



Fiscal Note 2023 Biennium

Bill # Ballot Initiative #25

Title: Initiative to Amend Article III, section 4, and Article XIV, section 9, of the Montana Constitution to Allow People to Pass Laws and Amend the Constitution by a Majority Vote

Primary Sponsor: Raph Graybill

Status: As Introduced

- | | | |
|---|--|--|
| <input type="checkbox"/> Significant Local Gov Impact | <input type="checkbox"/> Needs to be included in HB 2 | <input type="checkbox"/> Technical Concerns |
| <input type="checkbox"/> Included in the Executive Budget | <input type="checkbox"/> Significant Long-Term Impacts | <input type="checkbox"/> Dedicated Revenue Form Attached |

FISCAL SUMMARY

	FY 2022	FY 2023	FY 2024	FY 2025
	<u>Difference</u>	<u>Difference</u>	<u>Difference</u>	<u>Difference</u>
Expenditures:				
General Fund	\$0	\$0	\$0	\$0
Revenue:				
General Fund	\$0	\$0	\$0	\$0
Net Impact-General Fund Balance:	\$0	\$0	\$0	\$0

Description of fiscal impact: Ballot Initiative #25 amends the Montana Constitution to allow people to pass laws by a majority vote. The initiative also clarifies that the legislature cannot restrict, burden, influence, or interfere with the people’s power to enact laws by initiative, except for the neutral administration of the initiative process, and adds language limiting the legislature’s ability to amend an initiative measure approved by the voters.

The ballot initiative has no fiscal impact on the state since the proposed changes do not impose additional duties on the Legislative Branch or the Office of the Secretary of State. Any additional edit or review procedures associated with the Legislative Branch’s production of the Montana Code Annotated can be absorbed within the branch’s existing operations.

FISCAL ANALYSIS

Assumptions:

Legislative Branch

- Ballot Initiative #25 amends the Montana Constitution regarding the ability of the people to pass laws and amend the constitution by ballot initiative. This would amend the constitution to clarify the people can pass laws by a majority vote. It also clarifies that the legislature cannot restrict, burden, influence, or interfere with the people’s right to pass laws and amend the constitution. This initiative forbids politicians from using state resources to promote their own views about an initiative. It forbids the legislature from amending laws passed by initiative for four years, unless the amendment furthers the initiative’s purposes

and is passed by two-thirds of the legislature. This initiative requires that the fiscal impact of an initiative be unbiased and defines appropriations of money.

2. This initiative amends Article III, section 4, of The Constitution of the State of Montana to add the following subsections:

“(3) At that election, the proposed law must be submitted to the qualified electors for approval or rejection. If approved by a majority voting on the proposed law, the law shall become effective the first day of July following its approval, unless the initiative provides otherwise.”

“(5) The legislature may not restrict, burden, influence, or interfere with the people’s power to enact laws by initiative, except for the neutral administration of the initiative process. State resources may not be used to promote the views of the legislature or other elected officials about a specific ballot initiative. The fiscal impact of a proposed ballot initiative must be determined using generally accepted methods and may not be manipulated to favor or disfavor an initiative.”

“(6) For 4 years after passage, the legislature may not have the power to amend an initiative measure approved by the voters, unless the amending legislation furthers the purposes of the measure and at least two-thirds of the members of each house of the legislature vote to amend the measure.”

“(7) As used in this section, "appropriations of money" means authority to expend money from the state treasury.”

“(8) A law passed by the legislature may be challenged on the grounds of noncompliance with this section only within 2 years after the legislation’s effective date.”

3. This initiative amends Article XIV, section 9, of The Constitution of the State of Montana to add subsections 4 and 5:

“(4) The legislature may not restrict, burden, influence, or interfere with the people’s power to enact constitutional amendments by initiative, except for the neutral administration of the initiative process. State resources may not be used to promote the views of the legislature or other elected officials about a specific ballot initiative. The fiscal impact of a proposed ballot initiative must be determined using generally accepted methods and may not be manipulated to favor or disfavor an initiative.

“(5) A law passed by the legislature may be challenged on the grounds of noncompliance with subsection (4) only within 2 years after the legislation’s effective date.”

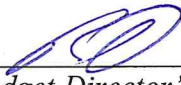
4. For the purposes of this fiscal note, it is assumed the proposed amendments to the Montana Constitution will not impose additional duties on the Legislative Branch’s staff. Any additional edit or review procedures associated with the branch’s production of the Montana Code Annotated can be absorbed within the branch’s existing operations.

Office of the Secretary of State

5. No additional duties are being added, or removed, from the Office of the Secretary of State in Ballot Initiative #25.

Sponsor’s Initials

Date



Budget Director’s Initials

2-7-22

Date