

1 _____ BILL NO. _____

2 INTRODUCED BY _____

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT CREATING A MONTANA CONSTITUTION STUDY COMMISSION;
5 PROVIDING DUTIES AND MEMBERS; PROVIDING FOR CONTINGENT VOIDNESS; AND PROVIDING AN
6 EFFECTIVE DATE AND A TERMINATION DATE."

7
8 WHEREAS, since 1972, the Montana Constitution has served as the governing law of the state; and
9 WHEREAS, the Montana Constitution contains terms with unclear, unsettled, and even contradictory
10 meanings; and

11 WHEREAS, those drafting deficiencies frequently have created uncertainty and litigation and have
12 triggered judicial decisions that constrict democratic governance; and

13 WHEREAS, in important respects the courts have construed the Montana Constitution differently from
14 how it was represented to the voters before the 1972 constitutional referendum; and

15 WHEREAS, the current Montana Constitution may contain insufficient fiscal safeguards; and

16 WHEREAS, in the 53 years of the document's operation, more has been learned about the kinds of
17 institutions that promote good governance; and

18 WHEREAS, in the 53 years of the document's operation, its perceived deficiencies have induced the
19 voters to approve nearly 40 constitutional amendments, which number would be even higher if the Montana
20 Supreme Court had not voided several amendments for specious reasons.

21
22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

23
24 NEW SECTION. **Section 1. Montana constitution study commission.** (1) There is a Montana
25 constitution study commission. The commission consists of 12 members appointed as follows:

26 (a) The speaker of the house shall appoint five members. Four of the five members appointed by
27 the speaker must be citizens of Montana. The fifth member may be a resident of another state but must be a
28 natural born citizen of the United States;

(b) The president of the senate shall appoint five members. Four of the five members appointed by the president must be citizens of Montana. The fifth member may be a resident of another state but must be a natural born citizen of the United States;

(c) The governor shall appoint two members, both of whom must be Montana citizens.

(2) (a) Commission members may not be employed by or elected to a position in a local, state, tribal, or federal government entity.

(b) Appointments to the commission must be made within 30 days of [the effective date of this act]. A vacancy on the commission must be filled in the same manner as the original appointment.

(c) Commission members are entitled to reimbursement for expenses as provided in 2-18-501 through 2-18-503.

(3) The commission shall study the following aspects of the 1972 Montana constitution:

(a) the reasons the constitution has been amended often;

(b) the provisions of the constitution that conflict with or are in violation of the United States constitution, including provisions relating to the naturalization of citizens, provisions that are enjoined, or provisions conflicting with a decision of the United States supreme court that has not been overruled;

(c) the enabling legislation for the 1972 constitutional convention and the ratification processes for the 1889 and 1972 constitutions to determine how a future convention could be composed, governed, and funded; and

(d) any deficiency in the Montana constitution identified by the commission.

(4) The commission shall:

(a) meet at least once a month and shall complete its work by September 15, 2026; and

(b) provide a copy of any findings and recommendations to the legislative council.

(5) The legislative services division shall provide staff assistance to the commission.

NEW SECTION. Section 2. Contingent voidness. (1) Pursuant to Joint Rule 40-65, if [this act] does not include an appropriation prior to being transmitted to the governor, then [this act] is void.

(2) If an appropriation funding the commission is vetoed by the governor and the veto is not overridden, then [this act] is void.

