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1984 Voter Information Pamphlet

Introduction

On November 6, you will have the opportunity to vote on five state ballot issues along with the federal, state and local offices which will appear on your general election ballot. This pamphlet is being sent to you and all other registered voters of Montana, as required by law. It is printed to assist you in making informed decisions on these very important ballot questions.

Inside you will find a new look. The first section has been put together in a more easily read and concise manner. This section contains just the basic information on each issue — including: the official ballot titles and explanatory statements for each issue as prepared by the Legislature and Attorney General; "How the issue will appear on the Ballot"; and the arguments "for" and "against" each issue as prepared by duly appointed committees of proponents and opponents. Then, the complete text of each measure is printed separately toward the end of the pamphlet.

As Secretary of State of the State of Montana, I certify that the text of each proposed issue, ballot title, explanatory statement, statement for and against, and the rebuttal statement which appears in this pamphlet is a true and correct copy of the original document filed in my office.

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Secretary of State

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CONSTITUTIONAL AMENDMENT NO. 13

AN AMENDMENT
TO THE CONSTITUTION
PROPOSED BY THE LEGISLATURE

OFFICIAL BALLOT TITLE

AN ACT TO SUBMIT TO THE QUALIFIED ELECTORS OF MONTANA AN AMENDMENT TO ARTICLE VII, SECTION 11, OF THE MONTANA CONSTITUTION TO ALLOW THE MONTANA SUPREME COURT TO DISCIPLINE A JUSTICE OR JUDGE FOR VIOLATION OF CANONS OF JUDICIAL ETHICS ADOPTED BY THE COURT.

Attorney General's Explanatory Statement

The Legislature submitted this proposal for a vote. It would amend the Montana Constitution to allow the Montana Supreme Court to censure, suspend, or remove any judge for violating the rules of judicial ethics adopted by the Supreme Court. Currently the Supreme Court may discipline judges for willful misconduct in office or for willful and persistent failure to perform judicial duties. This proposal would authorize an additional ground for the disciplining of judges.

Argument For Constitutional Amendment No. 13

Montana's Judges are bound by the Canons of Judicial Ethics. These ethical standards specify what type of personal conduct is acceptable in conducting judicial affairs. For example, a Judge must promptly decide pending cases (Canon 7), refrain from deciding cases involving relatives (Canon 13) and avoid personal investments in enterprises which may be involved in litigation before him (Canon 26). This code of judicial conduct is designed to ensure fairness and justice for all the people who use Montana's courts. The Canons of Judicial Ethics specifically recognize that the people have a right to expect Montana's judges to abide by the ethical standards set forth in the Canons.

Montana's Judicial Canons have been in effect since 1963. However, there has been little, if any, enforcement of the canons. One reason the canons have not been enforced is because there has been no public entity with the power to investigate alleged judicial misconduct.

The 1972 Constitution appeared to solve this problem by creating a Judicial Standards Commission (Article VII, Section 11). The Commission was empowered to investigate alleged judicial misconduct and recommended that the Supreme Court discipline the offending judge. In 1982, the Montana Supreme Court ruled that the Montana Constitution did not give the Judicial Standards Commission the power to investigate alleged violations of the Canons of Judicial Ethics.

Proposed Constitutional Amendment 13 gives the Judicial Standards Commission the power to investigate alleged violations of the Canons of Judicial Ethics. The Commission received eighteen (18) complaints about the conduct of various Montana judges in 1981 and 1982. Most of the complaints involved alleged violations of the Canons of Judicial Ethics. Proposed Constitutional Amendment 13 will allow the Commission to fully investigate alleged ethical violations and, where necessary, recommend that an offending judge be disciplined.

The public does have a right to expect that its judges abide by the code of conduct set forth in the Canons of Judicial Ethics. The public also has a right to expect that alleged unethical conduct will be fully investigated and disciplinary action imposed by the Supreme Court when necessary. Proposed Constitutional Amendment 13 will ensure, for the first time, that the Canons of Judicial Ethics are enforceable.

Rebuttal of Argument Against Constitutional Amendment No. 13

The opponents to Proposed Constitutional Amendment 13 misrepresent both the effect and the purpose of the amendment.

Present procedures are not adequate to enforce the Canons of Judicial Ethics. The Supreme Court ruled in 1982 that the Montana Constitution did not give the Judicial Standards Commission the authority to investigate ethical misconduct by Judges. Thus, if a citizen complains that a Judge has violated the Canons of Judicial Ethics, the Judicial Standards Commission presently has no authority to investigate the allegation and, if necessary, recommend appropriate disciplinary action.

The opponents argue that impeachment is an adequate means of dealing with judicial misconduct. The opponents argument is without merit.

Impeachment will only occur where a public official is guilty of criminal activity or gross abuse of power. The Canons of Judicial Ethics establish a code of conduct which, if followed, will assure the public of fairness, honesty and integrity in the judicial process. A judge who violates the Canons is not guilty of a crime nor would the violation, in most instances, constitute a gross abuse of power. In short, most ethical violations will not result in impeachment.

This does not mean, however, that judicial ethics violations should go unchallenged. Ethical misconduct which affects the fairness, honesty or integrity of the judicial process should be dealt with through censure or suspension from office. Proposed Constitutional Amendment 13 allows the Judicial Standards Commission and the Supreme Court to impose appropriate disciplinary action when the Canons of Judicial Ethics are violated.

These Arguments Prepared by: Senator Fred Van Valkenburg, Missoula; Representative Gary Spaeth, Silesia; and Steve Brown, Helena.

HOW THE ISSUE WILL APPEAR ON THE BALLOT:

CONSTITUTIONAL AMENDMENT NO. 13

☐ FOR amending the Montana Constitution to allow the Montana Supreme Court to discipline judges for violating rules of judicial ethics adopted by the court.

☐ AGAINST amending the Montana Constitution to allow the Montana Supreme Court to discipline judges for violating rules of judicial ethics adopted by the court.

NOTE: The ballot title was written by the Legislature and the explanatory statement by the Attorney General as required by state law. The complete text of Constitutional Amendment No. 13 appears on page 12.

Argument Against Constitutional Amendment No. 13

Constitutional Amendment 13 proposed to make an Amendment in the Judicial Article of The Montana Constitution by adding as an additional ground for removal of a judge the reason that said judge violated the Canons of Judicial Ethics adopted by the Supreme Court of the State of Montana. The reasons for opposing said Amendment are:

1. The Constitution is a broad principled document which should not include specific acts. The Canons of Judicial Ethics adopted by the Supreme Court is formulated by the American Bar Association and presently contains 36 separate canons. Adoption by reference of each of the canons (which are subject to change) should not be included in the Constitution.

2. The present Constitutional provision for disciplining judges is adequate and all matters are left in hands of the Judicial Standards Commission. Montana's Judiciary simply have not provided any reason to change the present workable system.

3. The present reason for disciplining judges, which includes removal from office, is based upon cause for willful misconduct in office, willful and persistent failure to perform his duties, or habitual intemperance. The term willful misconduct in office has been judicially interpreted to mean "any act involving moral turpitude, or any act which is contrary to justice, honesty, principle or good morals, if performed by virtue of office or by authority of office." The Canons of Judicial Ethics provide no greater cause for misconduct in office. In fact, such canons as adopted by the American Bar Association are to serve only as a "proper guide and reminder for judges and is indirectly what the people have a right to expect from them." One is, in fact, simply duplicative of the present habitual intemperate ground for removal in the Constitution because Canon 5 provides a Judge should be temperate."

4. A Canon governs impositions of sentences and provides that when imposing a sentence a Judge should endeaver to conform to a reasonable standard of punishment and should not seek popularity or publicity either by exceptional severity or undue leniency. Such standard, if it is one, can lead to discipline of a judge over criminal sentences by the Judicial Commission. That standard is unworkable. Rather, the Judge's decisions in sentencing should be governed by sentence review process and by the electoral process, which in the final analysis provides safeguard to the public of a unpopular Judge.

5. The Constitutional Convention, and the people approving the 1972 Constitution, just recently reflected upon and passed upon Judicial Standards for Judges. For judicial misconduct outside of the office the Constitution in Article V, Sec. 13, reserved to the legislature, either through impeachment or through further legislative action, the removal of public officers, including judicial offices. Thus, another method is provided for law for removal of incompetent judges for any cause.

Rebuttal of Argument For Constitutional Amendment No. 13

The committee has chosen to not write a rebuttal statement.

These Arguments Prepared by: Senator Pete Story, Emigrant; Representative Bob Pavlovich, Butte; and Representative Fritz Daily, Butte.

CONSTITUTIONAL AMENDMENT NO. 14

AN AMENDMENT
TO THE CONSTITUTION
PROPOSED BY THE LEGISLATURE

OFFICIAL BALLOT TITLE

AN ACT TO SUBMIT TO THE QUALIFIED ELECTORS OF MONTANA AN AMENDMENT TO ARTICLE V, SECTION 14, OF THE MONTANA CONSTITUTION TO PROVIDE THAT THE CONGRESSIONAL DISTRICTS IN MONTANA BE REDISTRICTED WITHIN 90 DAYS AFTER THE OFFICIAL FINAL DECENNIAL CENSUS FIGURES ARE AVAILABLE.

Attorney General's Explanatory Statement

The Legislature submitted this proposal for a vote. It would amend the Montana Constitution to require that 90 days after the final census figures are available, the Montana Districting and Apportionment Commission must complete its final plan for redistricting congressional districts. Currently the Commission's redistricting plan must be submitted to the Legislature for comment at the first regular session after its appointment or after the census figures are available before the final plan may become law. This proposal would eliminate the need for legislative comment on the congressional redistricting plan, but would retain the requirement for the legislative redistricting plan.

Argument For Constitutional Amendment No. 14

The 1972 Montana Constitution provides for annual sessions of its Legislature. In 1974 a referendum was passed by Montana voters which changed the sessions of the Legislature to biennial sessions, which had the inadvertent effect of delaying Montana's reapportionment schedule by one year. Only Montana and Maine did not complete their congressional redistricting for the 1980 census until 1983.

The 1980 Montana Districting and Apportionment Commission recommended specific legislation to speed up the congressional redistricting process so that this procedure will be completed within 90 days after the official final census figures are available. The 1983 Montana Legislature responded to the Commission's recommendation by passing two bills, by overwhelming margins, necessary to implement the new congressional redistricting schedule. The Legislature agreed with the Commission's concern that Montana's election of its two United States Representatives could be challenged in court if the time schedule for redistricting the congressional districts was not changed. This proposed change will not in any way effect the time schedule or procedure used to redistrict the Montana State Senate and the House of Representatives.

A series of federal court decisions dating back to 1964 have held that states must attempt to achieve "precise mathematical equality" justifying "each variance no matter how small" in congressional districts. Between the 1970 and 1980 federal census, Montana's western congressional district experienced an increase in population and the eastern district a decline in population. The official 1980 census data for Montana was ready for use in early 1981, yet congressional redistricting was not completed until 1983 in Montana due to the existing problem in the state law. Legal scholars agree that Montana was in violation of federal court decisions in the 1982 congressional elections. As Montana has only two congressional districts it is a relatively simple process to redistrict the state into congressional districts. Constitutional amendment #14 will correct the existing problem by requiring the Commission to complete congressional redistricting within 90 days of the availability of the final official decennial census data. By approving this amendment, Montana will become one of the first states to complete the required congressional redistricting instead of being one of the last.

Rebuttal of Argument Against Constitutional Amendment No. 14

The opposition argument that the legislature now has thirty (30) days to review and recommend changes in both legislative and congressional district boundaries proposed by the Commission is correct but incomplete. The legislature does have review authority, but the Commission is under no obligation to accept any recommendations resulting from the legislative review under the current law. The proposed change will still allow for legislative review of Commission proposed legislative boundaries. There is no possibility of a special legislative session being required due to this proposed change in the law.

The concern expressed in the opposition argument regarding the ninety (90) day deadline for drawing the congressionl boundary is purely speculative and is without merit. The bipartison Commission, that has experience with the process, unanimously recommend the ninety (90) day deadline be placed in the law to avoid any legal challenges. The Commission could hold hearings in 10 to 15 locations in Montana in one week.

The Commission has assured the legislature that drawing one boundary line to create two congressional Districts in Montana is a simple matter and can be accomplished to meet the constitutional requirement of the "one man, one vote" rule within the time limit stated in this proposed law.

These Arguments Prepared by: Senator Larry Tveit, Fairview, Representative Ray Peck, Havre; and Louise Galt, Helena.

HOW THE ISSUE WILL APPEAR ON THE BALLOT:

CONSTITUTIONAL AMENDMENT NO. 14

☐ FOR requiring the congressional redistricting plan to be finalized within 90 days after official final census data are available and eliminating provisions for legislative comment.

☐ AGAINST requiring the congressional redistricting plan to be finalized within 90 days after official final census data are available and eliminating provisions for legislative comment.

NOTE: The ballot title was written by the Legislature and the explanatory statement by the Attorney General as required by state law. The complete text of Constitutional Amendment No. 14 appears on page 12.

Argument Against Constitutional Amendment No. 14

The legislature currently has 30 days in which to review and recommend changes in both legislative and congressional district boundaries proposed by the Reapportionment Commission. If this resolution is adopted, legislative review of the Commission's proposed changes in congressional district boundaries may be eliminated or could require costly special legislative sessions. In addition, removal of legislative review with respect to congressional districts results in unequal treatment of legislators and congressmen for no apparent reason.

The strict 90-day deadline established in the resolution for the submission of the final congressional reapportionment plan may not be sufficient time to allow for full consideration of all boundary options available to the Commission. More importantly, the limited time-frame may prevent the commission from holding geographically dispersed hearings to solicit public opinion.

The United States Supreme Court has ruled in Mahan v. Howell, 410 U.S. 315 (1973) that "strict proportionality" is required in the formation of congressional districts in order to meet the constitutional requirements of "one man, one vote." Passage of this resolution containing the 90-day deadline for the formation of congressional district boundaries may not allow the Reapportionment Commission sufficient time to develop a plan which meets the "strict proportionality" standard established by the U.S. Supreme Court and the "one man, one vote," requirements of the Montana and the United States Constitutions.

Rebuttal of Argument For Constitutional Amendment No. 14

The proponents of Constitutional Amendment #14 argue that this resolution is necessary to speed-up the Congressional Redistricting process and achieve the mathematical equality required by federal court decisions. However, the proponents have failed to document (1) the need or reason for treating Congressmen different than legislators with respect to legislative review of proposed district boundaries, or (2) whether sufficient public participation will be provided for prior to the 90 day deadline.

It is precisely because this resolution allows for possible implementation of a Congressional Reapportionment Plan without legislative review and leaves open the possibility of inadequate public participation that the resolution, as written, should be defeated.

These Arguments Prepared by: Senator Mike Halligan, Missoula; Representative Bernie Swift, Hamilton; and Representative Bob Thoft, Stevensville.

CONSTITUTIONAL INITIATIVE NO. 23

AN AMENDMENT
TO THE CONSTITUTION
PROPOSED BY INITIATIVE PETITION

OFFICIAL BALLOT TITLE AND Attorney General's Explanatory Statement

THIS INITIATIVE WOULD AMEND THE MONTANA CONSTITUTION TO DIRECT THE 1985 LEGISLATURE TO ADOPT A RESOLUTION REQUESTING CONGRESS TO CALL A CONSTITUTIONAL CONVENTION FOR THE PURPOSE OF ADOPTING A BALANCED BUDGET AMENDMENT. THE INITIATIVE WOULD ALSO REQUIRE THAT IF THE RESOLUTION IS NOT ADOPTED WITHIN NINETY LEGISLATIVE DAYS, THE LEGISLATURE SHALL REMAIN IN SESSION WITHOUT COMPENSATION TO ITS MEMBERS, AND WITH NO RECESS IN EXCESS OF THREE CALENDAR DAYS, UNTIL THE RESOLUTION IS ADOPTED. THE INITIATIVE WOULD BECOME VOID IF THE CONVENTION IS NOT LIMITED TO THE SUBJECT OF A BALANCED BUDGET OR IF CONGRESS ITSELF PROPOSES A SIMILAR AMENDMENT.

Argument For Constitutional Initiative No. 23

By the time you finish reading this, the national debt will increase by $1,020,000.

The federal government is spending almost $200 billion a year more than it takes in . . . and that's bad business. Every dollar the federal government borrows drives up interest rates, hurts Montanans who need to buy a home, farm or car, and takes away jobs from Montanans. And it makes everything you buy cost more.

For over 15 years we've tried to balance the budget -- and failed.

In that time we've suffered three recessions, runaway inflation, record-breaking high interest rates, and severe unemployment.

Deficit spending is the biggest threat to your economic security and future generations of Montanans.

And, it's getting worse. During the 1960's, deficits averaged $6 billion per year. During the '70's, deficits averaged $35 billion per year. Last year, the deficit was $208 billion!

The interest on the federal debt is $150 billion per year -- the third largest item in the federal budget.

Just like any family or business, the American government can't go on forever spending beyond its means. We're lucky in Montana. Our state constitution requires a balanced budget. Because of this requirement, the governor and the state legislature are limited in the amount they can spend. Almost every other state in the country has a balanced budget requirement. These constitutional limits on spending have worked well.

This initiative asks the Montana legislature to send a balanced federal budget resolution to Congress. The resolution asks Congress to pass a balanced federal budget amendment, or if Congress fails to pass the amendment, call a limited constitutional convention for the sole purpose of proposing a balanced budget amendment. The amendment would be phased in and have exceptions for emergencies. It would become law only after it is ratified by 38 of the 50 states.

If the legislature doesn't adopt the resolution by the end of its regular session, the legislators must stay in session and serve without pay to discuss and deliberate on the balanced budget amendment resolution. No other issues could be discussed at this time. They would go out of session when the balanced budget resolution is approved.

Thirty-two states have already passed similar resolutions. Just two more states are needed to force proposal of the balanced federal budget amendment. Montana has a chance to play an historic role in forcing government to be fiscally responsible.

If the balanced federal budget amendment passes, you will benefit from a healthier economy, less unemployment and more jobs.

A balanced budget amendment would permanently protect us from irresponsible and wasteful spending by Congress.

Some of the organizations that have endorsed the initiative include the Montana Association of Realtors, Montana Stockgrowers Association, the Montana Farm Bureau Federation, the Montana Chamber of Commerce, and many others.

The federal government has ignored taxpayers for too long. A vote for the balanced federal budget initiative will force government to listen to us.

Rebuttal of the Argument Against Constitutional Initiative No. 23

This initiative is the best way for the people to voice their opinion on the balanced federal budget constitutional amendment. The people have the right to act when government has ignored their wishes.

Former U.S. Senator Sam Ervin, a Constitutional scholar, says that the scare tactic of an open convention is "just a nonexistent Constitutional ghost conjured up by people who are opposed to balancing the budget."

Former U.S. Attorney General Griffin B. Bell thinks "the Convention can be limited . . . the fact is that the majority of the (legal) scholars in America share my view." The American Bar Association says that Congress has the power to limit a Constitutional Convention to the Balanced Budget Amendment topic only. The 32 state resolutions are limited to this one subject.

The U.S. Senate Judiciary Committee has unanimously approved legislation which would limit the Convention to this one topic.

Even if other amendments could be proposed, they would mean nothing. A constitutional amendment must be approved by three-quarters of the states before becoming law. Does anyone seriously suggest that a proposal that goes against the fundamental beliefs of Americans will gain the approval of 38 states? Obvisouly not!

The opponents admit that the budget must be brought under control, but offer no solution.

Action by the states is the only way of making Congress fiscally responsible. Special interests have blocked passage of the necessary balanced federal budget resolution in the state legislature. Thus, the initiative process--once again--is the people's only recourse.

These Arguments Prepared by: Larry Williams, Kalispell; Cliff Christian, Helena; and Congressman Ron Marlenee, Scobey.

HOW THE ISSUE WILL APPEAR ON THE BALLOT:

CONSTITUTIONAL INITIATIVE NO. 23

☐ FOR amending the Montana Constitution to direct the Legislature to request that Congress call a constitutional convention to propose a balanced federal budget amendment.

☐ AGAINST amending the Montana Constitution to direct the Legislature to request that Congress call a constitutional convention to propose a balanced federal budget amendment.

NOTE: The ballot title and explanatory statement was written by the Attorney General as required by state law. The complete text of Constitutional Initiative No. 23 appears on pages 12 and 13.

Argument Against Constitutional Initiative No. 23

This Constitutional Initiative No. 23 should be defeated because it attempts to change our State Constitution in a manner dangerous to representative government. It would amend our State Constitution, forcing the legislature in a continuing resolution to deliver an ultimatum to Congress and it proposes ridiculous and unworkable punishment of legislators who oppose it. In attempting to amend the National Constitution it violates our Montana Constitutions carefully balanced allocation of powers.

Vote "no" to calling a federal constitution convention! There are now some 60 proposals from single-issue groups to amend the federal constitution on such issues as gun control, abortion, school prayer, and on and on. Calling a constitutional convention to require a balanced budget could open the constitution to these issues as well as state's rights to set their own taxes (Montana's coal tax for example, and other issues). Many legal scholars believe there is no way to limit such a convention once it is convened. There has not been a national constitutional convention since the original. It is neither necessary nor desirable to have one now.

The "balanced budget" approach of this initiative suggests a noble purpose but bypassing the legislative process is a shocking change in American law-making. The legislature, after due deliberation, has rejected this proposal, not because of the balanced budget idea, but because it carries an alternative ultimatum calling for a constitutional convention.

Congress may be the problem; the president may be the problem, the constitution is not the problem. It is irresponsible to have hundreds of billions of dollars of deficits; it is even more irresponsible to blame and tamper with the constitution. You balance budgets by cutting spending, increasing taxes or both, not by writing a constitutional amendment. We need prudent fiscal policy in 1984. The Amendment proposal is a way of sweeping the problem under the carpet for a minimum of seven years while some of its advocates continue to avoid tough taxing and spending decisions.

We appeal to all thinking voters to consider the effects of this initiative and to defeat it.

Rebuttal of Argument For Constitutional Initiative 23

Initiative 23 is <u>not</u> a request to Congress to balance the budget.

It is <u>not</u> a balanced budget initiative.

It is a good looking apple pie--full of worms.

Worm 1: If 34 states petition Congress to call a Constitutional Convention, Congress <u>must</u> call one. This convention would not be advisory and cannot be limited to one subject. Every radical group in the country would fight to get its agenda into the New U.S. Constitution.

Worm 2: To do this, Initiative 23 would force the Montana Legislature into special session **at a cost of $82,000 a week.**

Make the politicians tell the truth; read the small print.

Worm 3: Calling a constitutional convention would only give the illusion of doing something to balance the budget. It would decrease, not increase pressure to get rid of deficits.

President Ford's Budget Director Roy Ash—who strongly opposes the huge deficits--says about this approach: **"(T)he illusion of action will relieve pressure to actually do the job that has to be done now. Spending and taxing can go their merry unabated way, and the deficit will become totally out of control. All the while politicians can claim they have taken decisive action. We don't need political illusions--we need action."**

With illusory "budget cuts" like transferring highway construction to the States, Montana taxes would increase. "Regulatory spending"--could put the budget into so-called "balance" by requring businesses and individuals to directly provide retirement and health care costs now funded by Social Security.

These Arguments Prepared by: Senator Bill Norman, Missoula; Willa Dale Evans, Roundup; Senator Matt Himsl, Kalispell; Terry Murphy, Great Falls; and Bob Watt, Missoula.

INITIATIVE NO. 96

A LAW PROPOSED
BY INITIATIVE PETITION

OFFICIAL BALLOT TITLE
AND
Attorney General's Explanatory Statement

THIS INITIATIVE WOULD ABOLISH THE STATE BOARD OF MILK CONTROL AND ELIMINATE STATE CONTROL OF THE PRICE OF MILK. THE INITIATIVE WOULD ALSO DO AWAY WITH CERTAIN LICENSE REQUIREMENTS AND OTHER REGULATIONS ON THE SALE OF MILK.

Argument For Initiative No. 96

Montana voters will have a chance this November to abolish the Milk Control Board and the price controls on milk set by the Board. The result will be lower milk prices for consumers.

Under current Montana law, it is illegal to sell milk for less than the minimum price. It is illegal to put milk on sale or sell cheaper brands. Montana has some of the highest milk prices in the country, despite the fact that Montana is a dairy state. In August, the minimum price, set by the Board of Milk Control, was $2.63 for a gallon of whole milk. Neighboring states had milk available for normal, non-sale prices of between $1.85 and $2.45, and even lower sale prices. Inexpensive store brand milk, and milk on sale, will be available in most supermarkets under price decontrol.

These unfair regulations hurt consumers, especially low income consumers such as senior citizens and familes with children. Artificially high milk prices mean that shoppers find that their money buys less in the supermarket. And families have less nutritious meals at home, because consumers buy less fresh milk. Many low income families must buy powdered milk (which is shipped in from out of state), because they can't afford fresh milk.

Milk price controls were a New Deal era program enacted during the Great Depression. They were supposed to be temporary. But, when conditions returned to normal during the 1940s, they were not ended. Instead, they became permanent. While most states have been moving away from price controls, Montana remains one of the few states with controls at all levels -- retail, wholesale and producer levels.

Milk prices fell in other states following decontrol, and remain cheaper than in Montana.

The Milk Control Board does not set maximum prices, so there is no reason to expect prices to rise following decontrol. Even though it is legal to sell milk for more than the minimum price, few stores take that opportunity, even in small towns. That's because the minimum price is set far above the market supply and demand level.

Fresh milk will continue to be available throughout Montana, just like eggs and bread and fruit and vegetables, none of which have price controls. The Department of Livestock maintains quality controls on milk, and Initiative 96 will not affect or alter health or freshness standards.

The politically powerful dairy lobby has succeeded for decades in protecting its special interest privileges. Unlike other businesses, the dairy industry is protected from price competition, and is guaranteed high prices. And yet price decontrol will not be ruinous for the industry. No industry can remain healthy and efficient for long if it is protected from competition. Further, lower retail prices will increase consumption of fresh milk, and allow Montana producers to sell more milk. The dairy industry can survive price competition.

Please help us get rid of these anti-competitive price controls. Vote for I-96, the Milk Price Decontrol Initiative. Thank you.

Rebuttal of Argument Against Initiative No. 96

The arguments of opponents of milk price decontrol are factually incorrect and self-contradictory. First, they say milk prices increased in states that decontrolled. This is incorrect. The states that decontrolled include Alabama, California, Florida, Georgia, Louisiana, Mississippi, New Hampshire, New Jersey, Oregon, Rhode Island, South Carolina, South Dakota, Vermont, Virginia, and Wyoming. Prices are lower because of decontrol--and are lower than prices in Montana. You can confirm this by talking with friends and relatives in these states.

Then, they say decontrol will drive dairymen out of business. How can higher prices drive dairymen out of business? Their second argument contradicts their first argument. The fact is decontrol will lower prices to consumers. With lower prices, consumers will buy more milk. Therefore, there will be more business, not less, for dairymen.

Opponents of decontrol say decontrol of other industries raised prices. This is wrong. Long-distance telephone rates are lower. Airline fares are lower. Trucking rates are lower. Gasoline prices are lower. Before decontrol, gasoline was $1.30 per gallon. Today, even with higher gasoline taxes, it's down to $1.10 per gallon.

It's a shame some in the dairy industry are afraid of decontrol. Why don't they think they can meet competition like other businesses? Do they think they are that inefficient? Or, after 50 years of protection from price competition, have they simply forgotten what it's like to compete?

Again, we urge you to vote YES on Milk Price Decontrol, Initiative 96.

These Arguments Prepared by: Don Doig, Bozeman; Clifford Thies, Great Falls; and Jim McLean, Anaconda.

HOW THE ISSUE WILL APPEAR ON THE BALLOT:

INITIATIVE NO. 96

☐ FOR abolishing the State Board of Milk Control and eliminating state regulation of milk prices.

☐ AGAINST abolishing the State Board of Milk Control and eliminating the state regulation of milk prices.

NOTE: The ballot title and explanatory statement was written by the Attorney General as required by state law. The complete text of Initiative No. 96 appears on page 13.

Argument Against Initiative No. 96

Repeal of the Milk Control Law will not guarantee lower milk prices. In fact, experience in other states proves that prices are generally higher after decontrol. Decontrol will also assure control of the milk industry by large out-of-state interests.

Every Montanan is already paying more for the decontrol of the telephone company, railroads, airlines, banks, and other industries by higher prices and less service.

The Governor and his staff are working to build Montana and its small industries through the Build Montana program. Repeal of the Milk Control Law will eliminate at least four hundred jobs with a $5 million dollar payroll in the dairy industry alone, and of course many allied service jobs; and product loss will be experienced. Also in jeopardy with decontrol would be a $300 million investment by producers who produce a raw product valued at $50 million at the farm.

With only 1.5 people per square mile in rural areas, under milk control they have received adequate service and high quality wholesome milk at the same price as provided in urban areas.

Many years ago, the Montana Legislature, after extensive investigation, found that the milk industry affected the public interest, health and welfare, and it therefore must be regulated in order to ensure to the consumers of Montana an adequate supply of wholesome milk at a reasonable price. The Legislature has reaffirmed this finding in almost all succeeding sessions.

The Board of Milk Control is composed of five consumer members with absolutely no ties or connections to the dairy industry. The Board and the Legislature found that the objectives of the law were best accomplished by pricing milk at all levels by economic formula, adopted and administered by this consumer Board. Milk pricing is a small part of the total function of this Board. It also audits all payments to dairy farmers to assure proper payment for the milk delivered to the processor. It enforces fair trade rules, monitors quality of the product, holds public hearings for the benefit of the public, and regulates charges for hauling of milk from farm to plant and from plant to plant. All costs of administration of this Board and its staff are assessed and collected from the dairy farmers and distributors.

Ninety-five percent of the milk produced in the United States is under federal control. A vote for Initiative 96 is a vote for federal control in Montana.

The dairy farmers and processors of Montana urge you to VOTE NO on Initiative 96, to protect a viable industry and the consumers of Montana.

Rebuttal of Argument For Initiative No. 96

Contrary to statements by the proponents (Jefferson Alliance/Libertarians), Montana does not have the highest milk prices in the country, but average to lower prices in many instances, particularly in rural areas.

The proponents also stated that Montana is a "dairy state" when the fact is that Montana is a very marginal dairy state. For example North Dakota produces more milk monthly than Montana does annually.

A current survey of prices in Wyoming indicates the prevailing price of a ½ gallon of whole milk ranges from $1.28 in Riverton to $1.35 in Cody. Montana's current price is $1.32. The proponents use unsubstantiated figures that may or may not be representative of prevailing prices in any particular area. If it is true, as alleged, that milk prices are higher in Montana, why haven't the proponents appeared at hearings before the Milk Control Board with their evidence to protect the consumers they now are so concerned about?

It is not true conditions returned to normal in the 1940's, and that milk price controls were supposed to be temporary. The purpose of milk price control was to permanently stabilize the milk industry and ensure that wholesome milk is available at a reasonable price to everyone.

The issues are Higher vs. Lower milk prices, Federal vs. State control, and domination of the milk industry by out-of-state interests. A vote for Initiative 96 is a vote for higher prices, federal control, and out-of-state domination. Vote against Initiative 96.

These Arguments Prepared by: Senator Paul Boylan, Bozeman; Harry Mitchell, Great Falls; Kenneth M. Kelly, Helena; James Fleming, Kalispell; and Marvelle Cole, Billings.

INITIATIVE NO. 97

A LAW PROPOSED
BY INITIATIVE PETITION

OFFICIAL BALLOT TITLE AND Attorney General's Explanatory Statement

THIS INITIATIVE WOULD PERMIT THE STATE LICENSING OF DENTURISTS TO MAKE, FIT, REPAIR AND FURNISH DENTURES TO THE PUBLIC. IT WOULD SET STANDARDS FOR THE ISSUING OF LICENSES TO DENTURISTS AND FOR THE CONDUCT OF THEIR PRACTICE. IT WOULD CREATE A STATE BOARD OF DENTURITRY TO ADMINISTER EXAMINATIONS TO APPLICANTS FOR LICENSES, AND TO COLLECT FEES FOR ISSUING AND RENEWING LICENSES. THE INITIATIVE WOULD EXEMPT LICENSED DENTURISTS FROM THE DENTAL PRACTICES ACT AND WOULD AMEND SECTIONS 37-4-103, 37-14-102 AND 37-14-301, MCA.

Argument For Initiative No. 97

When Montanans vote for INITIATIVE 97, the Freedom of Choice in Denture Services Act, they will end Dentistry's monopoly over the sale of dentures, a product very rarely if ever constructed by dentists!

INITIATIVE 97 establishes a proven safe, economical alternative for denture care by permitting the state licensing of denturists to make, fit, repair and furnish removable, full and partial dentures directly to the public. As a result savings of 50% or more can be realized.

INITIATIVE 97 requires denturists to have special education and training, then pass a strict, written and practical test before receiving a state license. The educational requirements are the strongest, most comprehensive for denturists anywhere. The required courses have been taken by Montana's denturists at Idaho State University-Pocatello through the dental school program which is recognized and accredited in all 50 states and Canada. Montana's denturists are educationally qualified to work directly with the public and recognize abnormalities that should be referred for treatment.

Canada has had denturist legislation for almost 25 years with never a single malpractice case filed against a denturist. Four western states have denturist legislation; they are Arizona, Colorado, Oregon and Idaho with more states soon to follow.

INITIATIVE 97 is consumer oriented, requiring an unconditional guarantee on all denturists' services and a series of many other consumer protection clauses insuring highest quality.

INITIATIVE 97 will establish a Board of Denturitry consisting of denturists and two lay person watchdogs for the consumer. In effect, this will end dentistry's control over the sale of partials and dentures allowing competition, not a monopoly, to determine the cost of health care.

The Board will operate at NO COST TO TAXPAYERS, supported by licensing and renewal fees from licensed denturists. This same method of funding a Board has been proven successful in Idaho. Also, taxpayers will benefit by reduced fees for State Medicaid and Workmans Compensation claims for denture care and by the establishment of new denturist businesses which will add to Montana's tax base.

People with dental insurance will also benefit by having their out-of-pocket costs cut by 50% or more. The door would also be opened for insurance companies to lower premiums because their payouts for denture care would be reduced significantly.

Idaho passed a similar measure in 1982. Many Montanans now spend hundreds of thousands of dollars a year going to Idaho and Canada seeking economical denture services. That's not fair to Montana's economy, or Montanans, when our friends and neighbors are forced to leave home for affordable denture services. Whether Montanans can or cannot afford the current high cost of denture care is not the question, but being allowed to BUY MONTANAN is definitely the answer!

INITIATIVE 97 will be a step not only toward containing skyrocketing health care costs, but actually reducing these costs dramatically.

John Hancock once took an opportunity to endorse "FREEDOM OF CHOICE". Montanans should now take the opportunity to endorse FREEDOM OF CHOICE IN DENTURE CARE by voting FOR INITIATIVE 97.

Rebuttal of Arguments Against Initiative No. 97

MONTANA'S SENIOR CITIZENS ASSOCIATION, A.A.R.P., MONTANA and NATIONAL FARMERS UNIONS, A.F.L.-C.I.O., GOVERNOR'S ADVISORY COUNCIL ON AGING, recognized associations and professionals support INITIATIVE 97. They are Montanans interested in safely reducing the costs of quality health care.

Leading medical researchers and The Journal of Prosthetic Dentistry as recently as August, 1984, report dentures do not contribute to oral cancer. Montana's dental community should not mislead, but should educate the public on this serious subject! By law, Montana dentists cannot guarantee their services. With INITIATIVE 97, more consumer health safeguards are established to insure the highest quality care.

Montana Denturists (not taxpayers) will fund Montana's Denturitry Board (SEE FISCAL NOTE). Oregon's licensing authorities report INITIATIVE 97's opponents used incorrect figures. Oregon's program is funded entirely by denturists licensing fees.

INITIATIVE 97 conforms to Montana law requiring the governor to appoint members to all boards (See SECTION 7.)

Denturists, dentists and dental technicians coexist elsewhere. INITIATIVE 97 regulates denturists, not the dental community. Montana dental technicians will benefit when more dentists keep their laboratory work in Montana to effectively compete with denturists.

Nearly 40,000 Montanans, recognizing skyrocketing costs of quality denture care, signed INITIATIVE 97 enabling all Montanans to vote "Yes" on this measure. Both major political parties endorse the initiative process, the ultimate form of self government.

The current Montana denture delivery system is inadequate, forcing Montanans to seek affordable quality denture services in Idaho, Canada and elsewhere. A "Yes" vote on 97 will keep Montana dollars at home.

VOTE FOR 97!

These Arguments Prepared by: Lee Wiser, Livingston; S. B. (Doc) Hocking, Bigfork; and Dorothy Garvin, Kalispell.

HOW THE ISSUE WILL APPEAR ON THE BALLOT:

INITIATIVE NO. 97

FISCAL NOTE

THE ESTABLISHMENT OF A BOARD OF DENTURISTS WILL HAVE NO NET FISCAL IMPACT ON THE STATE BECAUSE THE PROPOSED BOARD IS FUNDED BY A SERIES OF FEES ON DENTURISTS.

☐ FOR permitting the state licensing of denturists to make, fit, repair and furnish dentures to the public.

☐ AGAINST permitting the state licensing of denturists to make, fit, repair and furnish dentures to the public.

NOTE: The ballot title and explanatory statement was written by the Attorney General as required by state law. The complete text of Initiative No. 97 appears on pages 13-16.

Argument Against Initiative No. 97

NO ON INITIATIVE 97 means NO to out of state interests controlling Montana. A "NO" vote allows Montanans the right to exercise their CHOICE to govern themselves.

NO ON 97 guarantees the RIGHT to KEEP MONTANANS EMPLOYED. Dental Technicians, skilled Montana craftsmen, are an essential part of the dental delivery system. They work in association with dentists to provide high quality dentures to people. Dental Technicians are an important part of the dental community and have been for years. The dental community needs Dental Technicians as skilled craftsmen. INITIATIVE 97 THREATENS THEIR JOBS!

A DENTURE is a replacement for a part of the HUMAN BODY; it is not just a piece of plastic fabricated in a laboratory. The knowledge of a dentist and the skills of the fully trained Dental Technician are required to properly prepare a personalized molded and fitted denture. "Denturitry" is practicing Dentistry illegally. INITIATIVE 97 BYPASSES these steps to let "denturists" construct an appliance.

SERIOUS MEDICAL PROBLEMS CAN RESULT FROM IMPROPERLY FITTED DENTURES. Dizziness, nausea, headaches, TMJ problems, malnutrition, and painful, POTENTIALLY DANGEROUS CANCER RELATED sores can develop. DENTURES PREPARED BY A DENTAL TECHNICIAN UPON A DENTIST'S PRESCRIPTION CONSIDERS EACH PERSON UNIQUELY TO AVOID THESE PROBLEMS.

NO ON 97 SAYS "NO" TO ADDITIONAL TAXES to support a DUPLICATE BUREAUCRACY. A "Denturitry" board has cost Oregon taxpayers over $100,000 last year alone. This is an UNNECESSARY EXPENSE!

AN AUTONOMOUS ENTITY FOR DENTURISTS IS NOT NECESSARY. By avoiding legislative procedure, "denturists" keep UNDEMOCRATIC CONTROL of their proposed "board," as opposed to the Board of Dentistry, whose members are appointed by the governor and approved by the legislature. In contrast, "DENTURISTS" DICTATE THEIR APPOINTMENTS, thereby maintaining MONOPOLISTIC AND DICTATORIAL CONTROL over their self styled, OUT OF STATE GENERATED STANDARDS.

The Montana dental community is opposed to the fabrication of separate standards within any industry. "Denturists" demand self-appointed control and specifically demand exclusion from the health safeguards found within the Montana Dental Practices Act, which guarantees by law that Montana citizens are receiving the finest dental care possible. INITIATIVE 97 SHOULD BE DEFEATED SO A SAFE AND EQUITABLE LAW, based on the true needs of the public and the health concerns of the medical and dental professions, CAN BE PASSED TO SAFEGUARD OUR HEALTH. The democratic process would provide US with the LEGAL PROTECTION we need to use our freedom of CHOICE secure in the knowledge that our RIGHT to quality medical and dental care is protected by State law.

VOTE "NO" ON INITIATIVE 97, A VOTE FOR MONTANA.

Rebuttal of Argument For Initiative No. 97

MORE TAXES, MORE BUREAUCRACY, INCREASED LOSS OF MONTANA JOBS and the DESTRUCTION OF MONTANA INDUSTRIES: This is Initiative 97.

Initiative 97 will allow persons with limited training to take x-rays. And, with the proposed Board of Denturitry, these same individuals would examine and license each other. Insufficient training may result in potential health hazards to the people of the State of Montana.

The educational standards suggested in this initiative are minimal. The two-week courses at Idaho State University were Continuing Education courses, not for college credit.

Established Dental Laboratory Technicians and Dentists already provide high quality dental care under the health safeguard established by the State. Proponents of Initiative 97 want an EXCLUSION FROM STATE STANDARDS.

Initiative 97, if passed, will REPLACE A MONTANA INDUSTRY. IT WILL NOT CREATE JOBS: IT WILL REPLACE MONTANA JOBS.

SUPPORT MONTANA DENTAL LABORATORIES BY DEFEATING INITIATIVE 97. BUY FROM MONTANANS, NOT OUT-OF-STATE-INTERESTS.

Those who support Initiative 97 claim reduced costs of fifty percent or more. Many dentists in Montana presently offer dentures at prices similar to those offered by "denturists." These are provided by dentists, fully educated and trained to practice dentistry.

Those "DENTURISTS" presently operating are OPENLY FLAUNTING MONTANA LAW. They presently are operating illegally in open disregard of our Montana laws.

SUPPORT HOMEGROWN, LOCALLY ESTABLISHED BUSINESSES. DEFEAT INITIATIVE 97, AN OUT-OF-STATE SPONSORED INITIATIVE!

These Arguments Prepared by: Elmer N. Cox, Great Falls; Larry O. Michaelson, Helena; Margaret E. Newman, Columbia Falls; Gary L. Mihelish, DMD, Helena; and John R. Beatty, Butte.

Complete Text of CONSTITUTIONAL AMENDMENT NO. 13

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

Section 1. Article VII, section 11, of the Constitution of the State of Montana is amended to read:

"Section 11. Removal and discipline. (1) The legislature shall create a judicial standards commission consisting of five persons and provide for the appointment thereto of two district judges, one attorney, and two citizens who are neither judges nor attorneys.

(2) The commission shall investigate complaints, and make rules implementing this section. It may subpoena witnesses and documents.

(3) Upon recommendation of the commission, the supreme court may:

(a) Retire any justice or judge for disability that seriously interferes with the performance of his duties and is or may become permanent; or

(b) Censure, suspend, or remove any justice or judge for willful misconduct in office, willful and persistent failure to perform his duties, violation of canons of judicial ethics adopted by the supreme court of the state of Montana, or habitual intemperance.

(4) The proceedings of the commission are confidential except as provided by statute."

Section 2. Effective date. If approved by the electors at the general election to be held November 6, 1984, this amendment shall become effective on that date.

Complete Text of CONSTITUTIONAL AMENDMENT NO. 14

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

Section 1. Article V, section 14, of the Constitution of the State of Montana is amended to read:

"Section 14. Districting and apportionment. (1) The state shall be divided into as many districts as there are members of the house, and each district shall elect one representative. Each senate district shall be composed of two adjoining house districts, and shall elect one senator. Each district shall consist of compact and contiguous territory. All districts shall be as nearly equal in population as is practicable.

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

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

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

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

Section 2. Effective date. If approved by the electorate, this amendment becomes effective October 1, 1985.

Complete Text of CONSTITUTIONAL INITIATIVE NO. 23

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

Section 1. Article V of the Constitution of the State of Montana is amended to read:

"Section 5. Compensation. (1) Each member of the legislature shall receive compensation for his services and allowances provided by law, except as provided in subsection (2). No legislature may fix its own compensation.

(2) No compensation or allowance shall be paid a member during an extended session pursuant to Section 6 (2) of this article."

"Section 6. Sessions. (1) The legislature shall meet each odd numbered year in regular session of not more than 90 legislative days. Any legislature may increase the limit on the length of any subsequent session. The legislature may be convened in special sessions by the governor at the written request of the majority of the members.

(2) If the resolution required in Section 15 of this Article is not enacted within 90 legislative days each house of the legislature shall be required to continue sitting at Helena for the exclusive and limited purpose of considering and deliberating on that resolution until such resolution is adopted. No recess or adjournment in excess of 3 calendar days shall be permitted until a resolution is adopted and transmitted as provided in Section 15."

New Section. Section 15. Application to Article V of the constitution of the United States for an application to Congress for a balanced federal budget amendment. (1) The people of the state of Montana herewith adopt and direct the next regular legislative session to adopt the following resolution and submit the same to the Congress of the United States under the provisions of Article V of the Constitution of the United States:

WHEREAS, with each passing year this nation becomes more deeply in debt as the expenditures grossly and repeatedly exceed available revenue, so that the public debt now exceeds one trillion four hundred billion dollars; and

WHEREAS, the annual federal budget continually demonstrates an unwillingness and inability of both the legislative and executive branches of the federal government to curtail spending to conform to available revenue; and

WHEREAS, unified budgets do not refelect actual spending because of the exclusion of special outlays which are not included in the budget; and

WHEREAS, knowledgeable planning and fiscal prudence require that the budget reflect all spending and be in balance on a regular basis; and

WHEREAS, believing that fiscal irresponsibility at the federal level, with the inflation and high interest rates which result, is one of the greatest threats facing our nation; and

WHEREAS, we firmly believe that a constitutional restraint is necessary to bring the fiscal discipline needed to restore financial responsibility; and

WHEREAS, under Article V of the Constitution of the United States, upon application of the legislatures of two-thirds of the several states, the Congress shall call a convention for the purpose of proposing amendments to the federal Constitution, which action we believe is vital.

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

That the Legislature of the State of Montana propose and application is hereby made to the Congress of the United States, pursuant to Article V of the Constitution of the United States, to call a convention for the sole purpose of proposing an amendment to the Constitution of the United States to require, with certain exceptions, that the federal budget be balanced.

BE IT FURTHER RESOLVED, that this application constitutes a continuing application in accordance with Article V of the Constitution of the United States until at least two-thirds of the several states have made similar application pursuant to Article V.

BE IT FURTHER RESOLVED, that if the Congress of the United States proposes an amendment to the Constitution of the United States indentical in subject matter to that contained herein and submit the same to the states for ratification, this application shall no longer be of any force and effect.

BE IT FURTHER RESOLVED, that this application shall be considered void, rescinded and of no effect if such convention not be limited to such specific and exclusive purposes.

BE IT FURTHER RESOLVED, that the Secretary of the Senate, Clerk of the House and Secretary of State be directed to transmit copies of this application to the Secretary of the United States Senate and Clerk of the United States House of Representatives of the Congress of the United States, to the members of the United States Senate and House of Representatives from this state and to the presiding officers of each of the legislatures in the several states requesting the legislatures of those states to adopt resolutions calling for a constitutional convention on an issue of balancing the federal budget.

(2) The secretary of state is directed to transmit copies of this constitutional amendment adopted by the people of Montana to the secretary of the United States Senate and the clerk of the United States House of Representatives of the Congress of the United States, to the members of the Uniteds States Senate and House of Representatives from this state, and to the presiding officers of each of the legislatures in the several states requesting the legislatures of those states to adopt resolutions calling for a constitutional convention or an issue to balancing the federal budget. The secretary of state shall transmit such copies of this amendment upon the expiration of the first 90 legislative days of deliberation by the 49th legislature of this state.

Section 2. 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 applications. If the mandatory provisions of this act are held to be impermissible, this amendment is to be considered nonbinding by the legislature.

Section 3. Termination Date. This amendment terminates upon a call by Congress for a limited constitutional convention for the sole purpose of proposing an amendment to the Constitution of the United States or for the ratification of an amendment to require, with certain exceptions, that the federal budget be balanced.

Section 4. Effective Date. This amendment is effective on passage and approval by the people of the State of Montana.

Complete Text of INITIATIVE NO. 96

WHEREAS, the purpose of the Board of Milk Control is to establish the minimum price at which milk can be sold at the producer, wholesale, and retail levels.

WHEREAS, the effect of these controls has been to keep milk prices higher than if they were not regulated.

WHEREAS, in 1982 the Office of the Legislative Auditor concluded that if milk prices were decontrolled at all levels, there would not be a major impact on the Montana dairy industry, or on the supply and quality of milk.

WHEREAS, the Auditor's report also concluded that prices for milk would be lower if decontrol is enacted.

WHEREAS, the quality standards for milk are not established or regulated by the Board of Milk Control, and therefore would not be affected by this initiative.

THEREFORE, it is in the interest of Montanans to abolish the Board of Milk Control, and by doing so deregulate the price of milk.

BE IT ENACTED BY THE PEOPLE OF MONTANA:

Section 1. Repealer. Section 2-15-1802, MCA, and Title 81, chapter 23, MCA, are repealed.

Section 2. Effective date. If approved by the electorate, this act is effective January 1, 1985.

Complete Text of INITIATIVE NO. 97

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

Section 1. Short title. (This act) may be cited as the "Freedom of Choice in Denture services Act of 1984."

Section 2. Definitions. As used in (this act), unless the context requires otherwise, the following definitions apply:

(1) "Board" means the state board of denturitry provided for in (Section 7).

(2) "Denture" means any removable full or partial upper or lower prosthetic dental appliance to be worn in the mouth.

(3) "Denturist" means a person licensed under (this act) to engage in the practice of denturitry.

(4) "Department" means department of commerce provided for in Title 2, Chapter 15, part 18.

(5) "Immediate denture" means a denture constructed prior to and inserted immediately after extraction of teeth.

(6) "Practice of denturitry" means:

(a) the making, fitting, constructing, altering, reproducing or repairing of a denture and furnishing or supplying of a denture directly to a person or advising the use of a denture; or

(b) the taking or making or the giving of advice, assistance, or facilities respecting the taking or making of any impression, bite, cast, or design preparatory to or for the purpose of making, constructing, fitting, furnishing, supplying, altering, repairing, or reproducing a denture.

Section 3. License to practice required.

(1) After April 1, 1985, a person must hold a license for the practice of denturitry in order to perform the following acts:

(a) engaging or offering to engage in the practice of denturitry; or

(b) use in connection with his name the word or letters "denturist," "L.D.," or any other words, letters, abbreviations, or insignia implying that such person is engaged in the practice of denturitry.

(2) The practice of denturitry within the context of (this act) requires that all work except cast frame work be performed at the address shown on the denturist's license.

Section 4. Exceptions. The provisions of (this act) do not apply to:

(1) a person interning under the direct supervision of a licensed denturist as required by (Section 11 (2) of this act), provided that no denturist may supervise more than one such person at any one time.

(2) the practice of dentistry or medicine by persons authorized to do so by the state of Montana; or

(3) a student of denturitry in pursuit of clinical studies under a school program or internship as required by (Section 11 (2) of this act).

Section 5. Prohibitions. No licensed denturist may:

(1) extract or attempt to extract teeth;

(2) initially insert immediate dentures in the mouth of the intended wearer;

(3) diagnose or treat any abnormalities;

(4) recommend any prescription drug for any oral or medical disease; or

(5) construct or fit orthodontic appliances.

Section 6. Standards of conduct and practice. Each denturist must comply with the following standards in his practice:

(1) There shall be at least three separate rooms:

(a) a reception room;

(b) an operatory room; and

(c) a laboratory.

(2) The operatory room must have a sink and cuspidor with running water and a disposal system.

(3) There must be a sterilization unit, and cold disinfectant in every office, to insure the protection of the public. Each denturist shall take care to use proper sterilization and sanitation techniques in all phases of his work.

(4) Floors, walls, ceilings, and benches must be kept in a sanitary condition.

(5) Every patient must have a separate and clean bib and a disposable cup.

(6) Every denturist shall wear a clean and professional garment.

(7) Every denturist shall wash his hands with germicidal or antiseptic soap and water in the presence of each patient.

(8) Every licensed denturist must carry a current cardiopulmonary resuscitation card.

(9) Adequate and conveniently located toilet facilities must be provided within the building.

(10) A complete record of each patient must be kept.

(11) All teeth and materials used shall meet american dental association standards.

(12) All nonmetal full dentures shall be permanently identifed with the first and last name of the owner at the time of processing the dentures.

Section 7. Board—membership—vacancies.

(1) There is a Montana state board of denturitry. The board consists of five members to be appointed by the governor within 30 days of adoption of (this act). The board shall be appointed as prescribed in Section 2-15-124, except that a member need not be an attorney. Three members of the board must be denturists who have had, immediately prior to their appointment, at least 5 years' experience in the practice of denturitry. Two members of the board must be lay persons, one member a senior citizen representative and the other member a low income representative.

(2) Members of the board shall hold office for terms of 3 years each.

(3) Each member of the board shall hold office for his term and until his successor is duly appointed by the governor.

(4) The Board is attached to the department for administrative purposes only as provided in 2-15-121.

Section 8. Officers, meetings, voting, records, fair practice committee.

(1) The board shall elect a president, secretary, and treasurer. The offices of secretary and treasurer may be held by the same person. Officers of the board are elected for terms of 1 year at the annual meeting of the board. The same person may not hold the office of president for more than 3 years in succession.

(2) The board must hold meetings on the second Friday of December and the second Friday of May to conduct business and perform duties. The board may meet at such other times as designated by the president or by request of two or more members of the board. Meetings must be held in the offices of the board. Dates and places may be changed through notification by the board at least 10 days prior to the regular meeting date or the date established for a meeting, whichever is earlier.

(3) A majority of the board constitutes a quorum for all purposes, and the majority vote of the members voting constitutes the action of the board.

(4) The secretary of the board must keep a complete record of all of its proceedings.

(5) The board shall appoint a fair practice committee consisting of three denturists selected from the membership of the association of Montana denturists. This committee may meet as need arises and must file a written report with the board containing its recommendations.

Section 9. Compensation and expenses of board members of excess funds—expenditure limitations.

(1) Out of the funds derived from fees collected under (this act) each member of the board must receive compensation and travel expenses as provided for in 37-1-133, with the exception that denturist members of the board may receive compensation for expenses only.

(2) Money collected in excess of expenses and salaries must be held by the department as a special fund for meeting the expenses of the board, the proper administration of (this act), and educational purposes approved by the board.

(3) The department is not obligated to pay claims which, in aggregate with claims already paid exceed the income to the department which has been derived by the application of (this act).

Section 10. Board powers and duties. The board has the following powers and duties:

(1) determination of the qualifications of applicants for licensure under (this act);

(2) administration of examinations and determination of a passing grade for licensure under (this act);

(3) collection of fees and charges prescribed in (this act); and

(4) issuance, suspension and revocation of licenses for the practice of denturitry under the conditions prescribed in (this act).

Section 11. Application for license. Upon application and payment of the appropriate fee, the board shall issue a license to practice denturitry to any applicant who meets one of the following criteria and scores a passing grade on the examination for licensure:

(1) Applications for persons engaged in the practice of denturitry on December 1, 1984, must be filed prior to April 1, 1985, and must include the following:

(a) three signed affidavits by persons other than family members that the applicant has been employed in denture technology for at least 5 years prior to application, is able to demonstrate competency in intraoral procedures, and has been a resident of the state of Montana for at least 6 months prior to April 1, 1985; and

(b) documentation that the applicant has successfully completed courses approved by the board in head and oral anatomy and physiology, oral pathology, partial denture construction and design, clinical dental technology, radiology, dental laboratory technology, asepsis, clinical jurisprudence, medical emergencies, and cardiopulmonary resuscitation.

(2) Applications filed on or after April 1, 1985, must include:

(a) documentation that the applicant has completed formal training of not less than 2 years at an educational institution accredited by a national or regional accrediting agency recognized by the Montana state board of regents, the curriculum of which includes courses in head and oral anatomy and physiology, oral pathology, microbiology, partial denture construction and design, clinical dental technology, radiology, dental laboratory technology, asepsis, clinical jurisprudence, and medical emergencies including cardiopulmonary resuscitation; and

(b) documentation that the applicant:

(i) has completed 2 years of internship under the direct supervision of a licensed denturist; or

(ii) has 3 years of experience as a denturist under licensure in another state or Canada.

(3) A denturist who has been lawfully licensed or certified by initial licensing provisions in any state or territory that maintains a standard of denturitry which is equal to that of Montana must submit a certificate from the examining body of the state or territory in which he is certified or licensed attesting to 5 years practice under the certificate of license. However, no applicant may be licensed under the provisions of (this subsection) unless the state or territory in which he is licensed or certified extends a like privilege to denturists licensed by the state of Montana to practice denturitry. The board may enter into reciprocal relations with those boards in states or territories whose laws are compatible with (this act).

Section 12. Examinations. The board shall administer the examinations for licensure, subject to the following requirements:

(1) Examinations must be of such character as to determine the qualifications, fitness and ability of the applicant to practice denturitry. The form of the test must include written and oral examinations and a practical demonstration of skills.

(2) Examinations must be held at least annually on the second Monday in July. An applicant must obtain an average percentage score of 75% or better to qualify for licensure. The written and practical examinations shall carry equal weight. The oral examination results may adjust an average score only two percentage points.

(3) The written examination must include coverage of the following subjects:

(a) head and oral anatomy and physiology;

(b) oral pathology;

(c) partial denture construction and design;

(d) microbiology;

(e) radiology;

(f) clinical dental technology;

(g) dental laboratory technology;

(h) asepsis;

(i) clinical jurisprudence;

(j) medical emergencies.

(4) Applicants who fail to score a 75% average on the written and practical examinations may, upon payment of the appropriate fee, have a second opportunity to take the written or practical examinations, or both, provided that all applicants under (section 11 (1) of this act) are examined on or before April 1, 1985.

Section 13. Applications and fees. The board is entitled to charge and collect the following fees:

(1) $200 application for licensing;

(2) $200 for original license;

(3) $200 annual license renewal fee;

(4) $200 for examination or reexamination, provided that if on reexamination only the written examination is required, the fee is $100; and

(5) $50 for a duplicate or replacement license or a license for a second address, provided that no denturist may hold licenses bearing more than two different addresses.

Section 14. Licensing.

(1) A denturist license is valid for a period of 1 year. A renewal license must be issued upon payment of the renewal fee and the submission of proof of the completion of not less than 12 hours continuing education, which may include programs sponsored by an educational institution, state denturist board, or a recognized denturist organization. Subject matter must be pertinent to denturitry as enumerated in (section 12 (3) of this act.) Requests for approval of continuing education programs must be made to the board, providing sufficient outline of the program on which the board may base its determination. Hours pertain to clock hours actually attended by the licensee. In addition, the denturist shall submit proof that he holds a current cardiopulmonary resuscitation card. A license issued effective as of a date other than March 1 will be valid until midnight February 28 next following the date it was issued. The license shall bear on its face the address where the licensee's denturist services will be performed.

(2) Licensure applications must be received by the department on or before April 1 preceding the July examination. Applications must be submitted on forms approved by the board and furnished by the department. Each application must include all other documentations necessary to establish that the applicant meets the requirements for licensure and is eligible to take the licensure examination. Applications must be accompanied by the appropriate fees. Applications received after April 1 will be held over for examination the following year.

Section 15. Suspension or revocation of license.

(1) The board has the power to refuse to issue a license, to suspend or revoke a license or to place a licensed person on probation for a period specified by the board, or to reprimand or censure a licensee for any of the following causes:

(a) conviction of a crime if that crime bears a demonstrable relationship to the practice of denturitry;

(b) incompetence or gross negligence in the practice of denturitry;

(c) fraud or misrepresentation in the practice of denturitry;

(d) the use of any narcotic or dangerous drug or intoxicating liquor to an extent that such use impairs the ability to conduct safely the practice of denturitry; or

(e) the willful violation of any provision of (this act).

(2) The board or its agents may examine and inspect the place of business of any denturist at any time during business hours or upon at least 72 hours notice made by U.S. mail to the address of record of the denturist if the board or its agents are unable to establish the regular business hours. Inspections must be made to insure compliance with the standards of conduct and practice set for in (section 6 of this act).

(3) Conditions considered by investigators to be a menace to the public health must be brought to the attention of the board for consideration and immediate action.

Section 16. Revocation of license stays eligibility. A denturist whose license has been revoked either by the Montana board of denturitry or the similar body of another state is not eligible to apply for a license until 1 year after the date of revocation.

Section 17. Renewal or reinstatement of license. One year after revocation of a license, the board at its discretion may grant a temporary license under a 1 year probationary period. At the end of the probationary period, the licensee must appear before the board and upon approval by the board and payment of appropriate fee must be fully reinstated. The board shall grant such approval upon being satisfied that the licensee has complied with (this act) during the probationary period and will comply in the future.

Section 18. Health insurance policies to include denturist services. Notwithstanding any provision of any policy of insurance covering health, whenever such policy provides for reimbursement for any service that is within the lawful scope of practice of a denturist, the insured under such policy is entitled to reimbursement for such service, whether the service is performed by a licensed dentist or a licensed denturist.

Section 19. Association with Dentists Permitted.

(1) A licensed denturist may enter into any lawful agreement with a dentist regarding fees, compensation, and business association.

Section 20. Notice of board address, guarantee.

(1) A notice must be posted in a conspicuous area on any premises where the practice of denturitry is conducted, with lettering of a size easily read by the average person and in substantially the following form:

> ANY CONSUMER WHO HAS A COMPLAINT RELATING TO PRACTICES OF THIS ESTABLISHMENT MAY CONTACT THE MONTANA BOARD OF DENTURITRY, DEPARTMENT OF COMMERCE, 1424 NINTH AVENUE, HELENA, MONTANA 59620.

(2) All denturist services must be unconditionally guaranteed for a period of not less than 90 days.

Section 21. Violation and penalty. Violation of any provision of (this act) constitutes a misdemeanor and upon conviction is punishable by a fine of not less than $100 or more than $1,000 or by imprisonment for not more than 6 months in the county jail, or by both such fine and imprisonment.

Section 22. Judicial review of board action. A person who is aggrieved by an action of the board, in denying, refusing to renew, suspending or revoking a denturist license may appeal to the district court in the county in which he resides. Such appeal is perfected by filing with the clerk of the court, within 30 days following the action of the board of which complaint is made, a notice of appeal setting forth briefly the action complained of and how the petitioner has been deprived of any legal rights. A copy of the notice of appeal must be served upon the president or secretary of the board, with notice to the attorney general of the state of Montana in the manner of civil appeal, and the court may sustain or reverse the action of the board or direct the board to take further or other action with regard to the appeal.

Section 23. Nominees for appointment to the original board must be examined by qualified examiners from a state that currently authorizes the practice of denturitry. The examinations must be established by the examining team and be the equivalent of examinations administered for licensing of denturists in the states represented by the examiners. The examiners shall establish a passing grade, and satisfactory completion of the original examination will qualify the nominees for licensing in Montana and for service on the Montana board of denturitry. Nominees who do not score a passing grade on the original examination may apply for reexamination to the Montana board of denturitry. Expense of examination for nominees is not the responsibility of the board.

Section 24. Section 37-4-103, MCA, is amended to read:

"37-4-103. Exemptions. (1) A dental laboratory or dental technician is not practicing dentistry under this chapter when engaged in the construction, making, alteration, or repairing of bridges, crowns, dentures, or other prosthetic appliances, surgical appliances, or orthodontic appliances if the casts, models, or impressions on which the work is constructed have been made by a regularly licensed and practicing dentist and the crowns, bridges, dentures, prosthetic appliances, surgical appliances, or orthodontic appliances are returned to the dentist on whose order the work was constructed.

(2) Section 37-4-101 (2) and part 5 of this chapter do not apply to a legally qualified physician or surgeon or to a dental surgeon of the United States army, navy, public health service, or veterans' bureau or to a legal practitioner of another state making a clinical demonstration before a dental society, convention, or association of dentists or to a licensed dental hygienist performing an act authorized under 37-4-401 or 37-4-405.

(3) Nothing in this chapter prevents a bona fide faculty member of a school, college, or department of a university recognized and approved

by the board from performing dental procedures necessary to his teaching functions. Nothing in this chapter prevents students from performing dental procedures under the supervision of a bonafide instructor of a school, college, or department of a university recognized and approved by the board provided such dental procedures are a part of the assigned teaching curriculum.

(4) This chapter does not prohibit or require a license with respect to the practice of denturitry under the conditions and limitations defined by (sections 1 through 22). None of the regulations contained in this chapter apply to a person engaged in the lawful practice of denturitry."

Section 25. Section 37-14-102, MCA, is amended to read:

"37-14-102. Definitions. In this chapter, unless the context clearly requires otherwise, the following definitions apply:

(1) "Board" means the board of radiologic technologists provided for in 2-15-1848.

(2) "Department" means the department of commerce.

(3) "License" means an authorization to apply x-ray radiation to persons issued by the department of commerce.

(4) "Licensed practitioner" means a person licensed or otherwise authorized by law to practice medicine, dentistry, denturitry, dental hygiene, podiatry, chiropody, osteopathy, or chiropractic.

(5) "Permit" means an authorization which may be granted by the board to apply x-ray radiation to persons when the applicant's qualifications do not meet standards required for the issuance of a license.

(6) "Radiologic technologist" means a person other than a licensed practitioner who applies diagnostic x-ray radiation to persons."

Section 26. Section 37-14-301, MCA, is amended to read:

"37-14-301. Limitation of license authority-exemptions.

(1) No person may apply x-ray radiation to a person unless licensed under this chapter, with the following provisos:

(a) Licensure is not required for:

(i) a student enrolled in and attending a school or college of medicine, osteopathy, chiropody, podiatry, dentistry, dental hygiene, chiropractic, or radiologic technology who applies x-ray radiation to persons under the specific direction of a person licensed to prescribe such examinations or treatment;

(ii) a person administering x-ray examinations related to the practice of dentistry or denturitry.

(b) Nothing in this chapter shall be construed to limit or affect in any respect the practice of their respective professions by duly licensed practitioners.

(2) A person licensed as a radiologic technologist may apply x-ray radiation to persons for medical, diagnostic, or therapeutic purposes under the specific direction of a person licensed to prescribe such examinations or treatments.

(3) A radiologic technologist licensed under this chapter may inject contrast media and radioactive isotopes (radio-nuclide material) intravenously upon request of a duly licensed practitioner. In the case of contrast media, the licensed practitioner requesting the procedure or the radiologist must be immediately available within the x-ray department. Such injections must be for diagnostic studies only and not for therapeutic purposes. The permitted injections include peripheral intravenous injections but specifically exclude intra-arterial or intra-catheter injections. An uncertified radiologic technologist or a permitholder under 37-14-306 may not perform any of the activities listed in this subsection."

Section 27. Initial Board. Of the initial board, the three members to be appointed from nominations of the association of Montana denturists shall serve for terms of 1 year, 2 years, and 3 years respectively, as designated in their appointment. Of the initial board, the two lay person respresentatives shall serve terms of 3 and 2 years respectively, as designated in their appointment. Thereafter, members must be appointed to the board for terms of 3 years each, except that appointment to fill vacancies must be for the unexpired term of such vacancy.

Section 28. 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 applications.

Section 29. Codification instruction.

(1) Sections 1 through 6 and 8 through 22 are codified as an integral part of Title 37.

(2) Section 7 is intended to be codified as an integral part of Title 2, chapter 15.

Section 30. Effective date. This act is effective December 1, 1984.

JIM WALTERMIRE
Secretary of State
Montana State Capitol
Helena, MT 59620

NOTICE

Electors are advised that no vote will be had on Constitutional Initiative No. 23 as it has been declared unconstitutional

This Voter Information Pamphlet was printed in and distributed from Utah under the terms of a competitively bid contract awarded by the Department of Administration for the State of Montana.

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