VOTER INFORMATION FOR PROPOSED CONSTITUTIONAL AMENDMENTS

REFERENDUMS

INITIATIVES

General Election
November 7, 1978

Prepared by FRANK MURRAY, Secretary of State,
pursuant to Sections 23-2802 and 37-128
Revised Codes of Montana

State Publishing Co., Helena, Mont.

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CONSTITUTIONAL AMENDMENTS, REFERENDUMS AND INITIATIVES

General Election Ballot, November 7, 1978

STATE PUBLISHING CO. — HELENA, MONTANA

CONSTITUTIONAL AMENDMENT NO. 4

Secretary of State's Explanatory Statement

Constitutional Amendment No. 4 was introduced as House Bill No. 29 in the regular session of the 45th Legislature of the State of Montana. HB 29 passed the House of Representatives by a vote of 60 for and 36 against with 4 members absent. The Senate vote was 41 to 8 in favor of the bill with 1 member absent.

Attorney General's Explanatory Statement

Article II, Section 14, of the Montana Constitution provides that a person 18 years of age or older is an adult for all purposes, including the right to possess and consume alcoholic beverages. This amendment would limit Article II, Section 14, by allowing the legislature or the people to raise the legal age for consuming or possessing alcoholic beverages to 19. However, this constitutional amendment itself would not raise the drinking age.

AN ACT TO SUBMIT TO THE QUALIFIED ELECTORS OF MONTANA AN AMENDMENT TO ARTICLE II, SECTION 14, OF THE MONTANA CONSTITUTION TO ALLOW THE LEGISLATURE OR THE PEOPLE BY INITIATIVE TO ESTABLISH THE LEGAL AGE FOR CONSUMING OR POSSESSING ALCOHOLIC BEVERAGES.

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

Section 1. Article II, section 14, of the Montana constitution is amended to read as follows:

"Section 14. Adult rights. A person 18 years of age or older is an adult for all purposes, except that the legislature or the people by initiative may establish an age of not more than 19 as the legal age for consuming or possessing alcoholic beverages."

Section 2. Effective date. If approved by the electorate this amendment shall be effective January 1, 1979.

Section 3. Submission to electors. This amendment shall be submitted to the electors of the state of Montana at the general election to be held November 7, 1978, by printing on the ballot the full title, and the following:

☐ FOR allowing the legislature or the people to establish the legal drinking age.

☐ AGAINST allowing the legislature or the people to establish the legal drinking age.

ARGUMENT ADVOCATING APPROVAL OF THE MEASURE

Among our rights is the constitutional right of amending the Constitution. The purpose of this proposition is to fulfill that right by allowing the voters to change Article II, Section 14 of the Montana Constitution which would permit the legislature or the people to establish the legal drinking age. This referendum makes it possible, in future years, to change the legal drinking age, in the event changes in our society warrant it, without amending the Constitution again. The age, however, cannot be raised to more than 19.

Voting "yes" on this amendment allows the people a greater voice in determining the legal drinking age.

S/ Allen C. Kolstad, Chr.
Esther G. Bengtson
Angela Romain

ARGUMENT ADVOCATING REJECTION OF THE MEASURE

Article II, Section 14 of the Montana Constitution reads "Adult Rights. A Person 18 years of age or older is an adult for all purposes." Constitutional Amendment No. 4 would make one exception to this.

Constitutional Amendment No. 4 would remove one adult right from a class of adult residents of this state, those 18 years of age. It would clear the way for eighteen year old individuals to be denied the right to purchase and consume alcoholic beverages. No other group of adults would be affected.

We urge rejection of Constitutional Amendment No. 4 because it is blatantly discriminatory. One is either an adult or not. One should be able to exercise all rights and responsibilities of this society if he or she is an adult. To create a special class of adults who could be arrested, prosecuted, and punished for doing something other adults may choose to do would violate the "equal protection" clause of the United States Constitution. A state cannot deny to a class of adults a right available to other adults.

There would be serious problems in prosecuting an 18 year old for the purchase and possession of alcoholic beverages. An 18 year old is an adult, so he could not be prosecuted in youth court since he is no longer a minor. On the other hand, severe constitutional issues would be raised for prosecuting an 18 year old for doing that which other adults are not prosecuted and punished for.

Clearly, the age at which one becomes an adult, with its attendant rights and responsibilities, must be uniform. Obviously. Constitutional Amendment No. 4 does not provide for a uniform age of adulthood. On this basis, we urge rejection of the amendment.

S/ Greg Jergeson, Chr.
Bill Baeth
Jim Pasma

ARGUMENT REBUTTING THE ARGUMENT ADVOCATING APPROVAL OF MEASURE

Recognizing the right of the people to amend Montana's Constitution, we assert that Constitutional Amendment No. 4 is improperly drafted. In order to avoid serious inconsistencies and violation of the 'equal protection' clause of the U. S. Constitution, the Amendment should have been drafted to permit the raising of the age of adulthood across the board. To say that 18 year olds are mature enough to exercise all rights and responsibilities of adulthood except one will have severe and incalcuable implications.

For this reason, we urge rejection of this amendment.

S/ Greg Jergeson, Chr.
William R. Baeth
Jim Pasma

ARGUMENT REBUTTING THE ARGUMENT ADVOCATING REJECTION OF MEASURE

The purpose of the Constitutional Amendment is to change the Constitution. No Constitution is embedded in concrete and to avoid any problems of the constitutionality of a law changing the drinking age, it is necessary to amend the Constitution.

Purchasing and consuming alcoholic beverages is not necessarily a right belonging to all adults. Rights are balanced by responsibility. Clearly, the consequence of allowing this privilege to belong to 18-year olds has created and contributed to problems that must be dealt with in a sure-handed manner. It has nothing, whatsoever, to do with creating special classes of adults. It merely faces a serious problem head-on and deals with by determining that this particular privilege is not in the best interest of our youth. Thirty two states have set the drinking age higher than 18 and have no constitutional or law enforcement problems.

There would be no problems in prosecuting 18 year olds for the purchase and possession of alcoholic beverages. The law would simply spell out the penalties and officials would administer the law to offenders. It would be handled no differently than any other misdemeanor. The question of whether he is a minor or an adult would be irrelevant. There would be no problem as to having a uniform age for having the privilege of consuming alcoholic beverages. Legal opinions do not regard possessing and consuming alcoholic beverages a right accorded to any and all adults regardless of the attendant ability and responsibility to handle it.

S/ Allen C. Kolstad, Chr.
Esther G. Bengtson

The form in which the question on amending the Constitution will be printed on the Official Ballot at the General Election, November 7, 1978, is as follows:

CONSTITUTIONAL AMENDMENT NO. 4

AN AMENDMENT TO THE CONSTITUTION PROPOSED BY THE LEGISLATURE

Secretary of State's Explanatory Statement

Constitutional Amendment No. 4 was introduced as House Bill No. 29 in the regular session of the 45th Legislature of the State of Montana. HB 29 passed the House of Representatives by a vote of 60 for and 36 against with 4 members absent. The Senate vote was 41 to 8 in favor of the bill with 1 member absent.

Attorney General's Explanatory Statement

Article II, Section 14, of the Montana Constitution provides that a person 18 years of age or older is an adult for all purposes, including the right to possess and consume alcoholic beverages. This amendment would limit Article II, Section 14, by allowing the legislature or the people to raise the legal age for consuming or possessing alcoholic beverages to 19. However, this constitutional amendment itself would not raise the drinking age.

AN ACT TO SUBMIT TO THE QUALIFIED ELECTORS OF MONTANA AN AMENDMENT TO ARTICLE II, SECTION 14, OF THE MONTANA CONSTITUTION TO ALLOW THE LEGISLATURE OR THE PEOPLE BY INITIATIVE TO ESTABLISH THE LEGAL AGE FOR CONSUMING OR POSSESSING ALCOHOLIC BEVERAGES.

☐ FOR allowing the legislature or the people to establish the legal drinking age.

☐ AGAINST allowing the legislature or the people to establish the legal drinking age.

CONSTITUTIONAL AMENDMENT NO. 5

Secretary of State's Explanatory Statement

Constitutional Amendment No. 5 was introduced as House Bill No. 217 in the regular session of the 45th Legislature of the State of Montana. HB 217 passed the House of Representatives by a vote of 86 for and 9 against with 2 members excused and 3 absent. The Senate vote was 43 to 5 in favor of the bill with 1 member excused and 1 absent.

Attorney General's Explanatory Statement

The legislature now limits State government spending by enacting budget appropriations for each agency based on the anticipated amount of available funds. Between legislative sessions additional unanticipated funds become available to agencies. The constitutional amendment would authorize a joint legislative committee between legislative sessions to approve or disapprove expenditures of these unanticipated funds. The 1975 Legislature established such a joint interim committee, but the Montana Supreme Court declared the committee was an unconstitutional delegation of legislative power properly reserved to the executive branch of government or the entire legislative body.

AN ACT TO SUBMIT TO THE QUALIFIED ELECTORS OF MONTANA AN AMENDMENT TO ARTICLE VIII, SECTION 12, OF THE MONTANA CONSTITUTION TO ADD A SECTION AUTHORIZING ESTABLISHMENT OF AN INTERIM LEGISLATIVE COMMITTEE TO APPROVE OR DISAPPROVE BUDGET AMENDMENTS TO SPEND FUNDS NOT APPROPRIATED AT THE PRECEDING SESSION.

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

Section 1. Section 12, Article VIII, of the Montana constitution is amended to read as follows:

"Section 12. Strict accountability. The legislature shall by law insure strict accountability of all revenue received and money spent by the state and counties, cities, towns, and all other local governmental entities. In order to insure strict accountability, the legislature shall establish by law a committee comprised of members of both houses of the legislature which may, between sessions of the legislature, approve or disapprove for expenditure by any institution or agency of the state funds which were not available for consideration by the legislature."

Section 2. Effective date. If approved by the electorate, this amendment is effective January 1, 1979.

Section 3. Submission to electors. This amendment shall be submitted to the electors of the state of Montana at the general election to be held November 7, 1978, by printing on the ballot the full title of this act and the following:

☐ FOR authorizing a joint interim committee of the legislature to approve or reject budget amendments to spend funds not appropriated at the preceding session.

☐ AGAINST authorizing a joint interim committee of the legislature to approve or reject budget amendments to spend funds not appropriated at the preceding session.

ARGUMENT ADVOCATING APPROVAL OF THE MEASURE

In 1975 the Montana Legislature in an effort to control government spending created a bipartisan Legislative Finance Committee with authority to approve or disapprove expenditures by state government during interim periods when the Legislature is not in session. Prior to the formation of the committee, such interim appropriations known as budget amendments had been authorized by the Executive branch of government. This created a conflicting situation wherein two branches of government authorized appropriations, the Legislature while in session, and the Executive during the interim. Subsequently, the authority of the Legislature to approve or disapprove budget amendments during the interim was challenged in court on constitutional grounds. A 1976 Montana Supreme Court ruling held that while it was indeed the authority of the legislative branch to authorize appropriations, the current language of the Constitution did not specifically extend that authority over budget amendments considered during the interim.

Therefore, the 1977 session of the Legislature, by a two-thirds majority vote, passed legislation recommending a constitutional amendment, that if approved by the voters of Montana would grant authority to the Legislature over all appropriations for the operation of state government.

Identified as Constitutional Amendment #5 its effect would serve to fix a limitation on state spending by placing full responsibility for appropriations on the legislative branch, eliminating the lack of accountability that exists when two separate branches of government share the control over state expenditures.

S/ J. A. Turnage, Chr.
Francis Bardanouve
Stan Stephens

ARGUMENT ADVOCATING REJECTION OF THE MEASURE

The proposed amendment would create a "super committee" which would have tremendous power. Such a committee is untenable for the following reasons:

1. A few select legislators would make decisions in the name of the entire 150-member legislature. Article V, Section 11, of the Montana Constitution provides that "No bill shall become law except by a vote of the majority of all members present and voting." To delegate so much authority to so few is inconsistent with the traditional notion and constitutional mandate that legislative power should only be exercised by the majority of the legislature.

2. The idea that the committee would control growth in state government caused by the approval of budget amendments is only a fallacy for the following reasons:

a. Authority to spend General Fund monies cannot be granted via the budget amendment process.

b. New programs or program expansions authorized via budget amendment must withstand the scrutiny of the full legislature when in session; otherwise, the program or expansion is terminated or otherwise modified as deemed appropriate by the full legislature.

3. The Governor would be handicapped in performing his constitutionally mandated responsibility of administering the Executive Branch. It is unreasonable to expect a governor (or any administrator) to accept responsibility to administer an operation without having at least minimal control over fiscal affairs.

4. Federal funds, which are the primary funds dealt with by the budget amendment process, may be lost due to non-availability of an approving authority. At times, due to emergency or unusual situations, the state has only days to act upon offers of federal assistance. This problem was encountered with the Interim Finance Committee in 1975 when attempting to provide relief to flood victims.

5. A danger exists that the geographic areas of the members of the committee would fare more favorably than other areas, even assuming unquestionable integrity among all members.

6. The system of checks and balances proven effective for the state would be changed. Indeed, federal funds available and necessary for Montana and its citizens could be lost without recourse.

S/ Gary N. Kimble

ARGUMENT REBUTTING THE ARGUMENT ADVOCATING APPROVAL OF MEASURE

(NO ARGUMENT SUBMITTED BY DEADLINE DATE)

ARGUMENT REBUTTING THE ARGUMENT ADVOCATING REJECTION OF MEASURE

1. The entire legislature overwhelmingly approved granting an interim legislative committee authority over interim appropriations. At the present time such authority is vested in appointed bureaucrats who are not directly accountable to the public. All fifty state legislatures and the federal Congress function on the delegation of authority to standing and select committees.

2. Currently, legislative control over the growth of government is often after the fact. New and sometimes questionable programs are 18 months old and fully entrenched within the bureaucracy before the legislature has the opportunity to review them.

3. An interim legislative committee would not handicap the Governor in discharging his duties. The Governor and his administrative heads would continue to administer their own budgets. However, requests for increased spending authority during the interim would require approval by the committee.

4. The legislature provides the Governor with an emergency budget. Control of this budget would remain solely with the Governor, enabling him to take immediate action in emergency situations.

5. The Rules of the legislature provide for the disciplining of any member who fails to carry out assigned duties in a responsible and ethical manner.

6. The availability of federal funds will not change with this amendment. What will change is the degree of accountability over spending during interim periods when the legislature is not in session.

The Legislature which is elected by the people should control and be accountable for the expenditure of government funds.

S/ J. A. Turnage, Chr.
Francis Bardanouve
Stan Stephens

The form in which the question on amending the Constitution will be printed on the Official Ballot at the General Election, November 7, 1978, is as follows:

CONSTITUTIONAL AMENDMENT NO. 5

AN AMENDMENT TO THE CONSTITUTION PROPOSED BY THE LEGISLATURE

Secretary of State's Explanatory Statement

Constitutional Amendment No. 5 was introduced as House Bill No. 217 in the regular session of the 45th Legislature of the State of Montana. HB 217 passed the House of Representatives by a vote of 86 for and 9 against with 2 members excused and 3 absent. The Senate vote was 43 to 5 in favor of the bill with 1 member excused and 1 absent.

Attorney General's Explanatory Statement

The legislature now limits State government spending by enacting budget appropriations for each agency based on the anticipated amount of available funds. Between legislative sessions additional unanticipated funds become available to agencies. The constitutional amendment would authorize a joint legislative committee between legislative sessions to approve or disapprove expenditures of these unanticipated funds. The 1975 Legislature established such a joint interim committee, but the Montana Supreme Court declared the committee was an unconstitutional delegation of legislative power properly reserved to the executive branch of government or the entire legislative body.

AN ACT TO SUBMIT TO THE QUALIFIED ELECTORS OF MONTANA AN AMENDMENT TO ARTICLE VIII, SECTION 12, OF THE MONTANA CONSTITUTION TO ADD A SECTION AUTHORIZING ESTABLISHMENT OF AN INTERIM LEGISLATIVE COMMITTEE TO APPROVE OR DISAPPROVE BUDGET AMENDMENTS TO SPEND FUNDS NOT APPROPRIATED AT THE PRECEDING SESSION.

☐ FOR authorizing a joint interim committee of the legislature to approve or reject budget amendments to spend funds not appropriated at the preceding session.

☐ AGAINST authorizing a joint interim committee of the legislature to approve or reject budget amendments to spend funds not appropriated at the preceding session.

CONSTITUTIONAL AMENDMENT NO. 6

Secretary of State's Explanatory Statement

Constitutional Amendment No. 6 was introduced as House Bill 361 in the regular session of the 45th Legislature of the State of Montana. HB 361 passed the House of Representatives by a vote of 78 for and 19 against with 2 members excused and 1 absent. The Senate vote was 41 to 8 in favor of the bill with 1 member absent.

Attorney General's Explanatory Statement

Article XI, Section 9 of the Montana Constitution requires a locally elected government study commission to review each local government once every 10 years. The commission then must submit one alternative form of government to the voters at the next general election. This constitutional amendment would require an election once every 10 years to determine whether a local government review is necessary. A majority of voters must approve the local government review before a study commission can be elected. If a majority of the voters does not approve the local government review, then a study commission will not be elected and no review procedure will take place.

AN ACT TO SUBMIT TO THE QUALIFIED ELECTORS OF MONTANA AN AMENDMENT TO ARTICLE XI OF THE MONTANA CONSTITUTION TO MAKE VOTER REVIEW OF LOCAL GOVERNMENT AN OPTIONAL PROCEDURE AND TO ALLOW THE PEOPLE TO EXERCISE THIS OPTION EVERY 10 YEARS.

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

Section 1. Article XI, Section 9 of the Montana Constitution is amended to read as follows:

"Section 9. Voter review of local government. (1) The legislature shall, within four years of the ratification of this constitution, provide procedures requiring each local government unit or combination of units to review its structure and submit one alternative form of government to the qualified electors at the next general or special election.

(2) The legislature shall require an election in each local government to determine whether a local government will undertake a review procedure once every ten years after the first election. Approval by a majority of those voting in the decennial general election on the question of undertaking a local government review is necessary to mandate the election of a local government study commission. Study commission members shall be elected during any regularly scheduled election in local governments mandating their election."

Section 2. Implementation. If not already implemented, the legislature shall implement this amendment with appropriate legislation in 1979, in order that the electors of each local government may indicate their preference "For" or "Against" the establishment of a study commission in 1984.

Section 3. Submission to electors. This amendment shall be submitted to the electors of the state of Montana at the general election to be held November 7, 1978, by printing on the ballot the full title, sections 1 and 2 of this act, and the following:

☐ FOR making voter review of local government optional.

☐ AGAINST making voter review of local government optional.

ARGUMENT ADVOCATING APPROVAL OF THE MEASURE

The proposed constitutional amendment seeks to make Voter Review of Local Government an optional procedure. The 1974 Legislature provided for a review procedure, which the state completed in 1976, to meet the Constitutional requirement for a review to take place within four years of the ratification of the constitution. Attention must now shift to the language of the constitution that requires a review procedure once every ten years after that initial review.

Under the language proposed in the constitutional amendment, every ten years the electors in each municipality and county would be given the opportunity to vote for or against a review of local government. If a majority of those voting voted in the affirmative, a study commission would then be elected and a review process undertaken. If a majority of electors voted against undertaking a review, no further action would be required.

The amendment will clarify a provision of the constitution concerning the method by which voter review is to occur. The current constitutional language leaves open for interpretation whether every ten years (1) a full review of the magnitude required for the initial review or (2) only a "review procedure" of some type is all that was intended by the framers of the constitution:

> Section 9 directs the Legislature to provide for a "review procedure" each ten years after the first election. Such decennial review would not necessarily have to require that each unit in the state go through the complete review required the first time. (Emphasis added.)

The 1974 and 1975 legislative sessions designed a procedure that required each local government to review its structure and submit an alternative to the voters. The mandatory procedures were detailed, complex and expensive. The 1974 and 1975 sessions appropriated funds totalling $1,141,300 to partially finance work of the study commissions. Approximately $933,000 in state and local funds was expended.

Voter approval of study commission recommendations for changes was extremely scattered. Out of a total of 175 elections on alternative forms, only 31 yielded changes; seven communities conducted no election at all. Some changes in structures were adopted by the narrowest of margins and resulted in only minor changes. In a majority of instances, elections indicated an overwhelming voter rejection of change. The taxpaying public in Montana received very little in return for its multi-million dollar investment.

Recent initiatives have demonstrated that the taxpaying and voting public is wary of changes in government — it is instead concerned with making existing structures function more efficiently and effectively. The proposed amendment fulfills the spirit of the constitutional convention by continuing to authorize a review process, but it does so by permitting the electorate to evaluate the necessity of a review.

S/ Harold L. Dover, Chr.
Willie Day
James T. Mular

ARGUMENT ADVOCATING REJECTION OF THE MEASURE

The 1972 Montana Constitution gave Montana citizens the right to examine periodically their forms of local government for the first time since statehood and, if they so choose, to modify or change them. The process, carried out every ten years, puts the power to do this where it belongs — with the people.

The proposed amendment would seriously erode this right. Because it makes people vote only on whether or not to review their governments, it forces them to make a decision before they know the options. It takes away their right to make an educated choice.

The present Constitution guarantees this educated choice. Because it requires open debate on local issues, it increases voter interest and awareness. The process helps us learn what we

do have and what we might have — and lets us choose what we want. Local voters, given the opportunity to find answers to local government problems, are made the final judges. We decide whether or not the proposed alternative would be better than what we have.

We have had only one review since the new Constitution's adoption six years ago. The citizens in some communities, for instance, Billings, Circle, Helena, Madison, and Silver Bow, chose to change their forms of government. Others did not. This is democracy as it should be.

The cost of voter review is repaid by its benefits: a local government, knowing it is being checked up on, becomes more responsive and responsible. As the community changes, the government can change with it. Even if the government is not modified, more people become interested and involved in their local government and officials hear the clearly expressed concerns of citizens and have to show how they are dealing with them. In short, the improvements in local government which result from the voter review process will more than repay the costs.

Local governments deal with people's lives more closely than either the state or national governments. Since we are responsible for making them work, we need to know what the choices are before we decide which one we want. The present Constitution guarantees this right. Let's keep it that way.

S/ Pat Regan, Chr.
Harold Gerke
Peter Koehn

ARGUMENT REBUTTING THE ARGUMENT ADVOCATING APPROVAL OF MEASURE

(NO ARGUMENT SUBMITTED BY DEADLINE DATE)

ARGUMENT REBUTTING THE ARGUMENT ADVOCATING REJECTION OF MEASURE

The arguments of the opponents of the proposed amendment are naive and misleading.

First, Voter Review is a constitutional mandate, not a constitutional right. Most communities only very reluctantly fulfilled the obligation. In most communities, citizens were forced to make a choice about issues which they felt should not have been raised in the first place. Without amendment, the constitution would continue to require this condition.

Second, the opponents would have the voter believe that Voter Review is the only way that government structures can be changed. In fact, where citizens desire changes in government, there are methods available to achieve those changes without the mandate of ten year review. Missoula changed the structure of its municipal government three times and Great Falls, Helena, Polson and Petroleum County each once. Similar, but unsuccessful, efforts to change government were attempted in other jurisdictions. All of these efforts resulted from local initiative and were completed before Voter Review was mandated.

Third, there is no tangible evidence that citizen involvement and interest have increased because of Voter Review.

We share the opponents' interest in responsive and responsible government. We feel, however, that government structures and operations are fundamental. People, not forms of government, are responsive and accountable. Unless persisting conditions indicate that the structure of government obscures responsiveness and accountability, a change in elected leadership usually improves government.

Where local conditions demonstrate a need for change in structure, the amendment would permit review and recommendations in only those communities desiring structural changes.

S/ Harold L. Dover, Chr.
James T. Mular
Willie Day

The form in which the question on amending the Constitution will be printed on the Official Ballot at the General Election, November 7, 1978, is as follows:

CONSTITUTIONAL AMENDMENT NO. 6

AN AMENDMENT TO THE CONSTITUTION PROPOSED BY THE LEGISLATURE

Secretary of State's Explanatory Statement

Constitutional Amendment No. 6 was introduced as House Bill 361 in the regular session of the 45th Legislature of the State of Montana. HB 361 passed the House of Representatives by a vote of 78 for and 19 against with 2 members excused and 1 absent. The Senate vote was 41 to 8 in favor of the bill with 1 member absent.

Attorney General's Explanatory Statement

Article XI, Section 9 of the Montana Constitution requires a locally elected government study commission to review each local government once every 10 years. The commission then must submit one alternative form of government to the voters at the next general election. This constitutional amendment would require an election once every 10 years to determine whether a local government review is necessary. A majority of voters must approve the local government review before a study commission can be elected. If a majority of the voters does not approve the local government review, then a study commission will not be elected and no review procedure will take place.

AN ACT TO SUBMIT TO THE QUALIFIED ELECTORS OF MONTANA AN AMENDMENT TO ARTICLE XI OF THE MONTANA CONSTITUTION TO MAKE VOTER REVIEW OF LOCAL GOVERNMENT AN OPTIONAL PROCEDURE AND TO ALLOW THE PEOPLE TO EXERCISE THIS OPTION EVERY 10 YEARS.

Section 1. Article XI, Section 9 of the Montana constitution is amended to read as follows:

"Section 9. Voter review of local government. (1) The legislature shall, within four years of the ratification of this constitution, provide procedures requiring each local government unit or combination of units to review its structure and submit one alternative form of government to the qualified electors at the next general or special election.

(2) The legislature shall require an election in each local government to determine whether a local government will undertake a review procedure once every ten years after the first election. Approval by a majority of those voting in the decennial general election on the question of undertaking a local government review is necessary to mandate the election of a local government study commission. Study commission members shall be elected during any regularly scheduled election in local governments mandating their election."

Section 2. Implementation. If not already implemented, the legislature shall implement this amendment with appropriate legislation in 1979, in order that the electors of each local government may indicate their preference "For" or "Against" the establishment of a study commission in 1984.

☐ FOR making voter review of local government optional.

☐ AGAINST making voter review of local government optional.

CONSTITUTIONAL AMENDMENT NO. 7

Secretary of State's Explanatory Statement

Constitutional Amendment No. 7 was introduced as House Bill No. 567 in the regular session of the 45th Legislature of the State of Montana. HB 567 passed the House of Representatives by a vote of 79 for and 5 against with 2 members excused and 14 absent. The Senate vote was 39 to 6 with 2 members excused and 3 absent.

Attorney General's Explanatory Statement

The Montana Constitution gives the Montana Supreme Court exclusive control over admission to the bar. Admission to the bar is the granting of a license to an individual by the state to practice law. No one can practice law in Montana without being admitted to the bar. This constitutional amendment would allow the legislature to disapprove the rules of the Supreme Court regarding the requirements for admission to the bar.

AN ACT TO SUBMIT TO THE QUALIFIED ELECTORS OF MONTANA AN AMENDMENT TO ARTICLE VII, SECTION 2, OF THE MONTANA CONSTITUTION TO ALLOW THE LEGISLATURE TO DISAPPROVE RULES FOR ADMISSION TO THE BAR PROMULGATED BY THE SUPREME COURT.

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

Section 1. Article VII, Section 2, of the Montana Constitution is amended to read as follows:

"Section 2. Supreme Court jurisdiction. (1) The Supreme Court has appellate jurisdiction and may issue, hear, and determine writs appropriate thereto. It has original jurisdiction to issue, hear, and determine writs of habeas corpus and such other writs as may be provided by law.

(2) It has general supervisory control over all other courts.

(3) It may make rules governing appellate procedure, practice and procedure for all other courts, admission to the bar and the conduct of its members. Rules of procedure and rules for admission to the bar shall be subject to disapproval by the legislature.

(4) Supreme Court process shall extend to all parts of the state."

Section 2. Effective date. If approved by the electorate, this amendment shall be effective January 1, 1979.

Section 3. Submission to the electors. This amendment shall be submitted to the electors of the state of Montana at the general election to be held in November, 1978, by printing on the ballot the full title of this act and the following:

☐ FOR allowing the legislature to disapprove rules for admission to the bar promulgated by the Supreme Court.

☐ AGAINST allowing the legislature to disapprove rules for admission to the bar promulgated by the Supreme Court.

ARGUMENT ADVOCATING APPROVAL OF THE MEASURE

The possession and use of power by government is a vital concern of every citizen.

For this reason the Constitution of the State of Montana carefully reserves to each of the branches of government; legislative, executive, and judicial, certain clearly defined areas of power. At the same time it provides a system of check and balances to prevent any one branch of government from becoming overwhelmingly powerful at the expense of the other two branches.

Montana's constitution presently gives the supreme court "general supervisory control over all other courts" and allows it to "make rules governing; practice and procedure for all other courts, admission to the bar and conduct of its members". It continues: "Rules of procedure shall be subject to disapproval by the legislature in either of the two sessions following promulgation".

The check and balance process embodied in that last sentence is insufficient. The legislature, as the most immediate expression of the voice of the people, must therefore have more input in the matter of control of the Montana bar. Two sessions are clearly not enough to make clear how the rules of procedure may work or what they may be interpreted to mean by the supreme court.

Let us more closely examine what the matter of "admission to the bar and control of its members" means. To practice law in Montana, a person must be first admitted to the Montana bar by one of four routes presently prescribed by the supreme court: by being allowed to take and subsequently passing the bar examination provided for by the court; by graduation from the Montana University law school (without taking the bar exam, under the so-called "diploma privilege"); by reciprocity agreement with certain other states; and by unqualified direct order of the court. All lawyers, public prosecutors, district and supreme court judges must be members in good standing of the Montana bar.

The supreme court has the power of determining the livelihood, if not life, of the legal profession in Montana. It decides how and whether or not a person becomes an attorney and whether a person can continue in his profession as an attorney. Because of the "diploma privilege" it even exerts control over the law school.

This is an immense power. It is a necessary power if the legal system is to function equitably, but it must be subject to checks and balances. It is not at present. The proposed constitutional amendment will provide the proper and necessary check and balance.

Turning to the supreme court's power to control practice and procedure for all courts, we find this power awesome. It affects not only lawyers, judges and other officers of the courts but also law offices, plaintiffs, defendants, appellants and every citizen in the state. A truly effective check on this power is necessary, one that is continuing and not limited to a few years. The proposed amendment provides the proper check and balance.

The eight year term of office the constitution provides supreme court judges is necessary but it can overly insulate the judges from the citizens. This proposed constitutional amendment will bring the voice of the people to the court, through the legislature, without impairing the court's task of insuring justice and equity.

S/ Carroll Graham, Chr.
Herb Huennekens
Mike Meloy

ARGUMENT ADVOCATING REJECTION OF THE MEASURE

The form in which this amendment was passed by the legislature and referred to the people is misleading and in our opinion is patently illegal. This amendment goes far beyond the intent as stated in the title in that it addresses two important different subjects: (1) It removes the time limitation during which the legislature can veto rules of procedure promulgated by the Supreme Court. (2) It allows the legislature to disapprove the rules of the Supreme Court regarding the requirements for admission to the bar. The title would lead voters into believing they will be voting on only one subject. Such bill construction is deceptive and is prohibited by the Montana Constitution: (Article V, Section II, Subsection 3) "each bill . . . shall contain only one subject, clearly expressed in the title."

If this amendment is passed, it should and undoubtedly will be challenged in court. Voters can save the state legal expense by defeating this amendment.

Regarding the part of the amendment dealing with admission to the bar, the amendment would transfer power from one body elected by the people (the Supreme Court) to another elected body (the legislature). Not surprisingly, the proposal originated in the legislature.

In 1969, the Supreme Court, in an attempt to raise the standards of the legal profession, stipulated that anyone taking the examination for admission to the bar must be a graduate of an accredited school of law. Prior to this time there was no such educational requirement.

The stand of the Supreme Court establishing this educational requirement is reasonable. It sets high standards for the legal profession and protects the people of Montana against "diploma mill lawyers." What is surprising is the fact that the legal profession in Montana took so long to come out of the dark.

The Supreme Court stand, however, has apparently raised the ire of some legislators, thus creating at least part of the impetus for this amendment. No longer can legislators or anyone else be admitted to the practice of law in Montana without an adequate educational background.

In the final analysis, the question is: which body, the Supreme Court or the legislature, both elected by the people, is better equipped to make decisions for admission to the bar. We believe Supreme Court justices, by reason of training, temperament, and experience win the case. Let us not allow this important matter to become embroiled in legislative politics.

S/ Everett R. Lensink, Chr.
Paul Boylan
Earl C. Lory

ARGUMENT REBUTTING THE ARGUMENT ADVOCATING APPROVAL OF MEASURE

The substance of the proponents argument is that the judicial branch of state government (specifically the Supreme Court) is granted too much power by the constitution, and that some of this power should be transferred to the legislature.

However, not one shred of hard evidence is presented in support of this contention. The proponents argument uses only vague generalities:

"The check and balance power . . . . is insufficient."

"The legislature . . . . must have more input in the matter of control of the Montana bar."

"The Supreme Courts power . . . . (is) awesome . . . . A truly effective check on this power is necessary."

But where is the evidence to support these contentions? Has the Supreme Court neglected its duty? Has the Supreme Court abused its power? This is no evidence. Only generalities, which in essence say no more than "the legislature needs this power because it needs this power."

The constitution should not be changed on a whim. Citizens must be given solid reasons before they can be expected to vote for this amendment.

S/ Everett R. Lensink, Chr.
Paul Boylan
Earl C. Lory

ARGUMENT REBUTTING THE ARGUMENT ADVOCATING REJECTION OF MEASURE

The opponent's argument that the bill that created this referendum is illegal is invalid. The essence of the referendum is the dilution of the power of the supreme court over the legal profession thru its control of the bar; this is accomplished by requiring legislative approval of court rules.

The concept already exists in the constitution with regard to supreme court rules for practice and procedure in all courts. The referendum expands this concept. The unlimited time frame is an essential element in this expansion and thus properly addressed by the bill.

The bill was amended in the Senate and again in joint conference. It obviously was most amply discussed. It was approved in its final form by the Senate 39 to 6 and by the House 79 to 5.

The above vote does not indicate fear of court challenge by the legislature, attorneys or laymen. Every attorney in the legislature voted in favor on that final vote except one absent House member and he had previously voted consistently aye.

The argument that the public is being misled is answered by the pro and con debate — including the attorney general's opinion — of which this statement is a part.

The real issue is this: is this constitutional amendment desirable in order to prevent over-concentration of power in the supreme court by providing for an increase in interaction and collaboration between the court and the legislature.

S/ Carroll Graham, Chr.
Herb Huennekens

The form in which the question on amending the Constitution will be printed on the Official Ballot at the General Election, November 7, 1978, is as follows:

CONSTITUTIONAL AMENDMENT NO. 7

AN AMENDMENT TO THE CONSTITUTION PROPOSED BY THE LEGISLATURE

Secretary of State's Explanatory Statement

Constitutional Amendment No. 7 was introduced as House Bill No. 567 in the regular session of the 45th Legislature of the State of Montana. HB 567 passed the House of Representatives by a vote of 79 for and 5 against with 2 members excused and 14 absent. The Senate vote was 39 to 6 with 2 members excused and 3 absent.

Attorney General's Explanatory Statement

The Montana Constitution gives the Montana Supreme Court exclusive control over admission to the bar. Admission to the bar is the granting of a license to an individual by the state to practice law. No one can practice law in Montana without being admitted to the bar. This constitutional amendment would allow the legislature to disapprove the rules of the Supreme Court regarding the requirements for admission to the bar.

AN ACT TO SUBMIT TO THE QUALIFIED ELECTORS OF MONTANA AN AMENDMENT TO ARTICLE VII, SECTION 2, OF THE MONTANA CONSTITUTION TO ALLOW THE LEGISLATURE TO DISAPPROVE RULES FOR ADMISSION TO THE BAR PROMULGATED BY THE SUPREME COURT.

☐ FOR allowing the legislature to disapprove rules for admission to the bar promulgated by the supreme court.

☐ AGAINST allowing the legislature to disapprove rules for admission to the bar promulgated by the supreme court.

CONSTITUTIONAL AMENDMENT NO. 8

Secretary of State's Explanatory Statement

Constitutional Amendment No. 8 was introduced as Senate Bill 179 in the regular session of the 45th Legislature of the State of Montana. SB 179 passed the Senate by a vote of 45 for and 2 against with 3 members excused. The House of Representatives vote was 68 to 26 in favor of the bill with 1 member excused and 5 absent.

Attorney General's Explanatory Statement

This constitutional amendment states that a legislator may be a candidate for public office before the end of his legislative term. The amendment requires that a legislator resign from the legislature before assuming another public office.

AN ACT TO SUBMIT TO THE QUALIFIED ELECTORS OF MONTANA AN AMENDMENT TO ARTICLE V, SECTION 9, OF THE MONTANA CONSTITUTION TO PROVIDE THAT A MEMBER OF THE LEGISLATURE MAY RUN FOR PUBLIC OFFICE DURING HIS TERM.

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

Section 1. Article V, Section 9, of the Montana Constitution is amended to read as follows:

"Section 9. Disqualification. No member of the legislature shall, during the term for which he shall have been elected, be appointed to any civil office under the state. A legislator may be a candidate for public office before the end of his term. He shall resign before assuming another office. No member of congress, or other person holding an office (except notary public, or the militia) under the United States or this state, shall be a member of the legislature during his continuance in office."

Section 2. Submission to electors. This amendment shall be submitted to the electors of the state of Montana at the general election to be held November 7, 1978, by printing on the ballot the full title and the following:

☐ FOR allowing a legislator to be a candidate for public office during his term.

☐ AGAINST allowing a legislator to be a candidate for public office during his term.

ARGUMENT ADVOCATING APPROVAL OF THE MEASURE

This letter will constitute an expression of my argument in favor of Senate Bill 197 of the 1977 State Legislature, which position is concurred in by the members of the Legislature whose signatures appear below.

It is inequitable and unnecessary that an encumbent legislator be ineligible to seek other elective public office until after the expiration of his term as a legislator, as is now the requirement pursuant to Article V, Section 9, of the Montana Constitution. This amounts to deprivation of a right and privilege assured all other citizens that are not members of the Legislature.

A requirement that a legislator resign his legislative office before he assumes another elective office is a complete and adequate safeguard against the holding of two elective offices by one person.

S/ George McCallum, Chr.
William E. Murray
Mike Cooney

ARGUMENT ADVOCATING REJECTION OF THE MEASURE

This amendment should be rejected for at least three reasons: 1) public officials should attend to the affairs of the office to which they were elected instead of working at obtaining another office; 2) the real purpose of the amendment is unclear and unnecessary; and 3) the amendment unreasonably limits the legislature. Why do we believe the above to be true?

We all know that a public official often has an unfair advantage over an opponent due to the constant attention of the press. These activities and the resulting attention is all supported by you, the taxpayer. You deserve to have your public officials take their job seriously instead of aspiring to others. In addition, a public official is much more vulnerable to undue pressures and conflicts of interest — this is not in your interest.

As this proposed amendment moved through the legislature, its contents were amended so much that they seem to change its entire purpose. Amendments to the constitution should be very carefully considered. It may be that many legislators did not study this measure as carefully as they should have. We can see no constitutional bar to a legislator running for office now. What do we gain from this change?

We gain nothing with this amendment, but we do lose something. If the abuses that concern us above become of concern to many Montanans, this amendment will tie the legislature's hands if a remedy is sought.

We do not want to make it more difficult to control the improper activities of public officials.

For the above reasons, we urge your rejection of this amendment.

S/ John W. Devine, Chr.
William T. Menahan
Sharon R. Smith

ARGUMENT REBUTTING THE ARGUMENT ADVOCATING APPROVAL OF MEASURE

(NO ARGUMENT SUBMITTED BY DEADLINE DATE)

ARGUMENT REBUTTING THE ARGUMENT ADVOCATING REJECTION OF MEASURE

We feel no rebuttal argument is needed on Constitutional Amendment No. 8.

S/ George McCallum, Chr.
Mike Cooney

The form in which the question on amending the Constitution will be printed on the Official Ballot at the General Election, November 7, 1978, is as follows:

CONSTITUTIONAL AMENDMENT NO. 8

AN AMENDMENT TO THE CONSTITUTION PROPOSED BY THE LEGISLATURE

Secretary of State's Explanatory Statement

Constitutional Amendment No. 8 was introduced as Senate Bill 179 in the regular session of the 45th Legislature of the State of Montana. SB 179 passed the Senate by a vote of 45 for and 2 against with 3 members excused. The House of Representatives vote was 68 to 26 in favor of the bill with 1 member excused and 5 absent.

Attorney General's Explanatory Statement

This constitutional amendment states that a legislator may be a candidate for public office before the end of his legislative term. The amendment requires that a legislator resign from the legislature before assuming another public office.

AN ACT TO SUBMIT TO THE QUALIFIED ELECTORS OF MONTANA AN AMENDMENT TO ARTICLE V, SECTION 9, OF THE MONTANA CONSTITUTION TO PROVIDE THAT A MEMBER OF THE LEGISLATURE MAY RUN FOR PUBLIC OFFICE DURING HIS TERM.

☐ FOR allowing a legislator to be a candidate for public office during his term.

☐ AGAINST allowing a legislator to be a candidate for public office during his term.

CONSTITUTIONAL INITIATIVE NO. 8

Attorney General's Explanatory Statement

This proposal would change the provisions of the Montana Constitution relating to property tax assessment. The present system requires the state to appraise, assess and equalize the valuation of all taxable property. This initiative would require each County Assessor to perform that function for all property situated exclusively within the county. The present system requires the state to establish the value for taxable property. The initiative would create a seven member State-County Equalization Commission to establish property valuation and assessment guidelines with authority to adopt rules and regulations.

AN INITIATIVE PROPOSAL TO AMEND ARTICLE VIII, SECTIONS 3 & 4 OF THE MONTANA CONSTITUTION TO REMOVE THE RESPONSIBILITY FOR CERTAIN PROPERTY TAX ASSESSMENT FROM THE STATE AND RESTORE IT TO THE COUNTIES UNDER THE POLICY DIRECTION OF A STATE-COUNTY EQUALIZATION COMMISSION.

ARTICLE VIII SECTION 3, of the 1972 Montana Constitution is amended to read as follows: Property tax administration. Each County Assessor shall appraise, assess, and equalize the valuation of all property situated exclusively within his County which is to be taxed in the manner provided by law. The legislature shall provide for the appraisal, assessment and equalization of all gross and net proceeds and unitary property which constitutes a single and continuous property in more than one County.

ARTICLE VIII SECTION 4, of the 1972 Montana Constitution is amended to read as follows: Equal valuation. All County Assessors shall appraise, assess and equalize the valuation of all property under the policy guidelines established by the State-County Equalization Commission. All taxing jurisdictions shall use those property valuations established under the policy guidelines of the State-County Equalization Commission. The State-County Equalization Commission shall be composed of two (2) members appointed by the County Commissioners, two (2) members appointed by the County Assessors, one (1) member appointed by the Senate, one (1) member appointed by the House of Representatives, and one (1) member appointed by the Governor. The Commission shall establish policy guidelines for equal appraisal and assessment, and promulgate rules and regulations for equal appraisal of all property within the State.

☐ For Returning a Portion of Property Tax Assessing to the Counties.

☐ Against Returning a Portion of Property Tax Assessing to the Counties.

ARGUMENT ADVOCATING APPROVAL OF THE MEASURE

An initiative to place the responsibility of assessment of property for taxation purposes with the elected County Officials instead of appointed officials of the State Department of Revenue.

To assure equalization of property assessments among the various counties, throughout the State, all assessing and appraising would function under policy guidelines established by a County-State Equalization Commission.

The membership of this commission would be chosen by elected officials as follows: 2 members appointed by County Commissioners; 2 members appointed by County Assessors; 1 member appointed by the State Senate; 1 member appointed by the State House of Representatives; and 1 member by the State Governor.

The main source of funding for local governments is the property tax, therefore it should be a local responsibility.

This initiative is an effort to put the control of locally assessed property under the control of County Elected Officials that are responsible to their constituents, the voters.

There has been a trend toward administrative centralization of taxation at the State level. The counties have lost their powers to defend themselves in taxation matters. This initiative would create a remedy.

In summary, this initiative will restore local control of property taxation to local elected officials.

S/ Floyd Irion, Chr.
George W. Sager
Douglas Allen

ARGUMENT ADVOCATING REJECTION OF THE MEASURE

1. The measure would not restore or return anything to the counties as a whole. It grants only to the county assessor equalization powers which he has never had before and requires him to appraise real property which he has not done since 1957. It puts too much power in the hands of the county assessor who may have no training in the appraisal of property.

2. Passage of the measure would eliminate present efforts of uniformly appraising similar property throughout the State. Prior to 1973, homes were appraised differently by local officials depending on the county in which the property was located. People owning similar property were being assessed and taxed at different rates depending solely on where they lived. These inconsistencies will be re-introduced and again be a problem if the primary assessment process is granted to the assessor.

3. The measure would take the authority to set policy, rules and regulations for the appraisal and assessment of property away from the legislature (whose members are elected by the people) and give it to an appointed commission. This is contrary to the 1889 and 1972 Constitution which gave this power to the legislature. The measure mandates "equal appraisal of all property within the state" by the assessor and the commission and could prevent the legislature from enacting laws to appraise different classes of property in different manners. It is possible that agricultural property could no longer be assessed at productive value but would have to be appraised the same as other property.

4. The measure would not reduce anybody's property taxes. The measure, if passed, would increase local property taxes because the costs of the assessor's and appraiser's offices (presently 6.8 million dollars per year) would have to be paid by the counties and not by the State as it is presently.

5. Property should be appraised impartially by a disinterested party (State); experience has shown that some local officials in the past have tried to keep their valuations low so their county would receive more than its fair share of State School Foundation money for its schools. That means taxpayers of other counties are subsidizing taxpayers in those counties where valuations are artificially low.

6. The measure contains too many words, is ambiguous, and confusing. This could lead to interpretations and decrees by courts for implementation which are then frozen in the Constitution. This is in contrast to the flexibility of the legislature which can easily amend or replace laws to correct problems and deficiencies in tax law.

S/ Russell C. McDonough, Chr.
Arthur H. Shelden
W. A. Groff
Larry Fasbender
Homer K. Langley

ARGUMENT REBUTTING THE ARGUMENT ADVOCATING APPROVAL OF MEASURE

The proponents state that this initiative will restore local control of property taxation to local elected officials. This is misleading because local elected officials already control property taxation. Ninety-eight percent (98%) of all property taxes are levied and collected by local elected county, city, and school officials. The broad powers of setting assessment policy and standards is given to an appointed, not an elected commission. This initiative would take powers away from elected officials (the legislature) and give them to the county-state equalization commission. At present, proposed assessment rules are reviewed by two committees composed of elected Montana Legislators.

The proposed county-state equalization commission will not have direct control over the county assessors. Its policies will be impossible to enforce and will result in lawsuits to enforce some type of equalization between counties as was the situation prior to 1973. The only thing the proposed measure restores is having each county assessed differently.

The initiative would increase property taxes by causing the counties to pay the cost of assessing property and it is a step backwards in obtaining fair, just, and equitable valuation of all property for tax purposes.

S/ Russell C. McDonough, Chr.
Arthur H. Sheldon
W. A. Groff
Homer K. Langley

ARGUMENT REBUTTING THE ARGUMENT ADVOCATING REJECTION OF MEASURE

The initiative places the responsibility of assessing property to a county elected official. The voter selects by ballot the persons responsible for assessing their property.

The County Assessor would equalize the valuation of property under the guidelines of an equalization commission selected by elected officials, instead of by State appointed officials who may have no training in the appraisal of property.

The measure requires the Assessor to follow the guidelines set by the commission for uniform appraising.

The measure would take no legislative power away from the Legislature. The commission and Assessors' duties will be to execute the law, not to make it.

The primary purpose is to restore to local government the responsibility of property assessment. However, there can be little doubt that it will cost the taxpayer less to have this work done locally than by a large state bureau. The funding procedure for these offices will be determined by legislature, but whether it is funded at a state or county level it will be from taxpayers' money.

Property should be appraised impartially by a person elected by all the taxpayers. State-wide standards of valuation will still have to be complied with.

The initiative as written is clear in its intent and purpose. The first is to restore to the elected County Assessor the responsibility of local assessments and second to provide for an equalization commission selected by elected officials. As with all constitutional amendments it is the responsibility of legislature to enact enabling legislation.

S/ Floyd Irion, Chr.
George W. Sager
Douglas Allen

The form in which the measure will be printed on the Official Ballot at the General Election, November 7, 1978, is as follows:

CONSTITUTIONAL INITIATIVE NO. 8

A CONSTITUTIONAL AMENDMENT PROPOSED BY INITIATIVE PETITION

Attorney General's Explanatory Statement

This proposal would change the provisions of the Montana Constitution relating to property tax assessment. The present system requires the state to appraise, assess and equalize the

valuation of all taxable property. This initiative would require each County Assessor to perform that function for all property situated exclusively within the county. The present system requires the state to establish the value for taxable property. The initiative would create a seven member State-County Equalization Commission to establish property valuation and assessment guidelines with authority to adopt rules and regulations.

AN INITIATIVE PROPOSAL TO AMEND ARTICLE VIII, SECTIONS 3 & 4 OF THE MONTANA CONSTITUTION TO REMOVE THE RESPONSIBILITY FOR CERTAIN PROPERTY TAX ASSESSMENT FROM THE STATE AND RESTORE IT TO THE COUNTIES UNDER THE POLICY DIRECTION OF A STATE-COUNTY EQUALIZATION COMMISSION.

☐ FOR assigning a portion of property tax assessment to the counties and establishing a seven member State-County Equalization Commission.

☐ AGAINST assigning a portion of property tax assessment to the counties and establishing a seven member State-County Equalization Commission.

LEGISLATIVE REFERENDUM NO. 74

Secretary of State's Explanatory Statement

Referendum No. 74 was introduced as House Bill 28 in the regular session of the 45th Legislature of the State of Montana. HB 28 passed the House of Representatives by a vote of 61 for and 34 against with 1 member excused and 4 absent. The Senate vote was 41 to 6 in favor of the bill with 3 members excused.

Attorney General's Explanatory Statement

The legal age for consuming or possessing alcoholic beverages in Montana is 18. This referendum would raise the legal age for consuming or possessing alcoholic beverage to 19. This referendum also makes it a criminal offense to give or to sell alcoholic beverages to a person under 19 years of age.

AN ACT TO AMEND SECTIONS 4-6-104, 94-5-609, AND 94-5-610, R.C.M. 1947, TO RAISE THE LEGAL AGE FOR CONSUMING OR POSSESSING ALCOHOLIC BEVERAGES TO NINETEEN AND PROVIDING THAT THE PROPOSED ACT BE SUBMITTED TO THE ELECTORS OF THE STATE OF MONTANA.

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

Section 1. Section 4-6-104, R.C.M. 1947, is amended to read as follows:

"4-6-104. Age limit for sale of alcoholic beverages. Except in the case of an alcoholic beverage given to a person under the age of 19 years by his parent or guardian for beverage or medicinal purposes or administered to him by his physician or dentist for medicinal purposes or sold to him by a vendor or druggist upon the prescription of a physician, no person shall sell,

give, or otherwise supply an alcoholic beverage to any person under the age of 19 years or permit any person under that age to consume an alcoholic beverage."

Section 2. Section 94-5-609, R.C.M. 1947, is amended to read as follows:

"94-5-609. Unlawful transactions with children. (1) A person commits the offense of unlawful transactions with children if he knowingly:

(a) sells or gives explosives to a child under the age of majority except as authorized under appropriate city ordinances;

(b) sells or gives intoxicating substances other than alcoholic beverages to a child under the age of majority;

(c) sells or gives alcoholic beverages to a person under 19 years of age; or

(d) being a junk dealer, pawnbroker, or secondhand dealer he receives or purchases goods from a child under the age of majority without authorization of the parent or guardian.

(2) A person convicted of the offense of unlawful transactions with children shall be fined not to exceed $500 or be imprisoned in the county jail for any term not to exceed 6 months, or both. A person convicted of a second offense of unlawful transactions with children shall be fined not to exceed $1,000 or be imprisoned in the county jail for any term not to exceed 6 months, or both."

Section 3. Section 94-5-610, R.C.M. 1947, is amended to read as follows:

"94-5-610. Unlawful possession of intoxicating substance by children. (1) A person under the age of 18 years commits the offense of possession of intoxicating substance if he knowingly has in his possession an intoxicating substance other than an alcoholic beverage. A person under the age of 19 commits the offense of possession of an intoxicating substance if he knowingly has in his possession an alcoholic beverage, except that he does not commit the offense when in the course of his employment it is necessary to possess alcoholic beverages.

(2) A person convicted of the offense of possessing an intoxicating substance shall be fined not to exceed $50 or be imprisoned in the county jail for any term not to exceed 10 days, or both."

Section 4. Effective date. Sections 1, 2, and 3 of this act, if approved by the electors of the state of Montana, are effective January 1, 1979.

Section 5. Submission to electors. The question of whether this act will become effective shall be submitted to the electors of the state of Montana at the general election to be held November 7, 1978, by printing on the ballot the full title, and the following:

☐ FOR raising the legal drinking age to 19.

☐ AGAINST raising the legal drinking age to 19.

ARGUMENT ADVOCATING APPROVAL OF THE MEASURE

Referendum #28 allows the voters the privilege of raising the legal age for consuming or possessing alcoholic beverages to 19. It gives voters the right to preserve the best interests of youth by safeguarding their health, safety and welfare by voting to raise the legal drinking age to 19. The following points support this contention.

1. Education and alcohol do not mix as can be evidenced by the heavy burdens school districts are now trying to deal with. The ready accessibility of intoxicating beverages to our school students is creating serious problems. When the drinking age was lowered to 18, the effect was really lowering it to 14 and 15. Eighteen year-old students, for the most part, tend to socialize with people younger than themselves. The result was an easier availability of alcohol

for those students under 18, and this of course happening at a time when lifetime skills and habits are being acquired. It is very difficult for schools to fulfill the role of law enforcement agencies. The time spent in disciplining and enforcing the law would be much better spent on education. Quality education suffers as a result.

2. Driving and alcohol do not mix. The National Safety Council statistics show that, nationally, the incidence of drinking in fatal motor vehicle accidents is highest among the 18-19 year age group. There has been a dramatic increase in highway fatalities nationwide since many states lowered the drinking age. This has made an additional traffic hazard on our highways.

3. Alcoholism in today's youth is increasing. Recent studies indicate over 75% of high school students drink alcoholic beverages. Another study reveals that drinking starts at an earlier age than ever before. In Montana, over 70% of the students will become 18 before graduating from high school. The consequence is easy accessibility of liquor to many of our high school seniors, as well as students much younger.

4. Other consequences of the lower drinking age are increase in crime, increased litter bug costs, increased pressures on law enforcement agencies, increased welfare costs and increased insurance rates.

A "yes" vote on this referendum would take some of the pressures off homes, schools and society in general. A Majority vote is needed to establish the age of 19 as the legal age for consuming or possessing alcoholic beverages.

S/ Allen C. Kolstad, Chr.
Esther G. Bengtson
Angela Romain

ARGUMENT ADVOCATING REJECTION OF THE MEASURE

Legislative Referendum No. 74 should be rejected for the same reason as Constitutional Amendment No. 4. In addition, we believe that raising the drinking age would not be effective.

Minors will continue to have access to alcoholic beverages. That was the case when the drinking age was 21 and will be the case wherever the drinking age is established. When questioning teenagers about what they will do if the drinking age is raised, their answer is that they will get 19 year olds to buy for them.

The problem of teenage drinking is a complex one that does not lend itself to simple answers. Teenage drinking has increased at the same time as society has become more permissive of other patterns of behavior including increased use of alcohol by adults in general.

The learning of proper social behavior has to be accomplished in our basic social institutions, the family, our churches, and schools. It is not an easy task. It requires time, effort, and education. It requires that young people learn that rights carry with them responsibilities. Raising the drinking age does nothing to further this effort.

In fact, raising the drinking age will increase the aura surrounding the use of alcoholic beverages. Young people will be led to believe that there is some special macho quality to drinking since it would be denied to the youngest adults.

Compounding the 'forbidden fruit' effect of raising the drinking age, would be an increase in cynicism among the young concerning our legal system. That one group of adults, who can vote and exercise all other rights, could be denied one right available to others will not improve respect for the law.

Clearly, the problem of alcohol abuse must be addressed. Referendum No. 74 is window dressing that does not approach the problem and should be rejected.

S/ Greg Jergeson, Chr.
Bill Baeth
Jim Pasma

ARGUMENT REBUTTING THE ARGUMENT ADVOCATING APPROVAL OF MEASURE

The arguments stated in favor of Legislative Referendum No. 74, while indicative of positive motives, simply do not support conclusively the case for raising the drinking age.

To assert that raising the drinking age will improve discipline in our high schools just does not hold up. Schools have the right and authority to establish standards of conduct for students in the classroom and at school functions. What is needed is parental support for teachers and administrators when they are required to discipline a student for misconduct, including drinking.

We agree that drinking and driving do not mix. Persons, of any age, who drive while intoxicated should be severely and certainly punished.

Alcoholism and the use of alcohol by all age groups has increased recently. The reasons why teenagers drink, according to the studies cited by the supporters of this referendum, parallel the reasons adults drink, to relax, for enjoyment, to escape problems, and any number of other reasons. A positive program of education and training are needed to establish proper patterns of social behavior.

There are many reasons for increased crime, littering, and welfare. Raising the drinking age will not reduce that trend unless the underlying disrespect for the rule of law is dealt with.

For these reasons, we urge rejection of Legislative Referendum No. 74 to raise the drinking age.

S/ Greg Jergeson, Chr.
William R. Baeth
Jim Pasma

ARGUMENT REBUTTING THE ARGUMENT ADVOCATING REJECTION OF MEASURE

The argument that alcoholic beverages have always been accessible to our youth is not a valid argument for attempting to protect our young people from early addiction to alcohol. Certainly to raise the drinking age would make the accessibility to students in our high schools and junior high schools more difficult. Because a problem is difficult to solve, should not be a reason to avoid any and all attempts to solve it.

The argument that society has become more permissive of increased drinking of alcoholic beverages for all ages certainly makes little sense if we are considering what is in the best interest of our youth. One wrong cannot be corrected with another wrong. Schools, family and churches find it difficult to educate and influence young people regarding the effects of alcohol when it is legal to drink at the age of 18. A "get tough" policy has proved to be more effective than rationalization in many cases. This is the case in this instance.

Purchase and possession of alcoholic beverages, according to legal experts, is not a right but a privilege which is accorded, commensurate to the ability to handle the responsibility. It can be compared with driver's and marriage licenses. One group of adults discriminating against another is an irrelevant argument.

S/ Allen C. Kolstad, Chr.
Esther G. Bengtson

The form in which the measure will be printed on the Official Ballot at the General Election, November 7, 1978, is as follows:

REFERENDUM NO. 74

AN ACT REFERRED BY THE LEGISLATURE

Secretary of State's Explanatory Statement

Referendum No. 74 was introduced as House Bill 28 in the regular session of the 45th Legislature of the State of Montana. HB 28 passed the House of Representatives by a vote of 61 for and 34 against with 1 member excused and 4 absent. The Senate vote was 41 to 6 in favor of the bill with 3 members excused.

Attorney General's Explanatory Statement

The legal age for consuming or possessing alcoholic beverages in Montana is 18. This referendum would raise the legal age for consuming or possessing alcoholic beverage to 19. This referendum also makes it a criminal offense to give or to sell alcoholic beverages to a person under 19 years of age.

AN ACT TO AMEND SECTION 4-6-104, 94-5-609, AND 94-5-610, R.C.M. 1947, TO RAISE THE LEGAL AGE FOR CONSUMING OR POSSESSING ALCOHOLIC BEVERAGES TO NINETEEN AND PROVIDING THAT THE PROPOSED ACT BE SUBMITTED TO THE ELECTORS OF THE STATE OF MONTANA.

☐ FOR raising the legal drinking age to 19.

☐ AGAINST raising the legal drinking age to 19.

LEGISLATIVE REFERENDUM NO. 75

Secretary of State's Explanatory Statement

Referendum No. 75 was introduced as Senate Bill No. 130 in the regular session of the 45th Legislature of the State of Montana. SB 130 passed the Senate by a vote of 44 for and 0 against with 2 members excused and 4 absent. The House of Representatives vote was 70 to 23 in favor of the bill with 2 members excused and 5 absent.

Attorney General's Explanatory Statement

This referendum will authorize the Montana Legislature to continue to levy a yearly tax of up to 6 mills on all taxable property for the support of the Montana university system and other public educational institutions supervised by the board of regents. Authority to levy this tax is limited to the next 10 years beginning with 1979. Similar provisions giving the legislature 10 year authority to levy a yearly tax of up to 6 mills for the support of the university system and public educational institutions were approved by the voters in 1948, 1958 and 1968.

AN ACT TO CONTINUE THE FUNDING OF PUBLIC EDUCATIONAL INSTITUTIONS SUBJECT TO BOARD OF REGENTS' SUPERVISION BY A LEVY OF NOT TO EXCEED 6 MILLS ON ALL TAXABLE PROPERTY EACH YEAR FOR 10 YEARS AND PROVIDING THAT THE PROPOSED ACT BE SUBMITTED TO THE ELECTORS OF THE STATE OF MONTANA.

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

Section 1. There is a new R.C.M. section numbered 75-8615 that reads as follows:

75-8615. State tax levy — support of public education institutions. Upon the approval of the electors of this state to be determined by their vote at the general election to be held in November of 1978, 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 1979. All revenue from this property tax levy shall be appropriated for the support, maintenance, and improvement of the Montana university system and other public educational institutions subject to board of regents' supervision.

Section 2. Submission to electorate. The question whether this act will become effective shall be submitted to the electors of the state of Montana at the general election to be held November 7, 1978, by printing on the ballot the full title of this act, and the following:

☐ FOR the 6-mill levy for the support of public educational institutions subject to board of regents' supervision.

☐ AGAINST the 6-mill levy for the support of public educational institutions subject to board of regents' supervision.

ARGUMENT ADVOCATING APPROVAL OF THE MEASURE

In 1948 the people of Montana first authorized the legislature to levy a permissive state-wide property tax not to exceed 6 mills providing earmarked revenues for broad-based tax support for the university system. This authorization was for ten years; it was renewed by a vote of the people in 1958, again in 1968, and is proposed for renewal in 1978.

Every person in the state has a direct or indirect interest in the state's university system, the structure of higher educational opportunity for Montana youth. The property tax base is the broadest possible tax base in the state, drawing revenues from the biggest corporations to the owner of a snowcat!

Montana taxpayers have been generous in supporting education. They know higher educational systems cost money and that they will somehow be financed, so the question is: Should higher education be financed, in part, by an earmarked state-wide property tax to which virtually everyone contributes, or should the financing come, in a greater part, from general funds which are generated from more limited sources, and for which most agencies of state government aggressively compete for funding?

We recognize the confusion and uncertainty related to the reappraisal program, changed tax schedules, and the possible tax dollar effect but point out that the levy is permissive, that the rate of the levy up to 6 mills is determined by the legislature, and that state money to operate the system will have to come from either a broad-based property tax or general fund sources.

This earmarked millage source would give a stable base for funding higher education, it is estimated it will generate about 15 per cent of the operating cost of the six units; other incomes are student fees, federal and private funds, and other sources.

We think it is fair, right, and proper to ask every taxpayer in the state to share in support of the university system, and in the language of the new constitution, "other public educational institutions subject to board of regents' supervision."

We urge your support and vote for a continuation of quality higher education in Montana by supporting Referendum 75, as the people of Montana have done for 30 years. It is not a new tax, it is a continuation of an authorization for the legislature to levy up to 6 mills annually for a ten-year period. It is a commitment by the present for an investment in the future with expected dividends for all.

S/ Matt Himsl, Chr.
John B. Driscoll
Penny Bullock

ARGUMENT ADVOCATING REJECTION OF THE MEASURE

We oppose Initiative 75 which authorizes the legislature to levy a statewide property tax, not to exceed 6 mills, which would generate approximately 15% of the university budget, for the following reasons:

1. This source of funding would not be needed if the curricula, programs, and functions of the various university units were coordinated to prevent unnecessary overlap between the units.

2. The persons directly benefiting from the educational opportunities available at the universities should bear a heavier burden of the cost of providing such benefits. In the case of actual financial need, student applicants should be screened more closely to determine their need for government assistance.

3. The proposed levy authorization raises only 15% of the overall university budget, which could readily be offset by curtailing various programs which do not benefit Montana students or citizens.

S/ John E. Manley, Chr.
Carl M. Smith

ARGUMENT REBUTTING THE ARGUMENT ADVOCATING APPROVAL OF MEASURE

(NO ARGUMENT SUBMITTED BY DEADLINE DATE)

ARGUMENT REBUTTING THE ARGUMENT ADVOCATING REJECTION OF MEASURE

1) To charge unnecessary duplication among the units of the university system without being specific makes a response difficult. Yes, there are six units instead of one, each unit does offer basic courses, each has a campus and physical plant, each has a library, each has an area it serves, etc. We have a commissioner of higher education, a board of regents, faculty and legislative committees all reviewing the possibility of unnecessary duplication and, if any exists, it has been found to be minimal. We challenge the opposition to be specific!

2) In response to tight legislative appropriations and rising costs in general, the Board of Regents in the past year has increased out-of-state student fees over 40% — in the last 10 years the figure has increased about 89%; in-state student fees increased about 14% — in the last 10 years the cost for a single student has increased about 70%. Obviously, students are sharing in the increased costs but they have limits too!

3) The magnitude of cutting 15% out of the university system operation — a suggested $21 million cut — would be the equivalent of eliminating three units entirely: Northern, Western, and "Tech" at Butte; or it would be equal to cutting about one-third out of the instructional costs from all the units of the system! We don't believe any knowledgeable or responsible person would seriously suggest such action and still feel that the state of Montana was fulfilling its constitutional obligations.

S/ Matt Himsl, Chr.
Penny Bullock

The form in which the measure will be printed on the Official Ballot at the General Election, November 7, 1978, is as follows:

REFERENDUM NO. 75

AN ACT REFERRED BY THE LEGISLATURE

Secretary of State's Explanatory Statement

Referendum No. 75 was introduced as Senate Bill No. 130 in the regular session of the 45th Legislature of the State of Montana. SB 130 passed the Senate by a vote of 44 for and 0 against with 2 members excused and 4 absent. The House of Representatives vote was 70 to 23 in favor of the bill with 2 members excused and 5 absent.

Attorney General's Explanatory Statement

This referendum will authorize the Montana Legislature to continue to levy a yearly tax of up to 6 mills on all taxable property for the support of the Montana university system and other public educational institutions supervised by the board of regents. Authority to levy this tax is limited to the next 10 years beginning with 1979. Similar provisions giving the legislature 10 year authority to levy a yearly tax of up to 6 mills for the support of the university system and public educational institutions were approved by the voters in 1948, 1958 and 1968.

AN ACT TO CONTINUE THE FUNDING OF PUBLIC EDUCATIONAL INSTITUTIONS SUBJECT TO BOARD OF REGENTS' SUPERVISION BY A LEVY OF NOT TO EXCEED 6 MILLS ON ALL TAXABLE PROPERTY EACH YEAR FOR 10 YEARS AND PROVIDING THAT THE PROPOSED ACT BE SUBMITTED TO THE ELECTORS OF THE STATE OF MONTANA.

☐ FOR the 6-mill levy for the support of public educational institutions subject to board of regents' supervision.

☐ AGAINST the 6-mill levy for the support of public educational institutions subject to board of regents' supervision.

INITIATIVE NO. 79

Attorney General's Explanatory Statement

This initiative would amend Montana's criminal provisions regarding obscenity. The initiative would adopt a new standard in determining whether material is obscene. A finding of obscenity would be based on what a local community considers obscene material. Existing

state law measures obscenity based on state-wide standards and the degree of public acceptance throughout the State. The initiative would allow local governments to adopt obscenity provisions more restrictive than state law.

AN INITIATIVE ENTITLED: "AN ACT TO AMEND SECTION 94-8-110, R.C.M. 1947, TO ALLOW CITIES, TOWNS OR COUNTIES TO ADOPT OBSCENITY ORDINANCES OR RESOLUTIONS MORE RESTRICTIVE THAN STATE LAW."

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

Section 1. Section 94-8-110, R.C.M. 1947, is amended to read as follows: "94-8-110. Obscenity. (1) A person commits the offense of obscenity when, with knowledge of the obscene nature thereof, he purposely or knowingly:

(a) Sells, delivers or provides, or offers or agrees to sell, deliver or provide any obscene writing, picture, record or other representation or embodiment of the obscene to anyone under the age of eighteen (18); or

(b) Presents or directs an obscene play, dance or other performance or participates in that portion thereof which makes it obscene to anyone under the age of eighteen (18); or

(c) Publishes, exhibits or otherwise makes available anything obscene to anyone under the age of eighteen (18); or

(d) Performs an obscene act or otherwise presents an obscene exhibition of his body to anyone under the age of eighteen (18); or

(e) Creates, buys, procures or possesses obscene matter or material with the purpose to disseminate it to anyone under the age of eighteen (18); or

(f) Advertises or otherwise promotes the sale of obscene material or materials represented or held out by him to be obscene.

(2) A thing is obscene if:

(a) it is a representation or description of perverted ultimate sexual acts, actual or simulated, or

(b) it is a patently offensive representation or description of normal ultimate sexual acts, actual or simulated, or

(c) it is a patently offensive representation or description of masturbation, excretory functions or lewd exhibition of the genitals, and

(d) taken as a whole the material:

(i) applying contemporary ~~Montana~~ community standards, appeals to the prurient interest in sex,

(ii) portrays conduct described in (a), (b), or (c) above in a patently offensive way, and

(iii) lacks serious literary, artistic, political or scientific value.

(3) In any prosecution for an offense under this section evidence shall be admissible to show:

(a) The predominant appeal of the material, and what effect if any, it would probably have on the behavior of people:

(b) The artistic, literary, scientific, educational or other merits of the material;

(c) The degree of public acceptance of the material in ~~this state~~, the community;

(d) Appeal to prurient interest, or absence thereof, in advertising or other promotion of the material; or

(e) Purpose of the author, creator, publisher or disseminator.

(4) A person convicted of obscenity shall be fined at least five hundred dollars ($500) but not more than one thousand dollars ($1,000), or imprisoned in the county jail for a term not to exceed six (6) months, or both.

(5) ~~No city or municipal ordinance may be adopted which is more restrictive as to obscenity than the provisions of this section and section 94-8-110.1.~~

Cities, towns or counties may adopt ordinances or resolutions which are more restrictive as to obscenity than the provisions of this section and section 94-8-110.1".

Section 2. Effective date. Section 1 of this act is effective January 1, 1979.

ARGUMENT ADVOCATING APPROVAL OF THE MEASURE

A "yes" vote for initiative I 79 will allow local cities and communities to control pornography and obscenity in their own area.

The U. S. Supreme Court has ruled that the determination of obscenity it to be made by applying local community standards. This means that whatever material your community decides it will not tolerate need not be tolerated.

Our present Montana obscenity statute specifically denies the right of local control. It appears that our state law may be in conflict with the U. S. Supreme Court. When questioned on this matter, the late Senator Lee Metcalf replied, "I would have to agree that it is quite possible such a conflict exists . . .".

How would this local control be enacted? Our Supreme Court has established that community standards must express sentiments of the general public. Based on those sentiments, ordinances could be adopted by your own elected officials.

A common argument is that obscenity cannot be defined. Quite to the contrary, the U. S. Supreme Court has provided us with the following definition:

> "Obscene" means that to the average person applying contemporary community standards the predominant appeal of the material when taken as a whole is to the prurient interest. That is, a shameful or morbid interest in nudity, sex, sadism, or excretion, which goes substantially beyond customary limits of candor in the description or representation of such matters and is without redeeming social importance.

Furthermore, the U. S. Supreme Court stated in its landmark obscenity ruling handed down on June 21, 1973: "This much has been categorically settled by the Court, that obscene material is unprotected by the First Amendment." This ruling has been consistently upheld by the Supreme Court.

Montana presently has one of the weakest obscenity laws in the U. S. Passage of this initiative will be the first step in bringing Montana obscenity laws up-to-date. It's time to allow people to control their own lives and not have their desires dictated for them by pornographers whose sole motive is the commercial exploitation of human weaknesses.

S/ Robert W. Sharp, Chr.
Gary R. Rose
Don E. Nelson

ARGUMENT ADVOCATING REJECTION OF THE MEASURE

This initiative is an attempt to establish local censorship committees throughout the state which would be completely unrestricted in how they may forbid your reading or viewing any material they themselves find unacceptable to their tastes. It is totally inconsistent with all concepts of your freedom of choice which you now enjoy in this state.

The right of all adults to unrestricted access to information is essential in a free society and guaranteed to all of us by the Montana Constitution.

Previous attempts to restrict your right to read books, magazines, or newspapers or prevent you from viewing a movie of your choice have been consistently rejected by the Montana legislature.

A vote against this initiative would allow city and county governments to continue to operate within their legitimate areas of concern without subjecting them to the continual harassment of any small group which may wish, however well-intended, to censor books or movies viewed by any other group in the community. The reading material of adults in private has never been a major social problem in Montana and we should not now spend our tax dollars in such a foolish attempt to push our government into the business of deciding what we can read or view.

Law enforcement is designed to protect our persons and property, not to control our thoughts. The expenditure of your tax money to finance these local censorship committees to formulate and then defend such practices in court would be a wasteful diversion of already badly strained budgets in our criminal justice system.

The Montana Library Association, in opposing this initiative, has stated that it is a "direct threat to the individual's constitutional rights of freedom of speech, and of the press" and also "creates a grave danger of censorship of locally unpopular or controversial views." There is no doubt that it would threaten your right to unrestricted access to all information and this initiative must be soundly defeated.

The current criminal statutes forbid any public display of adult material or the showing or transferring of such material to minors. The current statutes are sufficient protection for those people who do not wish to view such material. We should not now publicly finance this attempt to control the access of such information to others.

Totalitarian governments keep themselves in power by suppressing unpopular religious or political beliefs by censoring or labeling information, people, ideas or events as criminal. This kind of pressure to conform has no place in American life.

This initiative would be an unconstitutional, expensive and unjustified loss of your freedom of choice. For these reasons, you should vote against Initiative No. 79.

S/ Robert Campbell, Chr.
James W. Zion
Robert W. Hollow
Robert M. Cookingham
Richard Gercken

ARGUMENT REBUTTING THE ARGUMENT ADVOCATING APPROVAL OF MEASURE

The issue is censorship.

The question is whether or not you will lose your freedom of choice in determining what you wish to read or view as an adult in Montana.

Your right to read and have full access to all information is threatened by this initiative.

The past practice of banning or burning books is a throw-back to the dark ages when fear of ideas led to unbelievably cruel censorship which is intolerable in a free state.

Our country was founded on the premise that our free access to all information is essential, and when the question of censorship committees was presented to Thomas Jefferson, he responded by saying:

> "I am . . . mortified to be told that, in the United States of America . . . a question about the sale of a book can be carried before the criminal magistrate . . . are we to have a censor who shall say what books may be sold and what we may buy?
>
> Shall a layman, simple as ourselves, set up his reason as the rule for what we are to read? . . . It is an insult to our citizens to question whether they are rational beings or not."

Do not be misled by those who seek to censor. This initiative will allow local censorship committees to be completely unrestricted in what they choose to allow you to read or see.

Your freedom of choice depends upon your vote against this censorship proposal.

S/ Robert J. Campbell, Chr.
Robert W. Hollow
James W. Zion
Robert M. Cookingham
Richard Gercken

ARGUMENT REBUTTING THE ARGUMENT ADVOCATING REJECTION OF MEASURE

I-79 will establish a means by which communities can control only hard-core pornography. All other material is absolutely protected by the First Amendment of the U. S. Constitution.

The U. S. Supreme Court has defined hard-core porno and has established guidelines for its control. These guidelines require the opinions of a majority of the people and definitely will not allow "local censorship committees".

The present Montana law is based on advice from special interest groups — not the will of the majority. Tax dollars are now being spent to protect hard-core pornographers in their greedy attempts to degrade our communities.

Tax dollars are also being spent to control the many crimes that accompany porno shops. These include: prostitution, drug abuse, sale of porno to minors, and higher incidence of assault and rape. Is the price of good laws any higher than the price of bad laws?

All the arguments used by opponents of Initiative I-79, including the Montana Library Association, are the same arguments used by pornographers in defending hard-core porno. When a law forces a state supported library association to side with pornographers, who promote child pornography, homosexuality, rape, and violence; it is time to change that law.

Initiative I-79 will not be unconstitutional. Vote for responsibility and local control over hard-core pornography. Vote For I-79.

S/ Robert W. Sharp, Chr.
Don E. Nelson

The form in which the measure will be printed on the Official Ballot at the General Election, November 7, 1978, is as follows:

INITIATIVE NO. 79

A LAW PROPOSED BY INITIATIVE PETITION

Attorney General's Explanatory Statement

This initiative would amend Montana's criminal provisions regarding obscenity. The initiative would adopt a new standard in determining whether material is obscene. A finding of obscenity would be based on what a local community considers obscene material. Existing state law measures obscenity based on state-wide standards and the degree of public acceptance throughout the State. The initiative would allow local governments to adopt obscenity provisions more restrictive than the state law.

AN ACT TO AMEND SECTION 94-8-110, R.C.M. 1947, TO ALLOW CITIES, TOWNS OR COUNTIES TO ADOPT OBSCENITY ORDINANCES OR RESOLUTIONS MORE RESTRICTIVE THAN STATE LAW.

☐ FOR changing the standard applied to determine if material is obscene and allowing local governments to adopt obscenity laws more restrictive than state law.

☐ AGAINST changing the standard applied to determine if material is obscene and allowing local governments to adopt obscenity laws more restrictive than state law.

INITIATIVE NO. 80

Attorney General's Explanatory Statement

The initiative would impose rigid restrictions before a nuclear facility could be built. Restrictions include:

1. Posting a bond equalling not less than 30% of the capital cost of the facility to insure against liability.
2. A showing radioactive material can be contained with no reasonable chance of escape.
3. Comprehensive testing of similar physical systems in actual operation.
4. Approval by the Board of Natural Resources.
5. Approval by a majority of Montana voters in an election called by initiative or referendum.

The initiative would forbid limitations on the rights of persons to seek compensation for injuries resulting from operation of the facility.

AN ACT EMPOWERING MONTANA VOTERS TO APPROVE OR REJECT ANY PROPOSED NUCLEAR POWER FACILITY CERTIFIED UNDER THE MONTANA MAJOR FACILITY SITING ACT; DEFINING TERMS; ESTABLISHING STATE SAFETY AND FINANCIAL LIABILITY STANDARDS FOR MAJOR NUCLEAR FACILITIES; EXEMPTING MEDICAL AND RESEARCH FACILITIES; PROVIDING FOR PUBLICATION OF EMERGENCY EVACUATION PLANS; INVALIDATING EMERGENCY APPROVAL AUTHORITY FOR NUCLEAR FACILITIES; AMENDING SECTION 70-804, REVISED CODES OF MONTANA, 1947.

Be it enacted by the people of the state of Montana:

SECTION 1. There is a new R.C.M. section that reads as follows:

Findings as to nuclear safety — reservation of nuclear facility approval powers to the people. (1) The people of Montana find that substantial public concern exists regarding nuclear reactors and other major nuclear facilities, including the following unresolved issues:

(a) the generation of waste from nuclear facilities, which remains a severe radiological hazard for many thousands of years and for which no means of containment assuring the protection of future generations exists;

(b) the spending of scarce capital to pay the rapidly increasing costs of nuclear facilities, preventing the use of that capital to finance renewable energy sources which hold more promise for supplying useful energy, providing jobs, and holding down energy costs;

(c) the liability of nuclear facilities to sudden castastrophic [sic] accidents which can affect large areas of the state, thousands of people, and countless future generations;

(d) the refusal of utilities, industry, and government to assume normal financial responsibility for compensating victims of such nuclear accidents;

(e) the impact of nuclear facilities on the proliferation of nuclear bombs and terrorism;

(f) the increasing pattern of abandonment of used nuclear facilities by their owners, resulting in radiological dangers to present and future societies as well as higher public costs for perpetual management; and

(g) the detrimental effect of the large uranium import program necessary to the expansion of nuclear power on American energy independence, defense policy, and economic well being.

(2) Therefore, the people of Montana reserve to themselves the exclusive right to determine whether major nuclear facilities are built and operated in this state.

SECTION 2. There is a new R.C.M. section that reads as follows:

Definitions. As used in this act, the following definitions apply:

(1) (a) "Nuclear facility" means each plant, unit or other facility designed for, or capable of,

(i) generating 50 megawatts of electricity or more by means of nuclear fission,

(ii) converting, enriching, fabricating, or reprocessing uranium minerals or nuclear fuels, or

(iii) storing or disposing of radioactive wastes or materials from a nuclear facility;

(b) "nuclear facility" does not include any small-scale facility used solely for educational, research, or medical purposes not connected with the commercial generation of energy.

(2) "Facility," as defined in subsection (3) of section 70-803, R.C.M. 1947, is further defined to include any nuclear facility as defined in subsection (1) (a) of this section.

SECTION 3. Section 70-804, R.C.M. 1947, is amended to read as follows:

70-804. Certificate from board required prior to construction of a facility — exemptions — approval by popular vote of certificate for nuclear facility. (1) A person may not commence to construct a facility in the state without first applying for and obtaining a certificate of environmental compatibility and public need issued with respect to the facility by the board. A facility, with respect to which a certificate is issued, may not thereafter be constructed, operated or maintained except in conformity with the certificate and any terms, conditions and modifications contained therein. A certificate may only be issued pursuant to this chapter.

(2) A certificate may be transferred, subject to the approval of the department, to a person who agrees to comply with the terms, conditions, and modifications contained therein.

(3) This chapter does not apply to any aspect of a facility over which an agency of the federal government has exclusive jurisdiction, but applies to any unpreempted aspect of a facility over which an agency of the federal government has partial jurisdiction.

(4) The board may adopt reasonable rules establishing exemptions from this chapter for the relocation, reconstruction, or upgrading of a facility that would otherwise be covered by this chapter and that is unlikely to have a significant environmental impact by reason of length, size, location, available space or right of way, or construction methods.

(5) A certificate is not required under this chapter for a facility under diligent on-site physical construction or in operation on January 1, 1973.

(6) If the board decides to issue a certificate for a nuclear facility, it shall report such recommendation to the applicant and may not issue the certificate until such recommendation is approved by a majority of the voters in a statewide election called by initiative or referendum according to the laws of this state.

SECTION 4. There is a new R.C.M. section that reads as follows:

Additional requirements for issuance of a certificate for the siting of a nuclear facility. (1) The board may not issue a certificate to construct a nuclear facility unless it finds that

(a) no legal limits exist regarding the rights of a person or group of persons to bring suit for and recover full and just compensation from the designers, manufacturers, distributors, owners, and/or operators of a nuclear facility for damages resulting from the existence or operation of the facility; and further, that no legal limits exist regarding the total compensation which may be required from the designers, manufacturers, distributors, owners, and/or operators of a nuclear facility for damages resulting from the existence or operation of such facility;

(b) the effectiveness of all safety systems, including but not limited to the emergency core cooling systems, of such nuclear facility has been demonstrated, to the satisfaction of the board, by the comprehensive laboratory testing of substantially similar physical systems in actual operation;

(c) the radioactive materials from such nuclear facilities can be contained with no reasonable chance, as determined by the board, of intentional or unintentional escape or diversion of such materials into the natural environment in such manner as to cause substantial or long-term harm or hazard to present or future generations due to imperfect storage technologies, earthquakes or other acts of God, theft, sabotage, acts of war or other social instabilities, or whatever other causes the board may deem to be reasonably possible, at any time during which such materials remain a radiological hazard; and

(d) the owner of such nuclear facility has posted with the board a bond totaling not less than 30 per cent of the total capital cost of the facility, as estimated by the board, to pay for the decommissioning of the facility and the decontamination of any area contaminated with radioactive materials due to the existence or operation of the facility in the event the owner fails to

pay the full costs of such decommissioning and decontamination. Excess bond, if any, shall be refunded to the owner upon demonstration, to the satisfaction of the board, that the site and environs of the facility pose no radiological danger to present or future generations and that whatever other conditions the board may deem reasonable have been met.

(2) Nothing in this section shall be construed as relieving the owner of a nuclear facility from full financial responsibility for the decommissioning of such facility and decontamination of any area contaminated with radioactive materials as a result of the existence or operation of such facility at any time during which such materials remain a radiological hazard.

SECTION 5. There is a new R.C.M. section that reads as follows:

Annual review of evacuation and emergency medical aid plans. (1) The governor shall annually publish, publicize, and release to the news media and to the appropriate officials of affected communities, in a manner designed to inform residents of the affected communities, the entire evacuation plan specified in the licensing of each certified nuclear facility within this state. Copies of such plan shall be made available to the public upon request at no more than the cost of reproduction.

(2) The governor shall establish procedures for annual review by state and local officials of established evacuation and emergency medical aid plans with regard for, but not limited to, such factors as the adequacy of such plans, changes in traffic patterns, population densities, the locations of schools, hospitals, and industrial developments, and other factors as requested by locally elected representatives.

SECTION 6. There is a new R.C.M. section that reads as follows:

Emergency approval authority invalid for nuclear facilities. Notwithstanding the provisions of subsections 70-811 (4) (a) and (4) (b), the board may not waive compliance with any of the provisions of this act relating to certification of a nuclear facility.

SECTION 7. Severability. If a part of this act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid application.

ARGUMENT ADVOCATING APPROVAL OF THE MEASURE

Initiative No. 80 (a) gives Montana voters power to decide whether nuclear facilities are built here, and (b) establishes basic safety and liability standards for nuclear facilities.

This measure doesn't ban nuclear energy for all time, but neither does it allow nuclear plants to be built in Montana in the way the nuclear industry and federal government have become accustomed to doing business. Rather, Initiative 80 protects Montanans from the costly nuclear mistakes made in other states.

Federal projections indicate future plans to build several nuclear facilities in Montana. Clearly, state conditions should be established before nuclear plants proliferate. And Montana citizens should have the right to direct participation in a decision which will vitally affect our lives for generations to come.

A nuclear plant of commercial size:

—costs well over $1 billion to build;

—uses 25,000 gallons of cooling water per minute, more than Montana's five largest cities put together, with serious potential impacts on agriculture and fisheries;

—generates thousands of tons of radioactive wastes, ranging from uranium mill tailings to high-level transuranics (plutonium, for example) requiring thousands of years of monitoring and maintenance;

—commits Montanans to generations of vigilance guarding a radioactive plant and maintaining it in safe condition.

Under current federal "regulation," the nuclear industry may legally:

—build a major nuclear plant in Montana without any public participation other than limited hearings which regulators are free to ignore;

—refuse to pay more than token compensation, as little as five cents per dollar of damage, to victims of major nuclear accidents;

—abandon used nuclear facilities to state governments to clean up at enormous public expense (an abandoned nuclear facility in New York will cost taxpayers at least $600 million to maintain, plus "perpetual care");

—operate nuclear plants whose emergency safety systems haven't passed fundamental tests required of all other industrial safety equipment;

—produce perpetually dangerous nuclear waste without proven disposal techniques.

If Initiative 80 passes:

—no major nuclear facility could be built in Montana without voter approval;

—owners of nuclear facilities would have to accept normal liability for their accidents — the same liability now accepted by every other business and individual in Montana;

—reactor emergency systems would have to be proven by laboratory testing under operating conditions;

—reasonable means of securing radioactive materials against releases likely to cause "substantial or long-term harm" to present or future generations would have to be demonstrated;

—owners of nuclear plants would have to advance a bond to pay for dismantling and cleaning up their facility, refundable when both are safely completed.

Nuclear power consumes 60% of the federal research budget but provides only .3% of our energy supply. Such an enormous public subsidy effectively prevents development of other energy options which hold far more promise for meeting our needs, providing jobs, and holding down energy costs.

Initiative 80 would give the people of Montana power to make the decision on nuclear energy directly and deserves your "FOR" vote.

S/ Mike A. Males, Chr.
John L. Wilson
Adrienne Bonnet

ARGUMENT ADVOCATING REJECTION OF THE MEASURE

Initiative 80 is a ban on nuclear power production and closes the door on important energy options for the future of this state. In 1976 Initiative 71 was submitted to the voters in substantially the same language as this initiative. Montana voters rejected that Initiative by nearly 60%.

The Initiative pretends to give Montana voters the right to vote on siting of future nuclear plants in Montana. In actuality, Initiative 80 will ban an important source of energy in this state. The Board of Natural Resources, under the initiative, is prohibited from certifying a nuclear facility unless all liability limits on operators, manufacturers, and distributors for injury and damages are removed. The present maximum limits are 560 million dollars and will increase to over one billion as additional nuclear facilities become operative. No nuclear accident in a power plant has ever occured. However, since no accident, however unlikely is ever completely insurable, there is no likelihood that Congress will remove all limitations for the benefit of one state. Nuclear power is the safest and cheapest energy technology we have today. The safety record of nuclear power is unmatched by any other available source.

The Initiative has no machinery for presenting the matter to a vote to the people. Current law regarding initiatives and referendums in this state prohibit voting on special laws, such as the siting of a single electrical production plant.

A nuclear power plant to be certified in Montana under the Initiative would require that in addition to the current exhaustive examination by the nuclear regulatory commission, the Board would have to insure that such plants had been proven safe in "actual operation."

This forces Montana to create a duplication of programs already in operation by the Federal government to analyze and evaluate all aspects of nuclear power plants in addition to full scale

testing. The Montana Major Facilities Act already provides ample protection by requiring nuclear and other such power plants to be analyzed by all impacts including environmental and safety factors of such plants.

The Initiative would add nothing to the most stringent Facilities Siting Act in the United States.

Public participation in developing an energy policy in Montana is important, but the impossible restrictions imposed by Initiative 80 — including insuring against "Acts of God, Acts of War, Government and social instability and other causes" are impossible to achieve and therefore public participation through initiatives or referendums will effectively be prohibited by this Initiative.

Montana needs to keep its future energy options open. The state now has ample resources for its foreseeable power needs, and no nuclear plants have been seriously proposed by private individuals or the Federal government in Montana.

In 1976 the Montana Supreme Court ruled that this Initiative was a ban on nuclear power plants. Montanans voted against this.

If Montanans wish to keep their energy options open they must vote against Initiative 80.

S/ William J. Wenzel
Joseph W. Duffy
Russ Cox

ARGUMENT REBUTTING THE ARGUMENT ADVOCATING APPROVAL OF MEASURE

Initiative 80 is a total ban which cuts off important energy options. It does not grant voters any power to decide about nuclear facilities. No plans exist to build any facilities in Montana.

Montana has the strictest Facilities Siting Act in the country. Also, over 30 federal agencies must approve every nuclear plant after exhaustive public hearings.

All modern power plants are expensive to build. Proponents of Initiative 80 make broad, misleading statements which are unsupported by 20 years of experience with nuclear power.

Contrary to the Proponent's claims, the nuclear industry's safety record is unsurpassed by any industry. Nevertheless, it offers the highest dollar amount of public protection through insurance of any industry — a no-fault plan which guarantees compensation — and is unprecedented in U. S. history. Nuclear plants are engineered with the highest level of safety systems and they are constantly tested and upgraded. No significant accident has ever occurred. No nuclear facility has ever been abandoned as Proponents claim.

Existing technology has solved all nuclear waste management problems.

Nuclear power does not consume 60% of federal research budget. More federal money is spent in solar research than nuclear. Nuclear power provides up to 25% of the electric power in many parts of the country today, and best scientific estimates are that solar power may only provide 2% of our energy needs by the year 2000.

Initiative 80 would ban an important energy option and could impose serious energy shortages for future generations of Montanans.

S/ William J. Wenzel
Jack Moore
Russ Cox
Joseph W. Duffy

ARGUMENT REBUTTING THE ARGUMENT ADVOCATING REJECTION OF MEASURE

The best rebuttal to opponents' arguments is simply to read the text of Initiative 80. The opposition arguments are unfounded and misleading. Contrary to their objections, Initiative 80:

1. Does not "ban" nuclear power. It does require:
   a. normal owner liability,
   b. reasonable assurance against "substantial or long-term harm,"

c. emergency equipment validation,
d. voter approval.

2. Does not duplicate federal rules. Federal regulations, for example, allowed industry to abandon a nuclear facility in New York, sticking taxpayers with $600 million cleanup costs. Such an abandonment in Montana, without Initiative 80's bonding protection, would cost the average state taxpayer $3,000.

3. Does not require "insuring" against "acts of God," etc. This opposition argument is an intentionally misleading jumble of two unrelated sections.

4. Does not "close the door" on energy options. It does make nuclear facilities meet standards common to all other industries. It does give Montanans power to choose which doors they want to open to supply future energy needs.

Nuclear accidents have occurred. One widely-reported example is the $150 million nuclear fuel meltdown in Detroit's Fermi reactor.

Nuclear power is not cheap. Nuclear power's immense funding requirements and long-term costs are "closing the door" on more viable energy options. MHD (a process which doubles electricity yield from coal while reducing emissions), solar, and conservation research combined receive less funding than nuclear waste research alone.

Montanans should decide our energy future. Read the text of Initiative 80, printed in this pamphlet, and decide for yourself.

S/ Mike A. Males, Chr.
John L. Wilson
Adrienne Bonnet

The form in which the measure will be printed on the Official Ballot at the General Election, November 7, 1978, is as follows:

INITIATIVE NO. 80

A LAW PROPOSED BY INITIATIVE PETITION

Attorney General's Explanatory Statement

The initiative would impose rigid restrictions before a nuclear facility could be built. Restrictions include:

1. Posting a bond equalling not less than 30% of the capital cost of the facility to insure against liability.
2. A showing radioactive material can be contained with no reasonable chance of escape.
3. Comprehensive testing of similar physical systems in actual operation.
4. Approval by the Board of Natural Resources.
5. Approval by a majority of Montana voters in an election called by initiative or referendum.

The initiative would forbit limitations on the rights of persons to seek compensation for injuries resulting from operation of the facility.

AN ACT EMPOWERING MONTANA VOTERS TO APPROVE OR REJECT ANY PROPOSED NUCLEAR POWER FACILITY CERTIFIED UNDER THE MONTANA MAJOR FACILITY SITING ACT; DEFINING TERMS; ESTABLISHING STATE SAFETY AND FINANCIAL LIABILITY STANDARDS FOR MAJOR NUCLEAR FACILITIES; EXEMPTING MEDICAL AND RESEARCH FACILITIES; PROVIDING FOR PUBLICATION OF EMERGENCY EVACUATION PLANS; INVALIDATING EMERGENCY APPROVAL AUTHORITY FOR NUCLEAR FACILITIES; AMENDING SECTION 70-804, REVISED CODES OF MONTANA, 1947.

☐ FOR giving Montana voters power to approve or reject any proposed major nuclear power facility and establishing nuclear safety and liability standards

☐ AGAINST giving Montana voters power to approve or reject any proposed major nuclear power facility and establishing nuclear safety and liability standards

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INITIATIVE NO. 81

Attorney General's Explanatory Statement

This initiative would amend the Montana liquor law to allow the private sale of table wine and make wine available in more locations. Distributors of table wine would be licensed by the Department of Revenue. All licensed retailers would be allowed to purchase table wine from any licensed distributor, similar to the present system of beer distribution. Grocery stores and drug stores would be allowed to obtain retail licenses for the sale of table wine.

AN ACT AUTHORIZING GROCERY STORES AND DRUG STORES TO SELL TABLE WINE FOR OFF-PREMISES CONSUMPTION; REVISING CONTROL AND MARKETING POLICIES WITH RESPECT TO TABLE WINE; ESTABLISHING A SYSTEM OF WHOLESALING TABLE WINE BY LICENSING TABLE WINE DISTRIBUTORS; IMPOSING A TAX ON TABLE WINE; AMENDING SECTIONS 4-1-107, 4-2-204, 4-3-102, 4-4-201 AND 4-4-401, R.C.M. 1947; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. There is a new section in Title 4, RCM 1947, that reads as follows:

The public policy of the state of Montana is to retain a complete monopoly by the state over the acquisition, importation and distribution of wine containing more than 14% alcohol by volume but to regulate and control the acquisition, importation and distribution of table wine containing not more than 14% alcohol by volume in a manner paralleling the regulation and control of importation, acquisition and distribution of beer within this state. When the words "table wine" are used in this act in either the singular or plural they refer only to wine containing not more than 14% alcohol by volume.

Section 2. Section 4-1-107, RCM 1947, is amended to read as follows:

"4-1-107. Definitions. As used in this code:

"(1) 'Agency agreement' means an agreement between the department and a person appointed to sell liquor as a commission merchant, rather than as an employee.

"(2) 'Alcohol' means ethyl alcohol, also called ethanol or the hydrated oxide of ethyl.

"(3) 'Alcoholic beverage' means a compound produced and sold for human consumption as a drink that contains more than one-half of one percent (0.5%) of alcohol by volume.

"(4) 'Beer' means a malt beverage containing not more than seven percent (7%) of alcohol by weight.

"(5) 'Brewer' means a person who produces malt beverages.

"(6) 'Department' means the Montana department of revenue.

"(7) 'Immediate family' means a spouse, dependent children, or dependent parents.

"(8) 'Industrial use' means a use described as industrial use by the Federal Alcohol Administration Act and the federal rules and regulations of 27 CRF.

"(9) 'Liquor' means an alcoholic beverage except beer and table wine.

"(10) 'Malt beverage' means an alcoholic beverage made by the fermentation of an infusion or decoction, or a combination of both, in potable brewing water, of malted barley with or without hops or their parts, or their products, and with or without other malted cereals and with or without the addition of unmalted or prepared cereals, other carbohydrates or products prepared therefrom, and with or without other wholesome products suitable for human food consumption.

"(11) 'Package' means a container or receptacle used for holding an alcoholic beverage.

"(12) 'Proof gallon' means a U. S. gallon of liquor at sixty degrees on the Fahrenheit scale that contains fifty percent (50%) of alcohol by volume.

"(13) 'Public place' means a place, building, or conveyance to which the public has or may be permitted to have access and any place of public resort.

"(14) 'Residence' means a building, part of a building where a person resides, but does not include any part of a building that is not actually and exclusively used as a private residence.

"(15) 'Rules and regulations' means rules and regulations published by the department pursuant to this act.

"(16) 'State liquor facility' means a facility owned or under control of the department for the purpose of receiving, storing, transporting, or selling alcoholic beverages.

"(17) 'State liquor store' means a retail store operated by the department in accordance with this code for the purpose of selling distilled spirits and wines containing more than 14% alcohol by volume.

"(18) 'Storage depot' means a building or structure owned or operated by a brewer at any point in the state of Montana, off and away from the premises of a brewery, and which structure is equipped with refrigeration or cooling apparatus for the storage of beer, and from which a brewer may sell or distribute beer as permitted by this code.

"(19) 'Warehouse' means a building or structure owned or operated by a licensed wholesaler for the receiving, storage and distribution of beer or table wine as permitted by this code.

"(20) 'Wine' means an alcoholic beverage made from the normal alcoholic fermentation of the juice of sound, ripe, fruit or other agricultural products without addition or abstraction, except as may occur in the usual cellar treatment of clarifying and aging and that contains not less than seven percent (7%) nor more than twenty-four percent (24%) of alcohol by volume. Wine may be ameliorated to correct natural deficiencies, sweetened and fortified in accordance with applicable federal regulations and the customs and practices of the industry. Other alcoholic beverages not defined as above but made in the manner of wine, labeled and sold as wine in accordance with federal regulations are also wine.

"(21) 'Table wine' means wine as defined above which contains not more than 14% alcohol by volume.

Section 3. There is a new section in Title 4, RCM 1947, that reads as follows:

Winery and importer registration. Any winery or importer of table wines which holds the appropriate license from the United States of America and which desires to distribute its table wines within this state shall apply to the department of revenue for registration on forms to be prepared and furnished by the department. Each winery will furnish the department with a copy of each container label currently used by the winery on its products imported into Montana. The department shall require such winery or importer to agree to furnish monthly and other reports concerning quantities and prices of table wine it ships into the state, names and addresses of consignees, and such other information as the department may determine to be

necessary to assure importation and distribution of table wines within this state conform to the requirements of this act. No winery or importer of table wines shall ship table wines into this state until such registration is granted by the department; and such registration may be cancelled or suspended by the department upon a finding after notice and hearing that the registrant has not complied with the terms of its registration.

Section 4. There is a new section in Title 4, RCM 1947, that reads as follows:

Wine distributor's license — records. (1) Any person desiring to sell and distribute table wine at wholesale to retailers under the provisions of this code shall apply to the department of revenue for a license to do so and shall tender with his application the annual license fee of $400 and the department may issue licenses to qualified applicants in accordance with the provisions of this code. All table wine distributors' licenses issued in any year shall expire on the 30th day of June at midnight of such year. No license fee may be imposed upon table wine distributors by a municipality or any other political subdivision of the state. The license shall be at all times prominently displayed in the place of business of such table wine distributor.

To qualify for a table wine distributor's license the applicant shall be a resident of Montana; provided, however, any individual or partnership which has been licensed as a table wine distributor may, upon incorporation in accordance with the laws of Montana, transfer such license to the corporation if a majority of the capital stock thereof is held by said individual or the members of said partnership; or if applicant is a foreign corporation said corporation shall be authorized to do business in Montana; and said applicant shall have a fixed place of business, sufficient capital, the facilities, storehouse, receiving house or warehouse for the receiving of, storage, handling, and moving of table wine in large and jobbing quantities for distribution and sale in original packages to other licensed table wine distributors or licensed retailers. Each table wine distributor shall be entitled to only one (1) wholesale table wine license, which license shall be issued for his principal place of business in Montana; a duplicate license may be issued for one (1) subwarehouse only in Montana for each table wine distributor's license, which said duplicate license shall at all times be prominently displayed at said subwarehouse. A table wine distributor may also hold a license to sell beer at wholesale but shall not hold or have any interest, direct or indirect, in any license to sell beer, wine, or liquor at retail.

All table wine manufactured outside of the state of Montana and shipped into Montana shall be consigned to and shipped to a licensed table wine distributor, and by him unloaded into his warehouse in Montana or subwarehouse in Montana; said distributor shall distribute said table wine from such warehouse or subwarehouse; said distributor shall keep records at his principal place of business of all table wine including the name or kind received, on hand, sold and distributed; said records may at all times be inspected by any member or representative of the department of revenue; any table wine which has been shipped into Montana and has not been shipped to and distributed from a warehouse of a licensed table wine distributor shall be seized by any peace officer or representative of the department and may be confiscated in the manner as provided for the confiscation of intoxicating liquor.

Section 5. There is a new section in Title 4, RCM 1947, that reads as follows:

To whom table wine distributor may sell. A table wine distributor may sell and deliver table wine purchased or acquired by him to another table wine distributor, retailer, or common carrier which holds a license issued by the department of revenue. It shall be unlawful for any table wine distributor to sell, deliver or give away any table wine to be consumed on such distributor's premises or to give, sell, deliver, or distribute any table wine purchased or acquired by him to the public.

Section 6. There is a new section in Title 4, RCM 1947, that reads as follows:

Monthly report of table wine distributor. Every licensed table wine distributor shall, on or before the fifteenth day of each month, make an exact return to the department of revenue of the amount of table wine purchased or acquired by him during the previous month, the amount of table wine sold and delivered by him during the previous month, and the amount of inventory on hand in the manner and form as shall be prescribed by the department, and the department shall have the right at any time to make an examination of the said table wine distributor's books and of his premises, and otherwise check the accuracy of such return or to check the alcoholic content of table wine which he may have on hand.

Section 7. There is a new section in Title 4, RCM 1947, that reads as follows:

Carriers' reports of table wine transported. Every railroad, motor carrier and airline transporting table wine manufactured out of this state from points outside this state and delivering to points within this state shall, on or before the fifteenth day of each month, make an exact return to the department of revenue of the amount of such table wine so transported and delivered by such railroad, motor carrier, or airline during the previous month, and shall state in such return the name and address of the consignor and consignee, the date of delivery and the amount delivered.

Section 8. There is a new section in Title 4, RCM 1947, that reads as follows:

Financial interest in retailers prohibited. No winery or table wine distributor shall advance or loan money to, or furnish money for, or pay for or on behalf of any retailer, for any license or tax which may be required to be paid by any retailer, and no winery or table wine distributor shall be financially interested, either directly or indirectly, in the conduct or operation of the business of a retailer. A winery or table wine distributor shall be deemed to have such a financial interest if (1) such winery or table wine distributor owns or holds any interest in or a lien or mortgage against the retailer or his premises; or (2) if such winery or table wine distributor is under any contract with a retailer concerning future purchases and/or sale or merchandise by one from or to the other; or (3) if such table wine distributor extends more than seven days' credit to a retail licensee or furnishes to any retail licensee any furniture, fixtures, or equipment to be used in the dispensation or sale of table wine; or (4) if any retailer holds an interest as a stockholder, or otherwise, in the business of the table wine distributor.

Section 9. There is a new section in Title 4, RCM 1947, that reads as follows:

Tax on Wine. A tax of seventy-five cents (75c) per gallon is hereby levied and imposed on table wine imported by any table wine distributor, and such tax shall be paid by the table wine distributor by the 15th of the month following receipt of the table wine at the table wine distributor's warehouse. The tax computed and paid in accordance with this section shall be the only tax imposed by the state or any of its subdivisions, including cities and towns, and it shall be distributed in accordance with applicable statutes and regulations.

Section 10. Section 4-2-204, RCM 1947, is amended to read as follows:

"4-2-204. Department to sell to licensees — posted price. The department may sell through its stores all kinds of liquor, wine containing more than 14% alcohol by volume, and cordials kept in stock to licensees licensed under this code at the posted price thereof in the store in which the liquor is sold. All sales shall be upon a cash basis. The posted price means the retail price of such liquor as fixed and determined by the department and in addition thereto an excise and license tax as provided in this code.

Section 11. Section 4-3-102, RCM 1947, is amended to read as follows:

"4-3-102. Liquor container must have been sealed with official seal. Except in the case of—

"(a) liquor imported by the state, or by the department; or

"(b) liquor had and kept by a person, and in a place and manner referred to in section 4-1-202; or

"(c) beer, ~~and~~ malt liquor, and table wine lawfully had or kept under this code; or

"(d) any liquor kept for sale by a druggist under this code no liquor shall be kept or had by any person within the state unless the package, not including a decanter or other receptacle containing the liquor for immediate consumption, in which the liquor is contained has, while containing that liquor, been sealed with the official seal prescribed under this code."

Section 12. Section 4-4-201, RCM 1947, is amended to read as follows:

"4-4-201. Issuance of retail beer licenses — limit on number of retail licenses — wine license amendments — off-premises consumption. (1) Except as otherwise provided by law, a license to sell beer at retail or beer and wine at retail, in accordance with the provisions of this code and the rules of the department, may be issued to any person, firm, or corporation who is approved by the department as a fit and proper person, firm, or corporation to sell beer, except that:

"(a) the number of retail beer licenses that the department may issue for premises situated within incorporated cities and incorporated towns and within a distance of 5 miles from the

corporate limits of such cities and towns shall be determined on the basis of population as shown by the most recent official United States census authorized by congress, as follows:

"(i) in incorporated towns of 500 inhabitants or less and within a distance of 5 miles from the corporate limits of such towns, not more than one retail beer license which may not be used in conjunction with a retail all-beverages license;

"(ii) in incorporated cities and incorporated towns of more than 500 inhabitants and not over 2,000 inhabitants and within a distance of 5 miles from the corporate limits of such cities or towns, one beer license for each 500 inhabitants which may not be used in conjunction with retail all-beverages licenses;

"(iii) in incorporated cities of over 2,000 inhabitants and within a distance of 5 miles from the corporate limits of such cities, two additional retail beer licenses for the first 2,000 inhabitants or major fraction thereof and one additional retail beer license for each additional 2,000 inhabitants which may not be used in conjunction with retail all-beverages licenses;

"(b) the number of the inhabitants in such cities and towns, exclusive of the number of inhabitants residing within a distance of 5 miles from the corporate limits thereof, shall govern the number of retail beer licenses that may be issued for use within such cities and towns and within a distance of 5 miles from the corporate limits thereof. If two or more incorporated municipalities are situated within a distance of 5 miles from each other, the total number of retail beer licenses that may be issued for use in both of such municipalities and within a distance of 5 miles from their respective corporate limits shall be determined on the basis of the combined populations of both of such municipalities and may not exceed the foregoing limitations. The distance of 5 miles from the corporate limits of any incorporated city or incorporated town shall be measured in a straight line from the nearest entrance of the premises proposed for licensing to the nearest corporate boundary of such city or town.

"(c) retail beer licenses of issue on March 7, 1947, and which are in excess of the foregoing limitations shall be renewable, but no new licenses may be issued in violation of such limitations;

"(d) such limitations do not prevent the issuance of a nontransferable and nonassignable retail beer license to a post of nationally chartered veterans' organization or a lodge of a recognized national fraternal organization if such veterans' or fraternal organization has been in existence for a period of 5 years or more prior to January 1, 1949;

"(e) the number of retail beer licenses that the department may issue for use at premises situated outside of any incorporated city or incorporated town and outside of the area within a distance of 5 miles from the corporate limits thereof or for use at premises situated within any incorporated town shall be as determined by the department in the exercise of its sound discretion, except that no retail beer license may be issued for any premises so situated unless the department determines that the issuance of such license is required by public convenience and necessity.

"(2) The cities and incorporated towns may enact ordinances defining certain areas in the cities and town where alcoholic beverages may or may not be sold. No incorporated city or incorporated town may by ordinance restrict the number of licenses that the department may issue. However, no retail license may be issued by the department for any premises situated within any zone or such city or town where the sale of beer or liquor is prohibited by ordinance, a certified copy of which has been filed with the department. The department may deny the issuance of a retail beer or all-beverages license if it determines that the premises proposed for licensing are off regular police beats and cannot be properly policed by local authorities.

"(3) A person holding a license to sell beer for consumption on the premises at retail may apply to the department for an amendment to the license permitting the holder to sell wine as well as beer. The division may issue such amendment if it finds, on a satisfactory showing by the applicant, that the sale of wine for consumption on the premises would be supplementary to a restaurant or prepared-food business. A person holding a beer-and-wine license may sell wine for consumption on the premises. ~~He may buy wine only at retail from the department~~. Nonretention of the beer license, for whatever reason, shall mean automatic loss of the wine amendment license.

"(4) A retail license to sell beer or table wine, or both, in the original packages for off-premises consumption only may be issued to any person, firm, or corporation who is approved by the department as a fit and proper person, firm, corporation to sell beer or table wine, or both, and whose premises proposed for licensing are operated as a bona fide grocery store or a drugstore licensed as a pharmacy. The number of such licenses that the department may issue is not limited by the provisions of subsection (1) of this section but shall be determined by the department in the exercise of its sound discretion, and the department may in the exercise of its sound discretion grant or deny any application for any such license or suspend or revoke any such license for cause."

Section 13. Section 4-4-401, RCM 1947, is amended to read as follows:

"(1) (a) Each beer licensee, licensed to sell either beer or table wine only, or both beer and table wine, under the provisions of this code, shall pay an annual license fee as follows:

"(i) each brewer, wherever located, whose product is sold or offered for sale within the state, $500; for each storage depot, $400.

"(ii) each beer wholesaler, $400; each table wine distributor, $400.

"(iii) each beer retailer, $200; with a wine license amendment, an additional $200.

"(iv) for a license to sell beer at retail for off-premises consumption only, the same as a retail beer license; for a license to sell table wine at retail for off-premises consumption only, either alone or in conjunction with beer, $200.

"(v) any unit of a nationally chartered veterans' organization, $50.

"(b) A transfer of any brewer's, beer wholesaler's, table wine distributor's ~~or~~ beer retailer's or table wine retailer's license may be made on application to the department with the consent of the department, provided that the transferee qualifies under this code.

"(c) This code shall not be construed or interpreted so as to repeal, amend, modify, change, or alter any provisions of this code which require beer and table wine manufactured outside of Montana to be consigned to and shipped to a licensed beer wholesaler or licensed table wine distributor any by him unloaded into his warehouse or subwarehouse in Montana.

"(2) The permit fee under 4-4-105(1) is computed at the rate of $15 a day for each day beer is sold at those events lasting 2 or more days but in no case be less than $30.

"(3) The permit fee under 4-4-105(2) is $10 for the sale of beer only or $20 for the sale of all alcoholic beverages.

"(4) Passenger carrier licenses shall be issued upon payment by the applicant of an annual license fee in the sum of $300.

"(5) The annual license fee for a license to sell wine on the premises, when issued as an amendment to a beer-only license is $200.

"(6) Each licensee licensed under the quotas of 4-4-202 shall pay an annual license fee as follows:

"(a) except as hereinafter provided, for each license outside of incorporated cities and incorporated towns or in incorporated cities and incorporated towns with a population of less than 2,000, $400.

"(b) except as hereinafter provided, for each license in incorporated cities with a population of more than 2,000 and less than 5,000, or within a distance of 5 miles thereof, measured in a straight line from the nearest entrance of the premises to be licensed to the nearest boundary of such city, $500;

"(c) except as hereinafter provided, for each license in incorporated cities with a population of more than 5,000 and less than 10,000 or within a distance of 5 miles thereof, measured in a straight line from the nearest entrance of the premises to be licensed to the nearest boundary of such city, $650;

"(d) for each license in incorporated cities with a population of 10,000 or more, or within a distance of 5 miles thereof, measured in a straight line from the nearest entrance of the premises to be licensed to the nearest boundary of such city, $800;

"(e) the distance of 5 miles from the corporate limits of any incorporated cities and incorporated towns is measured in a straight line from the nearest entrance of the premises to be

licensed to the nearest boundary of such city or town; and where the premises of the applicant to be licensed are situated within 5 miles of the corporate boundaries of two or more incorporated cities or incorporated towns of different populations, the license fee chargeable by the larger incorporated city or incorporated town applies and shall be paid by the applicant. When the premises of the applicant to be licensed are situated within an incorporated town or incorporated city is without a 5-mile limit, the license fee chargeable by the smaller incorporated town or incorporated city applies and shall be paid by the applicant.

"(f) an applicant for the issuance of an original license to be located in areas described in paragraph (d) of this subsection shall pay a one-time original license fee of $20,000 for any such license issued. The one-time license fee of $20,000 shall not apply to any transfer or renewal of a license duly issued prior to July 1, 1974. All licenses, however, are subject to the annual renewal fee of $800.

"(7) The license fees herein provided for are exclusive of and in addition to other license fees chargeable in Montana for the sale of liquor, table wine, beer, and malt beverages."

Section 14. Effective date. This act is effective July 1, 1979.

ARGUMENT ADVOCATING APPROVAL OF THE MEASURE

Table wines have been served and enjoyed for as long as history has been recorded by man. These versatile beverages come in an almost infinite variety of types and styles to match almost any food or mood. And today, in most states of this nation, citizens may select and purchase wine where they shop for food.

In Montana, table wine purchasers are prevented from enjoying the variety and selections available in the marketplace by a severely restricted State liquor monopoly. Inadequate shelf space, uninformed and indifferent purchasing agents and excessive tax rates prohibit the State from marketing wines in a manner to satisfy the consumers' desires and convenience.

Because wines are consumer products, they require the retailing opportunities of the open market to make available a full selection of competitively priced products. If Initiative 81 is approved by the voters, grocery stores and drug stores will be allowed the sale of table wine to make it available with other food and convenience products at locations with convenient hours and accessability.

The passage of this initiative maintains the State's control of distribution and taxation of table wine through a system that has proven itself effective in handling the sale and distribution of Beer. Adequate tax revenues will be maintained through a tax equal to or higher than those imposed in the nearby states where table wine sales are allowed in grocery stores. Increased sales through larger inventories and greater variety, along with increased employment in the wine distribution and sales business in Montana, will offset the lower tax rate.

Vote YES on Initiative 81 to allow the consumer product, table wine, to be sold in grocery stores and drug stores licensed as pharmacies.

S/ Leonard B. Eckel, Chr.
Mark O. Thompson
Gary L. Davis

ARGUMENT ADVOCATING REJECTION OF THE MEASURE

The arguments against initiative 81 are many and varied.

BUREAUCRACY: In this day of rapidly expanding government, any new legislation must be carefully scrutinized to determine the additional governmental involvement necessitated and the subsequent cost to taxpayers. Initiative 81 includes no less than seven new sections to Title 4, along with numerous amendments; government is thereby required to develop numerous new application forms, licensing requirements, inspection reports and procedures along with filing systems to handle these reports. Reports would be required of retailers, wholesalers, dis-

tributors, railroads, airlines and truckers. There would be an unknown increase in needed personnel to adequately enforce the many provisions of this proposed legislation.

REVENUE: The proposed tax ceiling of 75c/gallon will seriously impair Montana's general fund. Fiscal year 1978 revenue would be reduced from $4,070,615 to $586,455, a loss of almost $3.5 million. Other losses will occur: $250,000 presently distributed to cities and counties, and $125,000 to institutions for alcoholism treatment programs.

To offset this loss and merely stay equal with FY1978 table wine revenue, per capita consumption would have to increase more than six times its present rate — from 782,000 to 4,645,000 gallons — an alarming 6.5 gallons per person, or be replaced by increased income, property and corporate license taxes.

PROLIFERATION: Proliferation of retail wine outlets and elimination of sales through state stores, all under the guise of providing greater accessibility and selection, will gravely weaken control over consumption of this sensitive product and produce chaotic enforcement problems.

Present state policy rigidly limits sales to outlets catering to adults. Such retailers have little contact with and offer no inducement to juveniles. Not so with supermarkets and drug stores. Their teenage customers will find open wine shelves most attractive, and fragmented law enforcement tempting. Undeniably, increasing wine outlets for adults means increasing availability to Montana's youth. It's a two-way street.

YOUTH: Being sold along with food products will seem to put a stamp of approval on the consumption of wine by youth. Because of the types of wines that will be sold (POP), should this initiative pass, youth will be even more attracted to its use.

Montana cannot afford this. Montana has had a 500% increase of youth admitted to its abuse centers in the last 5 years, 17% of the clients admitted to DWI schools are under 20 years of age and 17% of family members admitted to treatment programs are under the age of 18.

JOBS: Montana table wine retail sales act would affect the employment of 219 Montanans. These people work in the 114 full service state liquor stores.

The state liquor stores are operated on unit count and profit. The state liquor division closes stores that are not operating at a profit.

The wine sales, which are 20% of the current liquor sales in Montana, would reduce the units sold or handled by the state stores, which would, in fact, lower sales at the store level and reduce jobs or close small stores in rural communities.

S/ David L. Hayden, Chr.
Robert A. Durkee
Donald W. Larson
Robert G. Kokoruda
Loyola M. Copenhaver

ARGUMENT REBUTTING THE ARGUMENT ADVOCATING APPROVAL OF MEASURE

The arguments in favor of initiative 81 are filled with falsehoods and general statements without a basis in fact to support them.

The argument in favor of this change on the basis of certain other states having done so is not an adequate basis for action by the citizens of Montana.

The falsity of the claim to the "proven affectiveness" of beer control and regulations, should be readily apparent to anyone who has investigated the soaring rates of alcoholism.

The youth of our state are a trust whom government has a responsibility toward for their protection in health and safety matters.

The statement, in the proponents argument, that wine should be "with OTHER foods and convenience products" is a severe distortion of the realities we see societally resulting from uncontrolled sale of alcoholic beverages. This is especially apparent among the young of our state.

Montanans would be required to pay higher taxes to compensate for lost revenue under this legislation. Any advantages would be directed toward out of state interests.

It would appear that the most significant argument put forth by proponents of initiative 81 is that the State Department of Revenue — Liquor Division needs additional shelf space for wine, and we propose, with the investment of a few dollars, that shelf space be provided. This would save society the cost of additional counseling, rehabilitation and treatment facilities for the alcoholism surely to result.

The proponents only desire the convenience.

S/ David L. Hayden, Chr.
Loyoloa M. Copenhaver
Robert A. Durkee
Robert Kokoruda
Donald W. Larson

ARGUMENT REBUTTING THE ARGUMENT ADVOCATING REJECTION OF MEASURE

BUREAUCRACY/REVENUE

State revenues will NOT be seriously affected, contrary to the opponents' inflated 1978 revenue figures and depressed wine sales projections. Sales WILL increase dramatically, jobs WILL be created and new tax revenues plus license fees WILL all add to state revenues.

Wine must be removed from a state system which arbitrarily raises taxes to produce some of the most highly taxed wine products in the United States, depressing sales and encouraging out-of-state purchases. The present state division is outmoded, inefficient, and unneeded, requiring up to three people to handle a single sales transaction. Instead, wine should be handled by a free enterprise system which is already controlled by existing agencies.

YOUTH/ALCOHOLISM

The increase in alcohol abuse by youth is a direct reflection of lowering the legal drinking age to 18. Many school officials and legislators feel the solution is to raise the legal drinking age to 19.

Research has shown there is NO significant increase in teenage drinking when wine is available, and in a State Alcohol Profile Information System report published by the National Institute on Alcohol Abuse and Alcoholism, April, 1978, the F.B.I. select arrest information for drinking under the influence; drunkeness; liquor laws; and disorderly conduct shows a 10% LOWER record of alcohol related arrests in the 35 states which have liberalized their wine sales laws. Table wines are clearly a drink of moderation not susceptable to abuse.

S/ Leonard B. Eckel, Chr.
Mark O. Thompson

The form in which the measure will be printed on the Official Ballot at the General Election, November 7, 1978, is as follows:

INITIATIVE NO. 81

A LAW PROPOSED BY INITIATIVE PETITION

Attorney General's Explanatory Statement

This initiative would amend the Montana liquor law to allow the private sale of table wine and make wine available in more locations. Distributors of table wine would be licensed by the Department of Revenue. All licensed retailers would be allowed to purchase table wine from any licensed distributor, similar to the present system of beer distribution. Grocery stores and drug stores would be allowed to obtain retail licenses for the sale of table wine.

AN ACT AUTHORIZING GROCERY STORES AND DRUG STORES TO SELL TABLE WINE FOR OFF-PREMISES CONSUMPTION; REVISING CONTROL AND MARKETING POLICIES WITH RESPECT TO TABLE WINE; ESTABLISHING A SYSTEM OF WHOLESALING TABLE WINE BY LICENSING TABLE WINE DISTRIBUTORS; IMPOSING A TAX ON TABLE WINE; AMENDING SECTIONS 4-1-107, 4-2-204, 4-3-102, 4-4-201 AND 4-4-401, R.C.M. 1947; AND PROVIDING AN EFFECTIVE DATE.

☐ FOR allowing grocery and drug stores to sell table wine similar to the manner in which beer is sold.

☐ AGAINST allowing grocery and drug stores to sell table wine similar to the manner in which beer is sold.
