

CONSTITUTIONAL AMENDMENT

ATTORNEY GENERAL'S EXPLANATORY STATEMENT

This amendment allows the legislature to disregard certain provisions of the Montana constitution for the purpose of passing laws to allow state and local governments to continue to function during an emergency caused by an enemy attack. Such laws could be in force only for the period of the emergency.

AN ACT TO SUBMIT TO THE QUALIFIED ELECTORS OF MONTANA AN AMENDMENT TO THE CONSTITUTION OF MONTANA BY ADDING A NEW SECTION TO PROVIDE FOR THE CONTINUITY OF STATE AND LOCAL GOVERNMENTS IN A PERIOD OF EMERGENCY CAUSED BY ENEMY ATTACK NOTWITHSTANDING OTHER CONSTITUTIONAL PROVISIONS.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA:

Section 1. A new section is added to the constitution of the state of Montana to read as follows:

"Section ----- The legislative assembly in order to insure continuity of state and local governmental operations in a period of emergency resulting from a disaster caused by enemy attack may enact laws:

- (1) To provide for prompt and temporary succession to the powers and duties of elected and appointed public officers who are killed or incapacitated,
- (2) To adopt other measures that may be necessary to insure the continuity of governmental operations.

Such laws shall be effective only during the emergency that effects a particular office or governmental operation, and such laws may deviate from other provisions of the Montana constitution, including but not limited the following sections:

- (1) Section 3, Article X, seat of state government.
- (2) Section 2, Article XVI, seat of county governments.
- (3) Section 16, Article VII, succession to governor.
- (4) Section 4, Article XVI,, vacancy on board of county commissioners.
- (5) Section 6, Article XVI, other vacancies in county government.
- (6) Section 45, Article V, vacancies in legislative assembly.
- (7) Section 11, Article VII, special legislative sessions.
- (8) Section 5, Article V, length of legislative session.
- (9) Section 10, Article V, quorum to do business in each house.
- (10) Section 6, Article XIX, location of County offices.
- (11) Section 1, Article VII, duties of Executive officers of state.
- (12) Section 7, Article VII, appointments by governor."

FOR THE ABOVE AMENDMENT

AGAINST THE ABOVE AMENDMENT

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This amendment would require the membership of both houses of the Montana legislature to be based on population so that each member of the legislature will represent approximately the same number of people.