an individual who is a shareholder, an employee, or a member~~ individuals who are shareholders, employees, or members of the corporation.

~~(4) The provisions of subsection (1) prohibiting corporate contributions to or expenditures in connection with a ballot issue do not apply to a nonprofit corporation formed for the purpose, among others, of promoting political ideas and that:~~

~~—— (a) does not engage in business activities;~~

~~—— (b) has no shareholders or other affiliated persons who have a private claim on the corporation's assets or earnings;~~

~~—— (c) does not accept foreign or domestic for-profit corporations as members; and~~

~~—— (d) does not accept in the aggregate more than 5% annually of its total revenue from foreign or domestic for-profit corporations.~~

~~(5)~~(4) A person who violates this section is

subject to the civil penalty provisions of 13-37-128."

**Section 2. Prohibited contributions for ballot issues.** (1) A business corporation, nonprofit corporation, religious corporation, professional corporation, business trust, limited liability company, close corporation, partnership, limited partnership, mining partnership, cooperative association, agricultural association, cooperative agricultural marketing association, rural cooperative, utility association, or other association or organization exempt from taxation under 15-31-102 or 26 U.S.C. 501(c) may not make a contribution or an expenditure in connection with a ballot issue or to a political committee that supports or opposes a ballot issue.

(2) A person or political committee may not accept or receive a contribution described in subsection (1).

(3) This section does not prohibit the establishment or administration of a separate, segregated fund to be used for making political contributions or expenditures if the fund consists only of voluntary contributions solicited from individuals who are shareholders, employees, or members of an organization described in subsection (1).

(4) A person who violates this section is subject to the civil penalty provided in 13-37-128.

**Section 3.** Section 13-37-250, MCA, is amended to read:

**"13-37-250. Voluntary spending limits.** (1) (a) ~~Beginning January 1, 1997, the~~ The following statement may be used in printed matter and in broadcast advertisements and may appear in the voter information pamphlet prepared by the secretary of state: "According to the Office of the Commissioner of Political Practices,..... is in compliance with the voluntary expenditure limits established under Montana law."

(b) The treasurer of each political committee, as defined in 13-1-101(12)(b), who files a certification on a

*The Complete Text of Initiative Referendum No. 114 continued*

ballot issue pursuant to 13-37-201 may also file with the commissioner a sworn statement that the committee will not exceed the voluntary expenditure limits of this section. If a sworn statement is made, it must be filed with the commissioner within 30 days of the certification of the political committee.

(c) A political committee that has not filed a sworn statement with the commissioner may not distribute any printed matter or pay for any broadcast claiming to be in compliance with the voluntary expenditure limits of this section.

(d) A political committee may not use evidence of compliance with the voluntary expenditure limits of this section to imply to the public that the committee has received endorsement or approval by the state of Montana.

(2) For the purposes of this section, the expenditures made by a political committee consist of the aggregate total of the following during the calendar year:

- (a) ~~all loans made or received by the committee;~~
- (~~b~~) all committee loans or expenditures made by check or cash; and

(~~e~~) (b) the dollar value of all in-kind contributions made or received by the committee.

(3) In order to be identified as a political committee in compliance with the voluntary expenditure limits of this section, the committee's expenditures, as described in subsection (2), may not exceed \$150,000.

(4) ~~Beginning January 1, 1997, any~~ A political committee that files with the commissioner a sworn statement to abide by the voluntary expenditure limits of this section but that exceeds those limits shall pay a fine of \$5,000 to the commissioner. This money must be deposited in a separate fund to be used to support the enforcement programs of the office of the commissioner."

**Section 4. Codification instruction.** [Section 2] is intended to be codified as an integral part of Title 13, chapter 35, part 2, and the provisions of Title 13, chapter 35, part 2, apply to [section 2].

**Section 5. Effective date.** [This act] is effective on passage and approval.

---

**The Complete Text of Initiative No. 134 (I-134)**

BE IT ENACTED BY THE PEOPLE OF THE STATE OF MONTANA

**"NEW SECTION.** Section 1. Repealer. Sections 30-14-801, 30-14-802, 30-14-803, 30-14-804, 30-14-805,

and 30-14-806, MCA, are repealed."

**"NEW SECTION.** Section 2. Effective date. If approved by the electorate, this act is effective January 1, 1999."

---

**The Complete Text of Initiative No. 136 (I-136)**

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

**Section 1.** Section 87-1-242, MCA, is amended to read:

**"87-1-242. (Temporary) Funding for wildlife habitat.** (1) The amount of money specified in this subsection from the sale of each hunting license or permit listed must be used exclusively by the commission to secure, develop, and maintain wildlife habitat, subject to appropriation by the legislature.

- (a) Class B-10, nonresident combination, \$77;
- (b) Nonresident antelope, \$20;
- (c) Nonresident moose, \$20;
- (d) Nonresident mountain goat, \$20;
- (e) Nonresident mountain sheep, \$20;

- (f) Class D-1, nonresident mountain lion, \$20;
- (g) Nonresident black bear, \$20;
- (h) Nonresident wild turkey, \$10;
- (i) Class AAA, sportsman's, \$7;
- (j) Class B-11 nonresident deer combination, \$200.

(2) Twenty percent of any increase in the fee for the Class B-7 license or any license or permit listed in subsection (1), except ~~outfitter-sponsored general-reserved~~ Class B-10 and Class B-11 licenses subject to variable pricing under 87-1-268, must be allocated for use as provided in subsection (1).

(3) Eighty percent of the money allocated by this section, together with the interest and income from the money, must be used to secure wildlife habitat pursuant to 87-1-209.

(4) Twenty percent of the money allocated by this section must be used as follows:

(a) up to 50% a year may be used for development and maintenance of real property used for wildlife habitat; and

(b) the remainder and any money not allocated for development and maintenance under subsection (4) (a) by the end of each odd-numbered fiscal year must be credited to the account created by 87-1-601 (5) for use in the manner prescribed for the development and maintenance of real property used for wildlife habitat. (Terminates October 1, 2001--sec. 18, Ch. 459, L. 1995.)

**87-1-242. (Effective October 1, 2001)**

**Funding for wildlife habitat.** (1) The amount of money specified in this subsection from the sale of each hunting license or permit listed must be used exclusively by the commission to secure, develop, and maintain wildlife habitat, subject to appropriation by the legislature.

- (a) Class B-10, nonresident combination, \$77;
- (b) Nonresident antelope, \$20;
- (c) Nonresident moose, \$20;
- (d) Nonresident mountain goat, \$20;
- (e) Nonresident mountain sheep, \$20;
- (f) Class D-1, nonresident mountain lion, \$20;
- (g) Nonresident black bear, \$20;
- (h) Wild turkey nonresident, \$10;
- (i) Class AAA, sportsman's, \$7;
- (j) Class B-11 nonresident deer combination,

\$200.

(2) Twenty percent of any increase after March 1, 1988, in the fee for the Class B-7 license or any license or permit listed in subsection (1) must be allocated for use as provided in subsection (1).

(3) Eighty percent of the money allocated by this section, together with the interest and income therefrom, must be used to secure wildlife habitat pursuant to 87-1-209.

(4) (a) Until March 1, 1991, 20% of the money allocated by this section must be credited to the account created by 87-1-601 (5) for use in the manner prescribed therein for the development and maintenance of real property used for wildlife habitat.

(b) On and after March 1, 1991, 20% of the money allocated by this section must be used as follows:

(i) up to 50% a year may be used for development and maintenance of real property used for wildlife habitat; and

(ii) the remainder and any money not allocated for development and maintenance under subsection (4) (b) (i) by the end of each odd-numbered fiscal year must

be credited to the account created by 87-1-601 (5) for use in the manner prescribed therein for the development and maintenance of real property used for wildlife habitat. (Terminates March 1, 2006--secs. 1, 2, Ch. 241, L. 1993.)"

**Section 2.** Section 87-1-268, MCA, is amended to read:

**"87-1-268. (Temporary) Variable pricing of ~~outfitter-sponsored~~ general-reserved Class B-10 and B-11 licenses.** The commission shall annually set fees for ~~outfitter-sponsored~~ general-reserved Class B-10 and Class B-11 licenses allowed under 87-2-505 and 87-2-510. The fees must be set at a market rate intended to sell as close to but not more than an average of 5,500 general-reserved Class B-10 licenses and 2,300 general-reserved Class B-11 licenses each year, calculated over a 5-year period. The sale period for the licenses must be established so that by the last date in the established period, those licenses that are unsold, up to 5,500 general-reserved Class B-10 licenses and 2,300 general-reserved Class B-11 licenses, may be reallocated by the commission for a drawing at a price set by the commission. (Terminates October 1, 2001--sec. 18, Ch. 459, L. 1995.)"

**Section 3.** Section 87-2-505, MCA, is amended to read:

**"87-2-505. (Temporary) Class B-10--nonresident big game combination license.** Except as otherwise provided in this chapter, a person not a resident, as defined in 87-2-102, but who will be 12 years of age or older prior to September 15 of the season for which the license is issued may, upon payment of the fee of \$475 or upon payment of the fee established as provided in 87-1-268 if the license is one of the general-reserved licenses reserved pursuant to 87-2-511 ~~for applicants indicating their intent to use the services of a licensed outfitter and subject to the limitations prescribed by law and department regulation,~~ apply to the fish and game office, Helena, Montana, to purchase a B-10 nonresident big game combination license that entitles the holder to all the privileges of Class B, Class B-1, and Class B-7 licenses and an elk tag. This license includes the nonresident conservation license as prescribed in 87-2-202. Not more than 11,500 unreserved Class B-10 licenses may be sold in any 1 license year. (Terminates October 1, 2001--sec. 18, Ch. 459, L. 1995.)

**87-2-505. (Effective October 1, 2001) Class B-10--nonresident big game combination license.** Except as otherwise provided in this chapter, a person

not a resident, as defined in 87-2-102, but who will be 12 years of age or older prior to September 15 of the season for which the license is issued may, upon payment of the fee of \$462 beginning March 1, 1992, and \$475 beginning March 1, 1994, or upon payment of the fee of \$472 beginning March 1, 1992, and \$485 beginning March 1, 1994, if the license is one of the 5,600 general-reserved licenses reserved pursuant to 87-2-511 ~~for applicants indicating their intent to use the services of a licensed outfitter and subject to the limitations prescribed by law and department regulation,~~ apply to the fish and game office, Helena, Montana, to purchase a B-10 nonresident big game combination license which shall entitle the holder to all the privileges of Class B, Class B-1, and Class B-7 licenses, and an elk tag. This license includes the nonresident conservation license as prescribed in 87-2-202. Not more than 17,000 Class B-10 licenses may be sold in any one license year. (Terminates March 1, 2006--secs. 1, 2, Ch. 241, L. 1993.)

**87-2-505. (Effective March 1, 2006) Class B-10--nonresident big game combination license.** Except as otherwise provided in this chapter, a person not a resident, as defined in 87-2-102, but who will be 12 years of age or older prior to September 15 of the season for which the license is issued may, upon payment of the fee of \$398 or upon payment of the fee of \$408 if the license is one of the 5,600 general-reserved licenses reserved pursuant to 87-2-511 ~~for applicants indicating their intent to use the services of a licensed outfitter and subject to the limitations prescribed by law and department regulation,~~ apply to the fish and game office, Helena, Montana, to purchase a B-10 nonresident big game combination license which shall entitle the holder to all the privileges of Class B, Class B-1, and Class B-7 licenses, and an elk tag. This license includes the nonresident conservation license as prescribed in 87-2-202. Not more than 17,000 Class B-10 licenses may be sold in any one license year."

**Section 4.** Section 87-2-510, MCA, is amended to read:

**"87-2-510. (Temporary) Class B-11--nonresident deer combination license.** (1) Except as otherwise provided in this chapter, a person not a resident, as defined in 87-2-102, but who will be 12 years of age or older prior to September 15 of the season for which the license is issued may, upon payment of a fee of \$245 or upon payment of the fee established as provided in 87-1-268 if the license is one of those reserved pursuant to 87-2-511 for general-reserved

~~applicants indicating their intent to use the services of a licensed outfitter~~ or upon payment of the fee of \$250 if the license is one of those reserved pursuant to 87-2-511 for applicants indicating their intent to hunt with a resident sponsor on land owned by that sponsor and subject to the limitations prescribed by law and department regulation, apply to the fish and game office, Helena, Montana, to purchase a Class B-11 nonresident deer combination license that entitles the holder to all the privileges of the Class B, Class B-1, and Class B-7 licenses. This license includes the nonresident wildlife conservation license as prescribed in 87-2-202.

(2) Not more than 2,300 unreserved Class B-11 licenses may be sold in any 1 license year. (Terminates October 1, 2001--sec. 18, Ch. 459, L. 1995.)

**87-2-510. (Effective October 1, 2001) Class B-11--nonresident deer combination license.** (1) Except as otherwise provided in this chapter, a person not a resident, as defined in 87-2-102, but who will be 12 years of age or older prior to September 15 of the season for which the license is issued may, upon payment of a fee of \$245 or upon payment of the fee of \$250 if the license is one of the 4,000 reserved pursuant to 87-2-511 for either general-reserved applicants or applicants indicating their intent ~~either to use the services of a licensed outfitter or~~ to hunt with a resident sponsor on land owned by that sponsor and subject to the limitations prescribed by law and department regulation, apply to the fish and game office, Helena, Montana, to purchase a Class B-11 nonresident deer combination license that entitles the holder to all the privileges of the Class B, Class B-1, and Class B-7 licenses. This license includes the nonresident wildlife conservation license as prescribed in 87-2-202.

(2) Six thousand Class B-11 licenses are authorized for sale each license year. (Terminates March 1, 2006--secs. 1, 2, Ch. 241, L. 1993.)

**87-2-510. (Effective March 1, 2006) Class B-11--nonresident deer combination license.** (1) Except as otherwise provided in this chapter, a person not a resident, as defined in 87-2-102, but who will be 12 years of age or older prior to September 15 of the season for which the license is issued may, upon payment of a fee of \$220 or upon payment of the fee of \$225 if the license is one of the 4,000 reserved pursuant to 87-2-511 for either general-reserved applicants or applicants indicating their intent ~~either to use the services of a licensed outfitter or~~ to hunt with a resident sponsor on land owned by that sponsor and subject to the limitations prescribed by law and department regulation, apply to the fish and game office, Helena, Montana, to purchase

a Class B-11 nonresident deer combination license that entitles the holder to all the privileges of the Class B, Class B-1, and Class B-7 licenses. This license includes the nonresident wildlife conservation license as prescribed in 87-2-202.

(2) Six thousand Class B-11 licenses are authorized for sale each license year."

**Section 5.** Section 87-2-511, MCA, is amended to read:

**"87-2-511. (Temporary) Sale and use of Class B-10 and Class B-11 licenses.** (1) The department shall offer the Class B-10 and Class B-11 licenses for sale on March 15, with a number of authorized Class B-10 and Class B-11 licenses, as determined under 87-1-268, reserved for ~~general-reserved~~ applicants ~~using the services of a licensed outfitter~~ and 2,000 of the authorized Class B-11 licenses reserved for applicants indicating their intent to hunt with a resident sponsor on land owned by that sponsor, as provided in subsections (2) and (3).

(2) Each application for a resident-sponsored license under subsection (1) must contain a written affirmation by the applicant that the applicant intends to hunt with a resident sponsor and must indicate the name of the resident sponsor with whom the applicant intends to hunt. In addition, the application must be accompanied by a certificate that is signed by a resident sponsor and that affirms that the resident sponsor will:

(a) direct the applicant's hunting and advise the applicant of game and trespass laws of the state;

(b) submit to the department, in a manner prescribed by the department, complete records of who hunted with the resident sponsor, where they hunted, and what game was taken; and

(c) accept no monetary consideration for enabling the nonresident applicant to obtain a license or for providing any services or assistance to the nonresident applicant, except as provided in Title 37, chapter 47, and this title.

(3) The certificate signed by the resident sponsor pursuant to subsection (2) must also affirm that the sponsor is a landowner and that the applicant under the certificate will hunt only on land owned by the sponsor. A resident sponsor of a Class B-11 license may submit no more than 20 certificates of sponsorship in any license year prior to expiration of the moratorium established in 37-47-315, after which no more than 10 certificates of sponsorship may be submitted in any license year.

~~(4) Each application for an outfitter-sponsored~~

~~license under subsection (1) must contain a written affirmation by the applicant that the applicant will hunt with a licensed outfitter for all big game hunted by the applicant under the license and must indicate the name of the licensed outfitter with whom the applicant will hunt. In addition, the application must be accompanied by a certificate that is signed by a licensed outfitter and that affirms that the outfitter will:~~

~~\_\_\_\_\_ (a) accompany the applicant;~~

~~\_\_\_\_\_ (b) provide guiding services for the species hunted by the applicant;~~

~~\_\_\_\_\_ (c) direct the applicant's hunting for all big game hunted by the applicant under the license and advise the applicant of game and trespass laws of the state;~~

~~\_\_\_\_\_ (d) submit to the department, in a manner prescribed by the department, complete records of who hunted with the outfitter, where they hunted, and what game was taken; and~~

~~\_\_\_\_\_ (e) accept no monetary consideration for enabling the nonresident applicant to obtain a license or for providing any services or assistance to the nonresident applicant, except as provided in Title 37, chapter 47, and this title.~~

~~\_\_\_\_\_ (5) An outfitter-sponsored license under subsection (1) is valid only when used in compliance with the affirmations of the applicant and outfitter required under subsection (4). If the sponsoring outfitter is unavailable or if the applicant wishes to use the services of separate outfitters for hunting different species of game, an outfitter-sponsored license may be used with a substitute licensed outfitter, in compliance with the affirmations under subsection (4), upon advance written notification to the board by the sponsoring licensed outfitter or the substitute outfitter.~~

~~(6)(4) A nonresident who hunts under the authority of a resident landowner-sponsored license shall conduct all deer hunting on the deeded lands of the sponsoring landowner.~~

~~(7) Any permits or tags secured as a result of obtaining a Class B-10 or Class B-11 license through an outfitter sponsor are valid only when hunting is conducted with a licensed outfitter.~~

~~\_\_\_\_\_ (8) The department shall make the reserved outfitter-sponsored Class B-10 and Class B-11 licenses that remain unsold available as provided in 87-1-268.~~

~~(9)(5) All Class B-10 and Class B-11 licenses that are not reserved under subsection (1) must be issued by a drawing among all applicants for the respective unreserved licenses. (Terminates October 1, 2001--sec. 18, Ch. 459, L. 1995.)~~

**87-2-511. (Effective October 1, 2001) Sale of Class B-10 and Class B-11 licenses.** (1) The department shall offer the Class B-10 and Class B-11 licenses for sale on March 15, with 5,600 of the authorized Class B-10 licenses and 2,000 Class B-11 licenses reserved for ~~general-reserved~~ applicants ~~using the services of a licensed outfitter~~ and 2,000 of the authorized Class B-11 licenses reserved for applicants indicating their intent to hunt with a resident sponsor on land owned by that sponsor, as provided in subsections (2) and (3).

(2) Each application for a resident-sponsored license under subsection (1) must contain a written affirmation by the applicant that the applicant intends to hunt with a resident sponsor and must indicate the name of the resident sponsor with whom the applicant intends to hunt. In addition, the application must be accompanied by a certificate that is signed by a resident sponsor and that affirms that the resident sponsor will:

(a) direct the applicant's hunting and advise the applicant of game and trespass laws of the state;

(b) submit to the department, in a manner prescribed by the department, complete records of who hunted with the resident sponsor, where they hunted, and what game was taken; and

(c) accept no monetary consideration for enabling the nonresident applicant to obtain a license or for providing any services or assistance to the nonresident applicant, except as provided in Title 37, chapter 47, and this title.

(3) The certificate signed by the resident sponsor pursuant to subsection (2) must also affirm that the sponsor is a landowner and that the applicant under the certificate will hunt only on land owned by the sponsor.

~~(4) Each application for an outfitter-sponsored license under subsection (1) must contain a written affirmation by the applicant that the applicant will hunt with a licensed outfitter for all big game hunted by the applicant under the license and must indicate the name of the licensed outfitter with whom the applicant will hunt. In addition, the application must be accompanied by a certificate that is signed by a licensed outfitter and that affirms that the outfitter will:~~

~~(a) accompany the applicant;~~

~~(b) provide guiding services for the species hunted by the applicant;~~

~~(c) direct the applicant's hunting for all big game hunted by the applicant under the license and advise the applicant of game and trespass laws of the state;~~

~~(d) submit to the department, in a manner~~

~~prescribed by the department, complete records of who hunted with the outfitter, where they hunted, and what game was taken; and~~

~~(e) accept no monetary consideration for enabling the nonresident applicant to obtain a license or for providing any services or assistance to the nonresident applicant, except as provided in Title 37, chapter 47, and this title.~~

~~(5) An outfitter-sponsored license under subsection (1) is valid only when used in compliance with the affirmations of the applicant and outfitter required under subsection (4). If the sponsoring outfitter is unavailable or if the applicant wishes to use the services of separate outfitters for hunting different species of game, an outfitter-sponsored license may be used with a substitute licensed outfitter, in compliance with the affirmations under subsection (4), upon advance written notification to the board by the sponsoring licensed outfitter or the substitute outfitter.~~

~~(6)(4) The department shall make the all reserved Class B-10 and Class B-11 licenses that remain unsold on April 15 available to nonresident applicants without restriction as to hunting with a licensed outfitter or resident sponsor.~~

~~(7)(5) All Class B-10 and Class B-11 licenses that are not reserved under subsection (1) and all unsold reserved licenses that are available under subsection (6)(4) must be issued by a drawing among all applicants for the respective unreserved licenses."~~

**Section 6.** Section 87-2-512, MCA, is amended to read:

**"87-2-512. (Temporary) Separation of Class B-7 license from Class B-10 license for deer management purposes -- disposition of license revenue.**

(1) The commission may by rule separate the Class B-7 license from the Class B-10 license and sell the separated Class B-7 license, giving a preference to any Class B-10 license holder to purchase one of the separated Class B-7 licenses. In the case of separated Class B-7 licenses that are not purchased by Class B-10 license holders, the commission, for purposes of sound deer management:

(a) may authorize the sale of not more than 5,000 Class B-7 licenses that have been separated from the Class B-10 licenses, as limited by 87-2-504;

(b) may authorize all or a portion of the separated Class B-7 licenses to be sold as Class B-11 combination licenses;

(c) shall set the fees for the separated licenses as follows:

*The Complete Text of Initiative No. 136 continued*

(i) the fee for a Class B-10 license without the deer tag may not be more than the fee set in 87-2-505 for licenses in the general category and may not be more than the fee set by the commission for licenses in the ~~outfitter-sponsored~~ general-reserved category as specified in 87-1-268; and

(ii) the fee for the separated Class B-11 licenses may not be more than the fees specified in 87-2-510 for licenses in the general and landowner-sponsored categories and may not be more than the fee set by the commission for licenses in the ~~outfitter-sponsored~~ general-reserved category as specified in 87-1-268;

(d) may assign the separated Class B-7 or Class B-11 licenses for use in specific administrative regions, portions of administrative regions, hunting districts, or portions of hunting districts;

(e) may allocate a portion of the separated Class B-7 or Class B-11 licenses among the general and landowner-sponsored categories established in 87-2-510 and 87-2-511 but not count those licenses as part of the statutory quotas, with the Class B-7 licenses then subject to the requirements and procedures of 87-2-511;

(f) may allocate a portion of the separated Class B-7 or Class B-11 licenses to the ~~outfitter-sponsored~~ general-reserved category subject to the requirements and procedures of 87-2-511, except that licenses in the ~~outfitter-sponsored~~ general-reserved category may not comprise more than one-third of the licenses issued pursuant to this section and the number issued, when added to the number of Class B-11 licenses issued under

87-1-268, may not exceed 2,300 in any license year; and  
(g) may condition the separated Class B-7 and Class B-11 licenses as appropriate and necessary to manage the harvest of deer, including restricting the use of a license to either mule deer or whitetail deer.

(2) The revenue from any Class B-11 licenses that have been separated from Class B-10 licenses must be deposited in the state special revenue account to the credit of the department and not allocated pursuant to other statutory requirements generally applicable to Class B-11 licenses. The revenue from Class B-10 licenses sold without a deer tag must be allocated in the same manner as revenue from Class B-10 licenses sold with a deer tag. (Terminates October 1, 2001--sec. 6, Ch. 355, L. 1997.)"

**NEW SECTION. Section 7. Saving clause.**

This act does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before January 1, 1999.

**NEW SECTION. Section 8. Applicability.**

This act applies to license applications received and licenses issued by the department of fish, wildlife, and parks after the effective date of this act.

**NEW SECTION. Section 9. Effective date.**

If approved by the electorate, this act is effective January 1, 1999.

---

**The Complete Text of Initiative No. 137 (I-137)**

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

**NEW SECTION. Section 1. Cyanide Heap and Vat Leach Open Pit Gold and Silver Mining Prohibited.**

(1) Open pit mining for gold or silver using heap leaching or vat leaching with cyanide ore-processing reagents is prohibited.

(2) A mine described in section 1 operating on November 3, 1998 may continue operating under its existing operating permit, but the permit may not be amended to allow its operations to be expanded.

**NEW SECTION. Section 2. Codification instruction.**

Section 1 is intended to be codified in Title 82, chapter 4, part 3.

**NEW SECTION. Section 3. Effective date.** This act is effective upon approval by the electorate.

Mark your choices and take this with you to the polls on election day, November 3rd.

Constitutional Amendment 33	<input type="checkbox"/> FOR	<input type="checkbox"/> AGAINST
Constitutional Initiative 75	<input type="checkbox"/> FOR	<input type="checkbox"/> AGAINST
Legislative Referendum 113	<input type="checkbox"/> FOR	<input type="checkbox"/> AGAINST
Initiative Referendum 114	<input type="checkbox"/> APPROVE	<input type="checkbox"/> REJECT
Initiative 134	<input type="checkbox"/> FOR	<input type="checkbox"/> AGAINST
Initiative 136	<input type="checkbox"/> FOR	<input type="checkbox"/> AGAINST
Initiative 137	<input type="checkbox"/> FOR	<input type="checkbox"/> AGAINST

While you may take this with you when you go into the polling booth, please remember to take your copy of the VIP with you when you leave.

Additional copies of this Voter Information Pamphlet are available upon request from your county election administrator or the Secretary of State, 1-888-884-VOTE (8683).

500,000 copies of this public document were published at an estimated cost of \$0.09 per copy, for a total of \$ 47,203.00 which includes \$ 47,203.00 for printing. Distribution costs paid for by county governments. This document printed on recycled paper.

---

COUNTY ELECTION ADMINISTRATOR  
County Courthouse

---