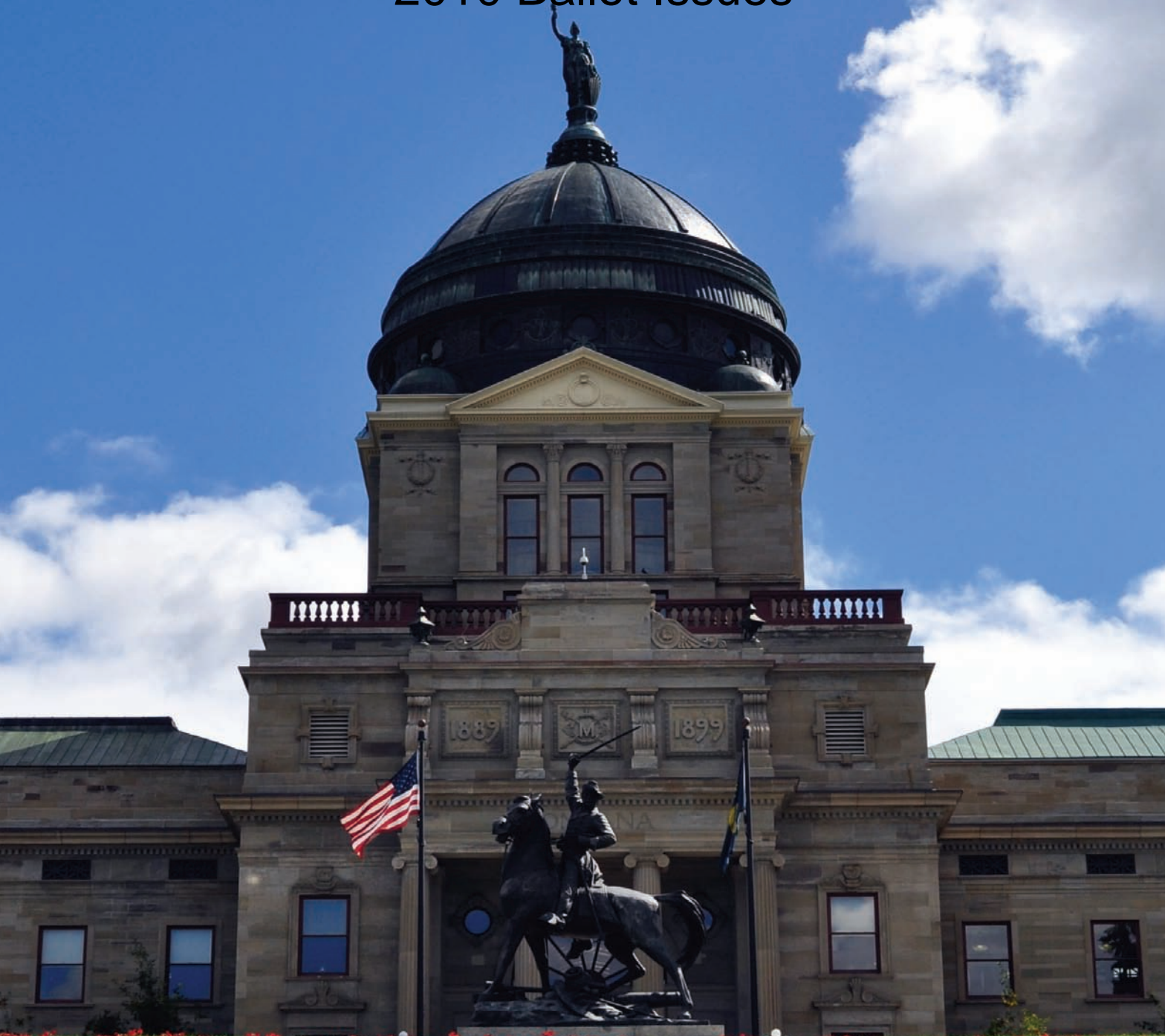


# Voter Information Pamphlet

Your Guide To The  
2010 Ballot Issues



Published by  
**Montana Secretary of State Linda McCulloch**

## A Message from Secretary of State Linda McCulloch

Dear Montana Voter,

As Montana's Chief Elections Officer, I am pleased to provide the 2010 Voter Information Pamphlet to assist you in making informed decisions about initiatives on the November General Election ballot.

Voting is one of the most fundamental rights we enjoy as citizens of this great state and nation. Your vote is not only important, it has the power to initiate change in government.

The Montana Constitution reserves the right for individuals, groups and the Legislature to propose constitutional and statutory changes to Montana law through the initiative and referendum process. This process allows citizens to gather signatures on petitions to have proposed changes to the law placed on the General Election ballot.



This year, the ballot will include three citizen proposals - one constitutional amendment by initiative and two statutory initiatives – as well as the constitutionally mandated call for a constitutional convention. The call for a constitutional convention occurs periodically every 20 years following its last submission, as required by the 1972 Montana Constitution (Article XIV).

In addition to providing detailed information on each ballot issue, I have included several items in this pamphlet to assist you in voting. You will find information about registering and voting in Montana elections and contact information for each of the state's 56 county election offices.

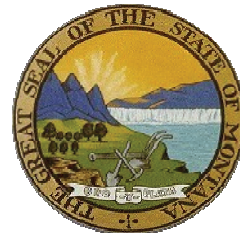
Please take the time to carefully read this pamphlet and to ask questions as needed. More information regarding elections can be found on our website at [sos.mt.gov/Elections](http://sos.mt.gov/Elections).

In rural states like Montana, your vote not only counts, it can be enough to change the outcome of an election. American governments should reflect the will of the people, and every vote is a voice heard.

Thank you for being an informed voter.

A handwritten signature in blue ink that reads "Linda McCulloch". The signature is fluid and cursive.

Linda McCulloch, Montana Secretary of State



Published in 2010 by Montana Secretary of State Linda McCulloch. Cover photo of the Montana State Capitol in Helena, Montana by Terri L. Knapp, reprinted with permission.

If you would like to receive additional copies of the VIP, or would like to receive it in large print, in Braille, on a CD, electronically, online, or in another accessible format, please contact the Secretary of State's Office at 1-888-884-VOTE (8683), go to our website at [sos.mt.gov/Elections](http://sos.mt.gov/Elections), or email [SOSElections@mt.gov](mailto:SOSElections@mt.gov).

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## **What is the Voter Information Pamphlet?**

The **Voter Information Pamphlet (VIP)** is published by the Secretary of State to provide Montana voters with information on statewide ballot issues. The Secretary of State distributes the pamphlets to county election officials, who mail one VIP to each household with an active registered voter.

## **Who writes the information in the VIP?**

The Attorney General writes an explanatory statement for each ballot issue. The statement, which is not to exceed 100 words, is required to be a true and impartial explanation of the purpose of each issue. The Attorney General also prepares the fiscal statement, if necessary, and the “for” and “against” ballot language for each issue.

Proponent and opponent arguments and rebuttals are written by committees appointed by the sponsors of the issues and by state officials. Arguments are limited to one page and rebuttals are limited to one-half page. All arguments and rebuttals are printed as filed by the committees and do not necessarily represent the views of the Secretary of State or the State of Montana.

## **Can I get the VIP in a different format?**

If you would like to receive the Voter Information Pamphlet in large print, in Braille, on a CD, electronically, online, or in another accessible format, please contact the Secretary of State’s Office by phone at (406) 444-4732, or by email at [SOSElections@mt.gov](mailto:SOSElections@mt.gov).

The Secretary of State has a telecommunications device for the deaf (TDD) at (406) 444-9068. The device allows you to leave a message.

For information about registering and voting, contact the office’s free hotline at 1-888-884-VOTE (8683), or visit the Secretary of State’s elections website at [sos.mt.gov/Elections](http://sos.mt.gov/Elections).

## ***Disclaimer***

The information included in the Voter Information Pamphlet for each proposed ballot issue is 1) the official ballot language written by the Attorney General’s office, 2) the text of each issue, and 3) the arguments and rebuttals for and against each issue. The arguments and rebuttals were prepared by committees appointed to support or oppose each issue. The opinions expressed therein do not necessarily represent the views of the Secretary of State or the State of Montana. The Secretary of State also does not guarantee the truth or accuracy of any statement therein.

# Ballot Language for Constitutional Convention Call No. 2

## Constitutional Convention Call No.2

A CALL FOR A CONSTITUTIONAL CONVENTION  
REQUIRED BY THE MONTANA CONSTITUTION

Article XIV, sections 3 and 4, of the Montana constitution requires the question of holding an unlimited constitutional convention to be submitted to the people at the general election in each 20th year following its last submission. If a majority of those voting on the question answer in the affirmative, the legislature shall provide for the calling thereof at its next session.

[ ] FOR calling a constitutional convention.

[ ] AGAINST calling a constitutional convention.

## Complete Text of CC-2

### Montana Constitution Article XIV

**Section 3. Periodic submission.** If the question of holding a convention is not otherwise submitted during any period of 20 years, it shall be submitted as provided by law at the general election in the twentieth year following the last submission.

**Section 4. Call of convention.** If a majority of those voting on the question answer in the affirmative, the legislature shall provide for the calling thereof at its next session. The number of delegates to the convention shall be the same as that of the larger body of the legislature. The qualifications of delegates shall be the same as the highest qualifications required for election to the legislature. The legislature shall determine whether the delegates may be nominated on a partisan or a non-partisan basis. They shall be elected at the same places and in the same districts as are the members of the legislative body determining the number of delegates.

## Argument for CC-2

➤ **CC2** lets Montanans hold a convention to rewrite Montana's state constitution. The U.S. Constitution would NOT be affected. While our visionary US Constitution has proven its brilliance over 220 years, the Montana constitution's brief 38-year history

reveals it to be deeply flawed, self-contradictory, and unworkable...Montana's leading constitutional scholar has stated: ***"The Montana constitution needs an overhaul badly...defects have cropped up that seriously need to be cured, and a con-con is the only way to do this."***

➤ Montana's constitution has clauses which are **poorly drafted, vague, and self-contradictory**. Example: Article X (education) gives conflicting authority to both the state Board of Education and local school boards; and is vague about what a "basic education" means. Result—turf battles and lawsuits; taxpayer-funded bureaucrats suing other taxpayer-funded bureaucrats to mandate more taxpayer funding, resulting in top down court-ordered mandates which have little relationship to education quality.

➤ Historically, the U.S. Constitution and well-crafted state constitutions delineated rights which barred government intrusion on basic **freedoms**—religious, press, etc. *Individuals can freely exercise these "freedom rights" without imposing costs on anybody else*. Montana's constitution unfortunately mis-adventured into guaranteeing so-called "rights" which aren't just freedoms, but are more properly called **entitlements**; and can only be provided to someone at great cost to Montana's taxpayers and economy. The "clean and healthful environment" provision, for example, has been expanded by Montana's overzealous courts to prohibit any **public or private** activity which "implicates" the environment, unless you can prove a compelling state interest permitting it. Thus, Montana's constitution empowers judges and bureaucratic rulemakers to micro-meddle in your property rights, business affairs, and personal conduct. Traditionally, the prevailing balance between conflicting entitlement rights (such as the right to earn a living versus the right to a healthful environment) was decided by legislatures, through political discourse and statutory law, rather than decided by judicial decree based on vague constitutional phrases and even vaguer interpretations thereof.

When Montana's expansive constitution is placed in the hands of our overzealous courts, the

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net result is assault with a deadly weapon on Montana's economy and jobs. After years researching Montana's constitutional history, one nationally-respected law professor/economist concludes: "... **in recent court decisions there is an unprecedented power grab... that threatens every Montanan's basic rights. If not reversed, these decisions will drive jobs and investment out of Montana...**" Many believe it's no coincidence that the frightening downhill slide of Montana wages coincided with the activist judicial application of Montana's 1972 Constitution.

➤ Many experts believe **additional valuable provisions should be added to Montana's constitution:** taxation and spending limits, super-majority requirements to raise taxes, judicial term limits, government transparency requirements, property rights guarantees, etc. But a 1999 court decision (*Marshall*) makes it now virtually impossible to achieve significant constitutional reform through the initiative process. Thus, the only real alternative to make these worthwhile constitutional additions, and to correct the existing flaws, is through a completely new constitutional convention.

**Our children's freedom, prosperity, and welfare depend on your vote "FOR" CC2.**

## **Argument Against CC-2**

### **VOTE NO – SAVE OUR CONSTITUTION**

It is appropriate and fitting to begin with the preamble to the 1972 Montana Constitution:

We the people of Montana grateful to God for the quiet beauty of our state, the grandeur of our mountains, the vastness of our rolling plains, and desiring to improve the quality of life, equality of opportunity and to secure the blessings of liberty for this and future generations do ordain and establish this constitution.

In the 38 years since these words "ordained and established" the Constitution, it has stood the test of time.

Of the remarkable group of 100 Montanans who wrote our Constitution in 1972, none were office holders. The precipitating event for that constitutional convention was a court case invalidating how legislative districts are drawn. The result was a State Constitution revered by Montanans and a model for the nation.

Montanans have always been independent, individualistic and insightful. The traits which make us a people and the things we value are enshrined and protected in our Constitution. The best recitation of those values is in Article II.

The Declaration of Rights in Article II has been read by the Montana Supreme Court to be far more expansive than the Bill of Rights in our Federal Constitution. Some of those rights mirror those in the U.S. Constitution, but others are unique. For example, Section 3, "Inalienable Rights," includes the right to "a clean and healthful environment," "acquiring, possessing and protecting property" and cautions that "[i]n enjoying these rights, all persons recognize corresponding responsibilities." Section 4 proclaims "The dignity of the human being is inviolable." Section 10 establishes a specific right of privacy and declares it "essential to the well-being of a free society."

This Constitution lets the sun shine in; Article II, Section 8, guarantees the "reasonable opportunity" for participation in government, and Section 9 establishes a right to examine public documents and observe deliberations.

This Constitution works. It does what it is supposed to do. Art. VIII, Section 8, bluntly commands that "[a]ppropriations by the legislature shall not exceed anticipated revenue." They do not. Borrowing to cover a shortfall is prohibited. These words speak not of any exception, and none has ever even been remotely proposed. Montana's budget balances, always, because the Constitution says so.

Nothing has occurred since 1972 requiring the drastic step of rejecting our Constitution and starting all over. The Constitution itself contains internal procedures for change in Article XIV, entitled "Constitutional Revision." This very question,

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submitted to the voters every 20 years, is but one example; other avenues are the initiative process and the legislative referendum, which have been frequently invoked but rarely successful, indicating that Montanans like to debate governmental structure but are loathe to change it.

This ballot question should be a clarion call for voters to read, and revere, what our Constitution says, and to vote no on holding a convention to rewrite it.

If it ain't broken, don't fix it.

## Proponents' Rebuttal of Argument Against CC-2

➤ We'll keep Montana's beautiful 1972 preamble in the 2012 constitution... but reform the rest to fit the preamble's vision of prosperity and liberty. Currently, the rest of Montana's constitution undermines the vision of the preamble. The current constitution is a mishmash of confusing 70's-vintage platitudes that spawn endless lawsuits, drive business out-of-state, and hamper prosperity and freedom.

UM's constitutional law professor stated: *"Problems include: Sections that likely violate the U.S. Constitution.... contradictory clauses in the same article... clauses of vague or unknown meaning that unscrupulous courts abuse... and clauses protecting government at the expense of individual rights."*

➤ The 1972 constitution "has stood the test of time"? – Really? Then why has it had so many amendments? Why so many lawsuits over vague language? Why so few jobs produced? Why so many children forced to leave Montana? We're morally obligated to give Montana's kids a future.

➤ Montana constitution's rights are unique? Nonsense... none are "unique". Much of the language is borrowed from other states. For example, the "right to privacy" occurs in at least 10 state constitutions... Montana's version came from California. And virtually all state constitutions protect property rights.

➤ No exceptions to Montana's balanced-budget provision? Categorically untrue. In fact, state government is borrowing so fast that **Montana recently made national headlines as the "10th MOST DEBT-RIDDEN STATE."** As a share of the state's economy, Montana *debt ranks 4th highest nationwide*.

It is broken – let's fix it... then **we the people** get to vote on final approval.

## Opponents' Rebuttal of Argument for Approval of CC-2

Opponents did not submit a rebuttal of the argument for approval of CC-2.

## Credits

The PROPONENT argument and rebuttal for CC-2 were prepared by State Senator Joe Balyeat, CPA, former State Senator Ken Miller, and State Representative Cary Smith.

The OPPONENT argument was prepared by State Senator Larry Jent.

- Bring your ID to vote!
- If you forget your ID, ask the poll workers about your voting options.
- If you make a mistake or damage your ballot, don't try to correct it. Ask an election official for a replacement ballot.
- AutoMARK ballot marking machines are available to help any voter who wants assistance with voting.

# Ballot Language for Constitutional Initiative No. 105

## Constitutional Initiative No. 105

A CONSTITUTIONAL AMENDMENT PROPOSED  
BY INITIATIVE PETITION

There is no existing state or local tax on transactions that sell or transfer real property in Montana. CI-105 amends the Montana Constitution to prohibit state or local governments from imposing any new tax on transactions that sell or transfer real property, such as residential homes, apartments, condominiums, townhouses, farms, ranches, land, and commercial property, after January 1, 2010.

[ ] FOR amending the Montana Constitution to prohibit state or local governments from imposing any new tax on transactions that sell or transfer real property.

[ ] AGAINST amending the Montana Constitution to prohibit state or local governments from imposing any new tax on transactions that sell or transfer real property.

## Complete Text of CI-105

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

NEW SECTION. **Section 1.** Article VIII of The Constitution of the state of Montana is amended by adding a new section 17 that reads:

**Section 17. Prohibition on real property transfer taxes.** The state or any local government unit may not impose any tax, including a sales tax, on the sale or transfer of real property.

NEW SECTION. **Section 2. Retroactive Applicability.** [This act] applies retroactively, within the meaning of 1-2-109, to the sale or transfer of real property beginning after January 1, 2010.

NEW SECTION. **Section 3. 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.

NEW SECTION. **Section 4. Effective date.** [This act] is effective upon approval by the electorate.

## Argument for CI-105

Montanans already pay property taxes. But in recent years there have been several proposals in the Montana legislature to implement a second tax on real property, referred to as a Real Estate Transfer Tax (RETT). This new tax would be assessed any time real property—such as a home, farm, or business—changes ownership. CI-105 is a constitutional amendment that will prevent the Montana legislature and local governments from imposing an RETT.

Vote YES to say no. Voting YES on CI-105 means that you want to PREVENT a new tax on the sale or transfer of a home or real property.

RETTs are bad tax policy. Transfer taxes vary in application, but in general they can apply to all types of real property, including residential homes, farms and ranches, commercial property, and raw land. And they can apply to any transfer of real property, including sales, inheritances, and like-kind exchanges.

A Real Estate Transfer Tax would be on top of the property and income taxes we already pay. An RETT can rightly be described as an unfair “double tax” on property.

This double tax would make it harder and more costly for families to buy or sell a home. It would be especially hard on seniors selling a home after a lifetime of paying property taxes, for first time homebuyers trying to come up with a down payment, and for Montanans who have to relocate to find a new job.

Most proposals to implement an RETT in Montana have suggested a tax rate of 1% of the property’s value, but some proponents of this tax have suggested a tax rate as high as 4%. For a home valued at \$100,000 the tax could range from \$1,000 to \$4,000. Few Montanans can afford to hand the government that much equity from the sale of their

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home, farm, or business. Worse, this tax could even be assessed if the owner sells the property at a loss.

RETTs could pose a considerable financial burden to families intending to pass on their family business, farm, or ranch to the next generation through inheritance. The person inheriting the property would have to come up with between 1% and 4% of the property's value to pay the tax.

Montanans already pay property taxes and we shouldn't have to pay this additional property tax.

Vote YES to say no. A YES vote on CI-105 means lawmakers in Montana will not be allowed to implement a Real Estate Transfer Tax.

## Argument Against CI-105

1. Montana does NOT have a realty transfer tax. We are one of 13 states without a realty transfer tax. CI-105 would embed in our constitution a prohibition against a tax that does NOT exist.

2. Our constitution establishes our most fundamental rights - like the right to bear arms and the right to privacy - and articulates the most fundamental principles of our democracy. Detailed tax policy should be handled through legislation, not the constitution.

3. An out-of-state special interest, the Chicago-based National Association of Realtors, has provided 98% of the funding to qualify CI-105 for the ballot and has already spent over \$600,000. The Montana Constitution should not be misused to excuse from taxation one special interest group.

4. CI-105 would declare one segment of our economy a tax free zone at the expense of all other segments. If CI-105 is passed, the realty transfer tax would be the ONLY tax specifically prohibited in our constitution.

5. When creating tax policy that is fair, equitable, and adequate, legislators must be able to balance all economic interests. Denying one specific area of possible taxation hurts all other real and potential taxing individuals and entities in the state.

6. Future generations of Montanans must have the flexibility to fund public investments, such as education, public infrastructure, and public safety, based on democratic desires at the time. For example, Montanans may want to lower some taxes but raise or establish others. Ruling out one option for revenue gives an unfair advantage to just one out-of-state funded special interest group.

Summary:

Adding small details on tax policy to our great constitution, at the whim of an out-of-state special interest, in order to prohibit a tax that doesn't even exist, demeans both our constitution and the people it exists to serve. We must say no to CI-105.

## Proponents' Rebuttal of Argument Against CI-105

There's no justification for bad tax policy. Voting YES on CI-105 is a vote to prevent an unfair tax from being imposed.

Real Estate Transfer Taxes are unfair because they're paid by only the fraction of the population that happens to be selling or transferring real property in a given year, and tax is owed even if the property is sold at a loss. Families that move frequently would pay a RETT more often than others.

RETTs are an unstable government funding source because they're tied to a volatile housing market. If fewer houses sell, RETT revenue drops forcing government to raise taxes or cut spending. The sustainable approach is to base our tax structure on the most-stable sources possible; transfer taxes fail this test.

RETTs could also penalize charitable giving because they can apply to non-profit organizations like churches, hospitals, and land trusts. Tax policy shouldn't negatively impact non-profits or discourage charity.

Through our Constitution, Montana citizens have provided much tax policy guidance to the legislature. Our Constitution already puts restrictions on the assessment of sales and property taxes. CI-105 presents an opportunity for further Constitutional protection from unfair taxation.

(Continued on page 7)



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There's no question that government needs adequate tax revenue to fund vital functions. But there is no function of government that excuses unfair taxes.

Montanans already pay property taxes, including capital gains and income taxes on profits from property sold. We shouldn't have to pay a second tax on that same property. Vote YES to prevent double taxation.

## Opponents' Rebuttal of Argument for Approval of CI-105

The proponents to CI-105 make hypothetical arguments against a hypothetical tax that does not exist in Montana. The constitution is not the

appropriate place to prohibit a tax that does not even exist. If CI-105 passes, the realty transfer tax will be the only tax specifically prohibited in the constitution, unfairly protecting one out-of-state special interest at the expense of all other current and future interests.

Vote NO to say NO on CI-105.

## Credits

The PROPONENT argument and rebuttal for CI-105 were prepared by State Senator Bradley Maxon Hamlett, State Senator Bruce Tutvedt, and State Representative Bob Lake.

The OPPONENT argument and rebuttal were prepared by State Senator Ron Erickson, Eric Feaver, and Tara Veazey.

# Ballot Language for Initiative No. 161

## Initiative No. 161

### A LAW PROPOSED BY INITIATIVE PETITION

I-161 revises the laws related to nonresident big game and deer hunting licenses. It abolishes outfitter-sponsored nonresident big game and deer combination licenses, replacing the 5,500 outfitter-sponsored big game licenses with 5,500 additional general nonresident big game licenses. It also increases the nonresident big game combination license fee from \$628 to \$897 and the nonresident deer combination license fee from \$328 to \$527. It provides for future adjustments of these fees for inflation. The initiative allocates a share of the proceeds from these nonresident hunting license fees to provide hunting access and preserve and restore habitat.

I-161 increases state revenues over the next four years by an estimated \$700,000 annually for hunting access and an estimated \$1.5 million annually for habitat preservation and restoration, assuming that all nonresident hunting licenses are sold. It also increases general nonresident hunting license revenues by inflation.

[ ] FOR abolishing outfitter-sponsored hunting licenses, replacing outfitter-sponsored big game licenses with nonresident licenses, increasing nonresident license fees, and increasing funding for hunting access and habitat.

[ ] AGAINST abolishing outfitter-sponsored hunting licenses, replacing outfitter-sponsored big game licenses with nonresident licenses, increasing nonresident license fees, and increasing funding for hunting access and habitat.

## Complete Text of I-161

**Section 1.** Section 87-1-242, MCA, is amended to read:

**"87-1-242. Funding for wildlife habitat.** (1) The amount of money specified in this subsection from the sale of each hunting license or permit listed must be used exclusively by the commission to secure, develop, and maintain wildlife habitat, subject to appropriation by the legislature:

- (a) Class B-10, nonresident combination, \$77;
- (b) Nonresident antelope, \$20;
- (c) Nonresident moose, \$20;
- (d) Nonresident mountain goat, \$20;
- (e) Nonresident mountain sheep, \$20;
- (f) Class D-1, nonresident mountain lion, \$20;
- (g) Nonresident black bear, \$20;
- (h) Nonresident wild turkey, \$10;
- (i) Class AAA, combination sports, \$7;
- (j) Class B-11 nonresident deer combination, \$200

(2) Twenty percent of any increase in the fee for the Class B-7 license or any license or permit listed in subsection (1), ~~except outfitter-sponsored Class B-10~~

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and ~~Class B-11 licenses subject to variable pricing under 87-1-268~~, must be allocated for use as provided in subsection (1).

(3) Eighty percent of the money allocated by this section, together with the interest and income from the money, must be used to secure wildlife habitat pursuant to 87-1-209.

(4) Twenty percent of the money allocated by this section must be used as follows:

(a) up to 50% a year may be used for development and maintenance of real property used for wildlife habitat;

and

(b) the remainder and any money not allocated for development and maintenance under subsection (4)(a) by the end of each odd-numbered fiscal year must be credited to the account created by 87-1-601(5) for use in the manner prescribed for the development and maintenance of real property used for wildlife habitat."

**Section 2.** Section 87-1-266, MCA, is amended to read:

**"87-1-266. Hunter management program -- benefits for providing hunting access -- nonresident landowner limitation -- restriction on landowner liability.** (1) As provided in 87-1-265, the department may establish a voluntary hunter management program to provide tangible benefits to private landowners enrolled in the block management program who grant access to their land for public hunting. The decision to enroll a landowner in the hunter management program is the responsibility of the department. Benefits may be granted as provided in this section and by rule.

(2) As a benefit for enrolling property in the hunter management program, a resident landowner who becomes a cooperator in the program and who agrees to provide public hunting access may receive one Class AAA combination sports license, without charge, if the landowner is the owner of record. The license may be used for the full hunting or fishing season in any district where it is valid. The license may not be transferred by gift or sale.

(3) As a benefit for enrolling property in the hunter management program, a nonresident landowner who becomes a cooperator in the program and who agrees to provide public hunting access may receive one Class B-10 nonresident big game combination license, without charge, if the landowner

is the owner of record. The license may be used for the full hunting or fishing season in any district where it is valid. The license may not be transferred by gift or sale. The grant of a license under this subsection also qualifies the licensee to apply for a permit through the normal drawing process. The grant of a license under this subsection does not affect the limits established under ~~87-1-268~~ and 87-2-505.

(4) (a) Instead of receiving the benefits provided in subsection (2) or (3), a landowner of record who becomes a cooperator in the hunter management program and who agrees to provide public hunting access may designate an immediate family member to receive a Class AAA combination sports license, without charge, if the family member is a resident or a Class B-10 nonresident big game combination license, without charge, if the family member is a nonresident. An employee rather than a family member may be designated to receive a license.

(b) For purposes of this subsection (4), an immediate family member means a parent, grandparent, child, or grandchild of the cooperator by blood or marriage, a spouse, a legally adopted child, a sibling of the cooperator or spouse, or a niece or nephew.

(c) For purposes of this subsection (4), the term "employee" means a person who works full time and year-round for the landowner as part of an active farm or ranch operation.

(d) An immediate family member or employee who is designated to receive a license pursuant to this subsection (4) must be eligible for licensure under current Montana law and may not transfer the license by gift or sale.

(e) The grant of a Class B-10 nonresident big game combination license to an immediate family member pursuant to this subsection (4) does not affect the limits established in ~~87-1-268~~ and 87-2-505.

(5) Any landowner who is enrolled in the block management program may receive the benefits provided under the hunter management program, as outlined in this section, and the benefits provided under the hunting access enhancement program, as outlined in 87-1-267.

(6) The restriction on liability of a landowner, agent, or tenant that is provided under 70-16-302(1) applies to a landowner who participates in the hunter management program."

**Section 3.** Section 87-1-601, MCA, is amended to read:

(Continued on page 9)

**"87-1-601. Use of fish and game money.**

(1) (a) Except as provided in [section 9] and subsections (7) and (9) of this section, all money collected or received from the sale of hunting and fishing licenses or permits, from the sale of seized game or hides, from damages collected for violations of the fish and game laws of this state, or from appropriations or received by the department from any other state source must be turned over to the department of revenue and placed in the state special revenue fund to the credit of the department.

(b) Any money received from federal sources must be deposited in the federal special revenue fund to the credit of the department.

(c) All interest earned on money from the following sources must be placed in the state special revenue fund to the credit of the department:

- (i) the general license account;
- (ii) the license drawing account;
- (iii) accounts established to administer the provisions of 87-1-246, 87-1-258, 87-1-605, 87-2-411, 87-2-722, and 87-2-724; and
- (iv) money received from the sale of any other hunting and fishing license.

(2) Except as provided in 87-2-411, the money described in subsection (1) must be exclusively set apart and made available for the payment of all salaries, per diem, fees, expenses, and expenditures authorized to be made by the department under the terms of this title. The money described in subsection (1) must be spent for those purposes by the department, subject to appropriation by the legislature.

(3) Any reference to the fish and game fund in Title 87 means fish and game money in the state special revenue fund and the federal special revenue fund.

(4) Except as provided in subsections (7) and (8), all money collected or received from fines and forfeited bonds, except money collected or received by a justice's court, that relates to violations of state fish and game laws under Title 87 must be deposited by the department of revenue and credited to the department in a state special revenue fund account for this purpose. Out of any fine imposed by a court for the violation of the fish and game laws, the costs of prosecution must be paid to the county where the trial was held in any case in which the fine is not imposed in addition to the costs of prosecution.

(5) (a) Except as provided in section 2(3), Chapter 560, Laws of 2005, money must be deposited in an account in the permanent fund if it is received by the department from:

- (i) the sale of surplus real property;
- (ii) exploration or development of oil, gas, or mineral deposits from lands acquired by the department, except royalties or other compensation based on production; and
- (iii) leases of interests in department real property not contemplated at the time of acquisition.

(b) The interest derived from the account, but not the principal, may be used only for the purpose of operation, development, and maintenance of real property of the department and only upon appropriation by the legislature. If the use of money as set forth in this section would result in violation of applicable federal laws or state statutes specifically naming the department or money received by the department, then the use of this money must be limited in the manner, method, and amount to those uses that do not result in a violation.

(6) Money received from the collection of license drawing applications is subject to the deposit requirements of 17-6-105(6) unless the department has submitted and received approval for a modified deposit schedule pursuant to 17-6-105(8).

(7) Money collected or received from fines or forfeited bonds for the violation of 77-1-801, 77-1-806, or rules adopted under 77-1-804 must be deposited in the state general fund.

(8) The department of revenue shall deposit in the state general fund one-half of the money received from the fines pursuant to 87-1-102.

(9) (a) The department shall deposit all money received from the search and rescue surcharge in 87-2-202 in a state special revenue account to the credit of the department for search and rescue purposes as provided for in 10-3-801.

(b) Upon certification by the department of reimbursement requests submitted by the department of military affairs for search and rescue missions involving persons engaged in hunting, fishing, or trapping, the department may transfer funds from the special revenue account to the search and rescue account provided for in 10-3-801 to reimburse counties for the costs of those missions as provided in 10-3-801.

(c) Using funds in the department's search and rescue account that are not already committed to reimbursement for search and rescue missions, the

department may provide matching funds to the department of military affairs to reimburse counties for search and rescue training and equipment costs up to the proportion that the number of search and rescue missions involving persons engaged in hunting, fishing, or trapping bears to the statewide total of search and rescue missions.

(d) Any money deposited in the special revenue account is available for reimbursement of search and rescue missions and to provide matching funds to reimburse counties for search and rescue training and equipment costs."

**Section 4.** Section 87-2-202, MCA, is amended to read:

**"87-2-202. (Temporary) Application -- fee -- expiration.** (1) Except as provided in 87-2-803(12), a wildlife conservation license must be sold upon written application. The application must contain the applicant's name, age, [last four digits of the applicant's social security number,] occupation, street address of permanent residence, mailing address, qualifying length of time as a resident in the state of Montana, and status as a citizen of the United States or as an alien and must be signed by the applicant. The applicant shall present a valid Montana driver's license, a Montana driver's examiner's identification card, a tribal identification card, or other identification specified by the department to substantiate the required information when applying for a wildlife conservation license. It is the applicant's burden to provide documentation establishing the applicant's identity and qualifications to purchase a wildlife conservation license or to receive a free wildlife conservation license pursuant to 87-2-803(12). It is unlawful and a misdemeanor for a license agent to sell a wildlife conservation license to an applicant who fails to produce the required identification at the time of application for licensure.

(2) Hunting, fishing, or trapping licenses issued in a form determined by the department must be recorded according to rules that the department may prescribe.

(3) (a) Resident wildlife conservation licenses may be purchased for a fee of \$8, of which 25 cents is a search and rescue surcharge.

(b) Nonresident wildlife conservation licenses may be purchased for a fee of \$10, of which 25 cents is a search and rescue surcharge.

(c) In addition to the fee in subsection (3)(a), the first time in any license year that a resident uses the wildlife conservation license as a prerequisite to purchase a hunting license, an additional hunting access enhancement fee of \$2 is assessed. The additional fee may be used by the department only to encourage enhanced hunting access through the hunter management and hunting access enhancement programs established in 87-1-265 through 87-1-267. The wildlife conservation license must be marked appropriately when the hunting access enhancement fee is paid. The resident hunting access enhancement fee is chargeable only once during any license year.

(d) In addition to the fee in subsection (3)(b), the first time in any license year that a nonresident uses the wildlife conservation license as a prerequisite to purchase a hunting license, ~~except a variably priced outfitter-sponsored Class B-10 or Class B-11 license issued under 87-1-268,~~ an additional hunting access enhancement fee of \$10 is assessed. The additional fee may be used by the department only to encourage enhanced hunting access through the hunter management and hunting access enhancement programs established in 87-1-265 through 87-1-267. The wildlife conservation license must be marked appropriately when the hunting access enhancement fee is paid. The nonresident hunting access enhancement fee is chargeable only once during any license year.

(4) Licenses issued are void after the last day of February next succeeding their issuance.

[(5) The department shall keep the applicant's social security number confidential, except that the number may be provided to the department of public health and human services for use in administering Title IV-D of the Social Security Act.]

(6) The department shall delete the applicant's social security number in any electronic database [5 years after the date that application is made for the most recent license]. (Terminates April 24, 2010, pursuant to sec. 5, Ch. 237, L. 2007, unless contingency occurs. Bracketed language in subsection (1) concerning social security number, subsection (5), and bracketed language in subsection (6) terminates or is amended on occurrence of contingency--sec. 3, Ch. 321, L. 2001. The \$2 wildlife conservation license fee increases in subsections (3)(a) and (3)(b) enacted by Ch. 596, L. 2003, are void on occurrence of contingency--sec. 8, Ch. 596, L. 2003.)

(Continued on page 11)

**87-2-202. (Effective April 25, 2010, pursuant to Ch. 237, L. 2007, unless contingency occurs)**

**Application -- fee -- expiration.** (1) Except as provided in 87-2-803(12), a wildlife conservation license must be sold upon written application. The application must contain the applicant's name, age, [social security number,] occupation, street address of permanent residence, mailing address, qualifying length of time as a resident in the state of Montana, and status as a citizen of the United States or as an alien and must be signed by the applicant. The applicant shall present a valid Montana driver's license, a Montana driver's examiner's identification card, a tribal identification card, or other identification specified by the department to substantiate the required information when applying for a wildlife conservation license. It is the applicant's burden to provide documentation establishing the applicant's identity and qualifications to purchase a wildlife conservation license or to receive a free wildlife conservation license pursuant to 87-2-803(12). It is unlawful and a misdemeanor for a license agent to sell a wildlife conservation license to an applicant who fails to produce the required identification at the time of application for licensure.

(2) Hunting, fishing, or trapping licenses issued in a form determined by the department must be recorded according to rules that the department may prescribe.

(3) (a) Resident wildlife conservation licenses may be purchased for a fee of \$8, of which 25 cents is a search and rescue surcharge.

(b) Nonresident wildlife conservation licenses may be purchased for a fee of \$10, of which 25 cents is a search and rescue surcharge.

(c) In addition to the fee in subsection (3)(a), the first time in any license year that a resident uses the wildlife conservation license as a prerequisite to purchase a hunting license, an additional hunting access enhancement fee of \$2 is assessed. The additional fee may be used by the department only to encourage enhanced hunting access through the hunter management and hunting access enhancement programs established in 87-1-265 through 87-1-267. The wildlife conservation license must be marked appropriately when the hunting access enhancement fee is paid. The resident hunting access enhancement fee is chargeable only once during any license year.

(d) In addition to the fee in subsection (3)(b), the first time in any license year that a nonresident uses the wildlife conservation license as a prerequisite to purchase a hunting license, ~~except a variably priced outfitter-sponsored Class B-10 or Class B-11 license issued under 87-1-268,~~ an additional hunting access enhancement fee of \$10 is assessed. The additional fee may be used by the department only to encourage enhanced hunting access through the hunter management and hunting access enhancement programs established in 87-1-265 through 87-1-267. The wildlife conservation license must be marked appropriately when the hunting access enhancement fee is paid. The nonresident hunting access enhancement fee is chargeable only once during any license year.

(4) Licenses issued are void after the last day of February next succeeding their issuance.

[(5) The department shall keep the applicant's social security number confidential, except that the number may be provided to the department of public health and human services for use in administering Title IV-D of the Social Security Act.]

(6) The department shall delete the applicant's social security number in any electronic database [5 years after the date that application is made for the most recent license]. (Bracketed language terminates or is amended on occurrence of contingency--sec. 3, Ch. 321, L. 2001. The \$2 wildlife conservation license fee increases in subsections (3)(a) and (3)(b) enacted by Ch. 596, L. 2003, are void on occurrence of contingency--sec. 8, Ch. 596, L. 2003.)"

**Section 5.** Section 87-2-505, MCA, is amended to read:

**"87-2-505. Class B-10--nonresident big game combination license.** (1) (a) Except as otherwise provided in this chapter, a person who is not a resident, as defined in 87-2-102, but who is 12 years of age or older or who will turn 12 years old before or during the season for which the license is issued may, upon payment of the fee of ~~\$628~~ \$897 plus the nonresident hunting access enhancement fee in 87-2-202(3)(d) ~~or upon payment of the fee established as provided in 87-1-268 if the license is one of the licenses reserved pursuant to 87-2-511 for applicants indicating their intent to use the services of a licensed outfitter~~ and subject to the limitations prescribed by law and department regulation, apply to the fish, wildlife, and parks office, Helena, Montana, to



(Continued from page 11)

purchase a B-10 nonresident big game combination license that entitles a holder who is 12 years of age or older to all the privileges of Class B, Class B-1, and Class B-7 licenses and an elk tag. This license includes the nonresident conservation license as prescribed in 87-2-202.

(b) Not more than 41,500 unreserved 17,000 Class B-10 licenses may be sold in any 1 license year.

(c) Of the fee paid for the purchase of a Class B-10 nonresident big game combination license pursuant to subsection (1)(a), 25% must be deposited in the account established in [section 9].

(d) The cost of the Class B-10 nonresident big game combination license must be adjusted annually based on any change to the consumer price index from the previous year. The consumer price index to be used for calculations is the consumer price index for all urban consumers (CPI-U).

(2) A person who is not a resident, as defined in 87-2-102, who is unsuccessful in the Class B-10 big game combination license drawing may pay a fee of \$25 to participate in a preference system for deer and elk permits established by the commission."

**Section 6.** Section 87-2-510, MCA, is amended to read:

**"87-2-510. Class B-11--nonresident deer combination license.** (1) (a) Except as otherwise provided in this chapter, a person who is not a resident, as defined in 87-2-102, but who is 12 years of age or older or who will turn 12 years old before or during the season for which the license is issued may, upon payment of a fee of ~~\$328~~ \$527 plus the nonresident hunting access enhancement fee in 87-2-202(3)(d), ~~upon payment of the fee established as provided in 87-1-268 if the license is one of those reserved pursuant to 87-2-511 for applicants indicating their intent to use the services of a licensed outfitter or upon payment of the fee of \$328 plus the nonresident hunting access enhancement fee in 87-2-202(3)(d), if the license is one of those reserved pursuant to 87-2-511 for applicants indicating their intent to hunt with a resident sponsor on land owned by that sponsor~~ and subject to the limitations prescribed by law and department regulation, apply to the fish, wildlife, and parks office, Helena, Montana, to purchase a Class B-11 nonresident deer combination license that entitles a holder who is 12 years of age or older to all the privileges of the Class

B, Class B-1, and Class B-7 licenses. This license includes the nonresident wildlife conservation license as prescribed in 87-2-202.

(b) Of the fee paid for the purchase of a Class B-11 nonresident deer combination license pursuant to subsection (1)(a), 25% must be deposited in the account established in [section 9].

(c) The cost of the Class B-11 nonresident deer combination license must be adjusted annually based on any change to the consumer price index from the previous year. The consumer price index to be used for calculations is the consumer price index for all urban consumers (CPI-U).

(2) Not more than ~~2,300~~ 4,600 unreserved Class B-11 licenses may be sold in any 1 license year.

(3) A person who is not a resident, as defined in 87-2-102, who is unsuccessful in the Class B-11 deer combination license drawing may pay a fee of \$25 to participate in a preference system for deer and elk permits established by the commission."

**Section 7.** Section 87-2-511, MCA, is amended to read:

**"87-2-511. Sale and use of Class B-10, Class B-11, and Class B-13 licenses.** (1) The department shall offer the Class B-10 and Class B-11 licenses for sale on March 15, ~~with a number of authorized Class B-10 and Class B-11 licenses, as determined under 87-1-268, reserved for applicants using the services of a licensed outfitter~~ and 2,000 of the authorized Class B-11 licenses reserved for applicants indicating their intent to hunt with a resident sponsor on land owned by that sponsor, as provided in subsections (2) and (3).

(2) Each application for a resident-sponsored license under subsection (1) must contain a written affirmation by the applicant that the applicant intends to hunt with a resident sponsor and must indicate the name of the resident sponsor with whom the applicant intends to hunt. In addition, the application must be accompanied by a certificate that is signed by a resident sponsor and that affirms that the resident sponsor will:

(a) direct the applicant's hunting and advise the applicant of game and trespass laws of the state;

(b) submit to the department, in a manner prescribed by the department, complete records of who hunted with the resident sponsor, where they hunted, and what game was taken; and

(Continued on page 13)

(c) accept no monetary consideration for enabling the nonresident applicant to obtain a license or for providing any services or assistance to the nonresident applicant, except as provided in Title 37, chapter 47, and this title.

(3) The certificate signed by the resident sponsor pursuant to subsection (2) must also affirm that the sponsor is a landowner and that the applicant under the certificate will hunt only on land owned by the sponsor. If there is a sufficient number of licenses set forth in subsection (1), the department shall issue a license to one applicant sponsored by each resident landowner who owns 640 or more contiguous acres. If enough licenses remain for a second applicant for each resident landowner sponsor, the department shall issue a license to the second applicant sponsored by each resident landowner. The department shall conduct a drawing for any remaining resident-sponsored licenses. If there is not a sufficient number of licenses set forth in subsection (1) to allow each resident landowner who owns 640 contiguous acres to sponsor one applicant, the department shall conduct a drawing for the resident-sponsored licenses. However, a resident sponsor of a Class B-11 license may submit no more than 15 certificates of sponsorship in any license year.

~~(4) Each application for an outfitter sponsored license under subsection (1) must contain a written affirmation by the applicant that the applicant will hunt with a licensed outfitter for all big game hunted by the applicant under the license and must indicate the name of the licensed outfitter with whom the applicant will hunt. In addition, the application must be accompanied by a certificate that is signed by a licensed outfitter and that affirms that the outfitter will:~~

- ~~— (a) accompany the applicant;~~
- ~~— (b) provide guiding services for the species hunted by the applicant;~~
- ~~— (c) direct the applicant's hunting for all big game hunted by the applicant under the license and advise the applicant of game and trespass laws of the state;~~
- ~~— (d) submit to the department, in a manner prescribed by the department, complete records of who hunted with the outfitter, where they hunted, and what game was taken; and~~
- ~~— (e) accept no monetary consideration for enabling the nonresident applicant to obtain a license or for providing any services or assistance to the~~

nonresident applicant, except as provided in Title 37, chapter 47, and this title.

~~— (5) An outfitter-sponsored license under subsection (1) is valid only when used in compliance with the affirmations of the applicant and outfitter required under subsection (4). If the sponsoring outfitter is unavailable or if the applicant wishes to use the services of separate outfitters for hunting different species of game, an outfitter-sponsored license may be used with a substitute licensed outfitter, in compliance with the affirmations under subsection (4), upon advance written notification to the board by the sponsoring licensed outfitter or the substitute outfitter.~~

~~(6) (4)~~ A nonresident who hunts under the authority of a resident landowner-sponsored license shall conduct all deer hunting on the deeded lands of the sponsoring landowner.

~~(7) Any permits or tags secured as a result of obtaining a Class B-10 or Class B-11 license through an outfitter sponsor are valid only when hunting is conducted with a licensed outfitter.~~

~~(8) The department shall make the reserved outfitter-sponsored Class B-10 and Class B-11 licenses that remain unsold available as provided in 87-1-268.~~

~~(9) (5)~~ All Class B-10 and Class B-11 licenses that are not reserved under subsection (1) must be issued by a drawing among all applicants for the respective unreserved licenses.

~~(10) (6)~~ The department shall offer the Class B-13 nonresident youth big game combination license for sale on March 1. An applicant shall provide the name and automated licensing system number of the adult immediate family member who will accompany the youth. The adult sponsor must possess either a valid Class B-10 or Class B-11 license or a valid resident deer or elk tag at the time of application."

**Section 8.** Section 87-2-512, MCA, is amended to read:

**"87-2-512. Separation of Class B-7 license from Class B-10 license for deer management purposes -- disposition of license revenue.** (1) The commission may by rule separate the Class B-7 license from the Class B-10 license and sell the separated Class B-7 license, giving a preference to any Class B-10 license holder to purchase one of the separated Class B-7 licenses. In the case of separated Class B-7 licenses that are not purchased

by Class B-10 license holders, the commission, for purposes of sound deer management:

(a) may authorize the sale of not more than 5,000 Class B-7 licenses that have been separated from the Class B-10 licenses, as limited by 87-2-504;

(b) may authorize all or a portion of the separated Class B-7 licenses to be sold as Class B-11 combination licenses;

(c) shall set the fees for the separated licenses as follows:

(i) the fee for a Class B-10 license without the deer tag may not be more than the fee set in 87-2-505 for licenses in the general category ~~and may not be more than the fee set by the commission for licenses in the outfitter-sponsored category as specified in 87-1-268;~~ and

(ii) the fee for the separated Class B-11 licenses may not be more than the fees specified in 87-2-510 for licenses in the general and landowner-sponsored categories ~~and may not be more than the fee set by the commission for licenses in the outfitter-sponsored category as specified in 87-1-268;~~

(d) may assign the separated Class B-7 or Class B-11 licenses for use in specific administrative regions, portions of administrative regions, hunting districts, or portions of hunting districts;

(e) may allocate a portion of the separated Class B-7 or Class B-11 licenses among the general and landowner-sponsored categories established in 87-2-510 and 87-2-511 but not count those licenses as part of the statutory quotas, with the Class B-7 licenses then subject to the requirements and procedures of 87-2-511;

~~(f) may allocate a portion of the separated Class B-7 or Class B-11 licenses to the outfitter-sponsored category subject to the requirements and procedures of 87-2-511, except that licenses in the outfitter-sponsored category may not comprise more than one-third of the licenses issued pursuant to this section and the number issued, when added to the number of Class B-11 licenses issued under 87-1-268, may not exceed 2,300 in any license year; and~~

~~(g)~~ (f) may condition the separated Class B-7 and Class B-11 licenses as appropriate and necessary to manage the harvest of deer, including restricting the use of a license to either mule deer or whitetail deer.

(2) The revenue from any Class B-11 licenses that have been separated from Class B-10 licenses

must be deposited in the state special revenue account to the credit of the department and not allocated pursuant to other statutory requirements generally applicable to Class B-11 licenses. The revenue from Class B-10 licenses sold without a deer tag must be allocated in the same manner as revenue from Class B-10 licenses sold with a deer tag."

**NEW SECTION. Section 9. Hunting access**

**account.** (1) There is a hunting access account in the state special revenue fund. Funds deposited in this account may be used only for the purpose of funding any hunting access program established by law or by the department through administrative rule.

(2) The following funds must be deposited in the account:

(a) 25% of the fee for Class B-10 nonresident big game combination licenses pursuant to 87-2-505(1)(c) and 25% of the fee for Class B-11 nonresident deer combination licenses pursuant to 87-2-510(1)(b);

(b) 25% of the fee for hunting licenses issued to nonresident children of a resident pursuant to 87-2-514; and

(c) the hunting access enhancement fees assessed pursuant to 87-2-202(3)(c) and (3)(d).

(3) Any interest or income earned on the account must be deposited in the account.

**NEW SECTION. Section 10. {standard} Repealed.**

Section 87-1-268, MCA, is repealed.

**NEW SECTION. Section 11. {standard}**

**Codification instruction.** [Section 9] is intended to be codified as an integral part of Title 87, chapter 1, part 2, and the provisions of Title 87, chapter 1, part 2, apply to [section 9].

**NEW SECTION. Section 12. {standard} Effective**

**date.** [This act] is effective March 1, 2011.

**Don't Forget to Vote!  
General Election  
November 2**

## Argument for I-161

Please vote YES on I-161.

In Montana, hunting is a family value. We treasure our wildlife, our hunting heritage, and Montana's proud traditions that offer equitable public hunting opportunities. Our wildlife is a public resource whose protection and lawful harvest is the responsibility of Montana Fish, Wildlife and Parks (FWP). As the trustee of our wildlife, and as required by state law, FWP must manage wildlife primarily for the benefit of Montana residents. Hunting by fair chase is the only acceptable means of harvesting wildlife, and we reject all forms of wildlife privatization. It is our intent that Montana's wildlife remains wild, free ranging, and under continued public domain.

I-161 seeks to modify three elements of current law:

1. Abolish guaranteed hunting licenses for nonresidents using an outfitter.
2. Raise nonresident deer and elk hunting license fees.
3. Increase and stabilize revenue for hunting access and habitat programs.

Historically, Montana had a quality outfitting industry which provided legitimate services, equipment, and knowledge to their clients. Since the inception of Outfitter Sponsored Licenses (OSL's), those traditional service oriented operations have diminished in number, replaced by operations that promote exclusive access and high kill rates rather than fair chase hunting. Outfitter Sponsored Licenses (OSL's) facilitate the commercialization and privatization of wildlife. This privatization is unacceptable and a violation of the public trust. I-161 eliminates OSL's and allocates all non-resident big game licenses through an equitable drawing. **I-161 does not eliminate outfitting or guiding services. Any licensed resident or non-resident hunter may still choose to use an outfitter.**

Providing a stable and increased funding source for public access is at the heart of I-161. I-161 will increase fees for nonresident deer and elk licenses. This fee increase will leave Montana's nonresident licenses priced second lowest among Western states for comparable licenses. And, according to state fiscal analysts, I-161 will raise significant additional revenue for access programs as well as habitat

preservation and restoration, a sharp contrast to the loss of public access revenue reported through OSL sales in 2009 and again in 2010.

Montana residents will not see any fee increases as a result of I-161.

In 1896 the U.S. Supreme Court ruled "**Control of wildlife is to be exercised as a trust for the benefit of all people, and not for the government, as distinct from the people, or for the benefit of private individuals as distinguished from the public.**" The outfitter sponsored license conflicts with this ruling.

Vote yes for increased public access. Vote yes for I-161.

## Argument Against I-161

### Bad for the Economy

The Outfitting industry contributes \$167 million in new money to Montana's economy annually, employs 2,600 Montanans and accounts for \$11.6 million in state and local taxes used for roads, schools, police and firefighters. I-161 is intended to destabilize the outfitting industry and will undermine a critical component of Montana's tourism industry. If I-161 passes, 400 small businesses across Montana will suffer affecting State and local economies through loss of jobs and tax-base revenues. Particularly hard hit will be rural areas where jobs are already scarce.

### Bad for Sportsmen

I-161 does nothing to increase opportunities for hunters in Montana. Rather, it is certain to drive the wedge between landowners and sportsmen deeper and result in less (not more) land being available for public access. Funding for the popular Block Management Program comes from the sale of Outfitter Sponsored Licenses placing 8.6 million acres of private land into public access. I-161 will abolish this revenue source and substitute it with an untested system that requires extraordinary fee increases for non-residents to make up the loss. Sportsmen can expect to see the Block Management Program reduced if I-161 passes

Under current Montana law, guides and outfitters are required to accompany their clients in the field,

*(Continued on page 16)*

(Continued from page 15)

submit records to Fish, Wildlife and Parks (FWP), and document where they hunted and what game was taken. I-161 severely weakens these legal requirements resulting in an unsafe, confusing and dangerous situation.

If I-161 passes, resident Montana hunters will now have to compete with 7,700 additional licensed non-residents who can hunt throughout the state without any supervision.

#### Bad for Landowners

I-161 limits the choices property owners have when deciding how to best manage their land. Past experience shows landowners close their gates when they feel they are being told what they can and cannot do with their land.

#### Bad for Fish Wildlife & Parks Management and Access

Over 70 percent of FWP funding is linked to non-resident license sales. I-161 proposes to increase non-resident big game license fees by 43% for elk and 61% for deer. These extraordinary increases will result in a catastrophic drop in license sales resulting in a significant loss in revenue for FWP programs. Idaho raised fees by only 12% last year and suffered over a \$1 million shortfall in revenue used for management and access. With depressed state and national economies now is not the time to raise prices and expect demand to remain stable.

#### Opposition to I-161 is Broad and Diverse

From hunting and agriculture organizations to small business groups, there is broad and diverse opposition to I-161. Many organizations have critically evaluated I-161 and have come out in opposition. These organizations include the Montana Stockgrowers Association, National Rifle Association, Rocky Mountain Elk Foundation, Montana Sportsmen United, Safari Club International, Butte Skyline Sportsmen, Yellowstone Country Montana, Inc., Mule Deer Foundation, Broadwater Rod and Gun Club, The Beaverhead Chamber of Commerce Tourism, Fishing Outfitters Association of Montana, United Property Owners of Montana, Professional Wilderness Outfitters Association, Montana Trappers Association.

## **Proponents' Rebuttal of Argument Against I-161**

- I-161 is good for small business: A comprehensive study showed non-guided hunters spend multiples more in communities versus guided hunters.
- I-161 will provide more funding for public access according to the fiscal analyst. Guaranteeing clients to outfitters who provide exclusive leased access will end, thus reducing pressure on landowners to exclude general public hunting.
- I-161 is good for Fish Wildlife & Parks revenues. OSL revenues have declined from 6.1 to 4.6 million dollars from 2008 to 2009. A decline exceeding 1 million dollars is expected for 2010. I-161 provides more licenses to the existing drawing which consistently sells out. Non-resident fees will still be second lowest in western states for comparable licenses.
- Idaho Fish and Game surveys show only 13% of Idaho's sales decline attributable to increased license fees.
- Montana hunters won't compete with more non-residents. Availability of non-resident licenses will not increase.
- Allocation of non-resident hunting licenses is not a private property right. Landowners using OSL in their business shows this system has created a dangerous commercialization of wildlife.
- Opposition to I-161 comes from a select group of organizations and individuals with strong ties to the outfitting industry.
- Support for I-161 is broad among Montana resident hunters because they are frustrated with the actions of Outfitters using guaranteed licenses to privatize wildlife held in the public trust that should be available to all hunters.... Montana hunters want to preserve fairness in their hunting heritage. PLEASE VOTE YES ON I-161.



## Opponents' Rebuttal of Argument for Approval of I-161

Please, **VOTE NO on I-161.**

If it passes, I-161 will do the following:

- Jeopardize the livelihoods of 2,400 Montana families.
- Cost Montana \$167 million per year in economic activity.
- Jeopardize funding for the popular Block Management Program, which opens up millions of acres of private property to public hunting.
- Allow thousands of out-of-state hunters to roam private property in Montana with no supervision and no guidance regarding our hunting and trespassing laws.

Don't be fooled. These are the facts and no amount of smoke and mirrors or populist rhetoric can change them.

Throughout this campaign, the backers of I-161 have distorted these facts and have continually used misleading arguments and tactics.

## ***Ballot Language for Initiative No. 164***

### **Initiative No. 164**

A LAW PROPOSED BY INITIATIVE PETITION

Under Montana law, deferred deposit (payday) lenders may charge fees equaling one-fourth of the loan, which, as an annual interest rate could range from 300 percent to 650 percent. Title lenders may charge similar interest rates. I-164 reduces the interest, fees, and charges that payday lenders, title lenders, retail installment lenders, and consumer loan licensees may charge to an annual interest rate of 36 percent. It prohibits businesses from structuring other transactions to avoid the rate limit. It also revises statutes applicable to pawn brokers and junk dealers.

I-164 reduces the licenses and examination fee revenue paid to the State because certain lenders may not renew their licenses.

Perhaps the most egregious and dangerous argument proponents of I-161 are making is their claim that raising non-resident license fees by 60% across the board won't reduce demand for licenses and therefore won't jeopardize funding for important hunting programs that are funded through license sales. This argument is not only simplistic and naïve but it's also not supported by the facts or history. Just last year Idaho passed a law similar to I-161 and the hunting fee increase associated with that onerous new law resulted in a decline in license sales that cost the state of Idaho millions in economic activity. Yet, proponents of I-161 want Montanans to blindly follow Idaho's lead.

Protect Montana's jobs. Protect Montana's private property rights. Protect Montana's hunting heritage. Please, **VOTE NO on I-161.**

### **Credits**

The PROPONENT argument and rebuttal for I-161 were prepared by John Gibson, George Graham, and Chris Marchion.

The OPPONENT argument and rebuttal were prepared by State Senator Jim Peterson, State Representative Mike Milburn, Mac Minard, and Brett Todd.

[ ] FOR reducing the annual interest, fees, and charges payday, title, and retail installment lenders and consumer loan licensees may charge on loans to 36 percent.

[ ] AGAINST reducing the annual interest, fees, and charges payday, title, and retail installment lenders and consumer loan licensees may charge on loans to 36 percent.

### **Complete Text of I-164**

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

NEW SECTION. **Section 1. Findings.** The people of Montana find that some lenders are charging Montanans over 400% interest annually, that excessive interest rates can lead Montana

*(Continued on page 18)*

families into a debt trap of repeat borrowing, that the United States congress has enacted laws capping interest rates on loans to military families at 36% annually, and that responsible small loans are available at interest rates of 36% annually or less.

**Section 2.** Section 31-1-112, MCA, is amended to read:

**“31-1-112. Interest rate limitation exemption--regulated lenders -- merchant finance.** (1) A regulated lender, except for a deferred deposit loan licensee, title loan licensee, or consumer loan licensee, is exempt from all limitations on the rate of interest that it may charge and is exempt from the operation and effect of all usury statutes.

(2) A finance operation that finances transactions between merchants, as defined in 30-2-104, is also exempt from usury limits.”

**Section 3.** Section 31-1-203, MCA, is amended to read:

**“31-1-203. Penalties.** (1) Any person who knowingly violates a provision of this part or engages in the business of a sales finance company in this state without a license as provided in this part is guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than \$500 or by imprisonment for not more than 6 months, or both.

(2) Any person violating 31-1-231 through 31-1-243, except as the result of an accidental and bona fide error of computation, shall be barred from recovery of any finance, delinquency, or collection charge on the contract. In addition to other penalties provided by law, a violation of subsection (3) and a contract made in violation of the finance charge limitations imposed by 31-1-241 is a violation of title 30, chapter 14, part 1.

(3) A person may not engage in any device or subterfuge intended to evade the requirements of this chapter including assisting a borrower to obtain a loan at a rate of interest prohibited by Montana law, making loans disguised as personal property sales and leaseback transactions, or disguising loan proceeds as cash rebates for the pretextual installment sale of goods or services.

**Section 4.** Section 31-1-241, MCA, is amended to read:

**“31-1-241. Finance charge limitation.** (1) ~~Notwithstanding the provisions of any other law, the~~

The finance charge included in a retail installment contract must be at a rate agreed upon by the retail seller and the buyer, but the finance charge may not exceed 36% per annum.

(2) ~~Notwithstanding the provisions of any other law, the~~ The finance charge included in a retail charge account agreement must be at a rate agreed upon by the retail seller and the buyer, but the finance charge may not exceed 36% per annum.

(3) The finance charge must be computed from month to month (which need not be a calendar month) or over another regular billing cycle period by using either:

(a) the average daily balance in the account in the billing cycle period; or

(b) the ending balance of the account as of the last day of the billing cycle period less the amount of total purchases charged to the account during that billing cycle.

(4) A seller may change the terms of a revolving charge account whether or not the change is authorized by prior agreement. The seller shall give the buyer written notice of any change in the billing cycle prior to the effective date of the change.

(5) If the retail seller increases the finance charge on a retail charge account agreement, then the increased rate may only be applied to the balance consisting of purchases on other charges incurred on or after the effective date of the increase.

(6) For purposes of determining the balance to which the increased rate applies, all payments may be considered to be applied to the balance existing prior to the change in rate until that balance is paid in full.

(7) If the finance charge determined pursuant to subsection (3) for a monthly period is less than 50 cents, a maximum finance charge not in excess of 50 cents may be charged and collected for the period.”

**Section 5.** Section 31-1-401, MCA, is amended to read:

**“31-1-401. Interest pawnbrokers may receive--civil enforcement -- prohibited activities.** (1) A person may not carry on the business of pawnbroker or junk dealer by receiving goods pawned or in pledge for loans at any rate of interest above 10% a year without first obtaining a license. A pawnbroker or junk dealer or the pawnbroker’s or junk dealer’s employees or agents may not charge a fee of more than 25% of the amount of the loan for a 30-day

period. The fee for extending a pawn agreement for 30 days may not exceed 25% of the amount of the loan. For purposes of this section, a fee includes all costs or fees charged, including but not limited to interest, commission, discount, storage, care of property, and purchase option.

(2) The taking, receiving, reserving, or charging of a fee greater than that allowed under subsection (1) is considered a forfeiture of a sum double the amount of the fee for storage or caring that was agreed to be paid.

(3)(a) When a rate or charge greater than that provided for in subsection (1) has been paid, the person by whom it has been paid may recover from the pawnbroker or junk dealer reasonable attorney fees and an amount double the amount of the fee paid.

(b) An action under this ~~section~~ subsection (3) must be brought within 2 years after the payment of the fee. Before a suit may be brought, the party bringing suit shall make written demand for return of the fee paid.

(4) Unless licensed as a consumer loan licensee, deferred deposit loan licensee, or title loan licensee, a pawnbroker or junk dealer may not:

(a) cash or advance money for a postdated or deferred presentment check in exchange for a fee or finance charge;

(b) use a check, authorization for electronic access, or other method of access to a deposit account, savings account, or other financial or asset account as a condition of or security for an extension of credit;

(c) receive the title to a motor vehicle for the purpose of a pawn transaction or in pledge for a loan; or

(d) engage in any device or subterfuge intended to evade the requirements of this chapter including assisting a borrower to obtain a loan at a rate of interest prohibited by Montana law, making loans disguised as personal property sales and leaseback transactions, or disguising loan proceeds as cash rebates for the pretextual installment sale of goods or services.

(5) In addition to other penalties provided by law, a violation of subsection (4) is a violation of title 30, chapter 14, part I."

**Section 6.** Section 31-1-722, MCA, is amended to read:

**"31-1-722. Prohibited and permitted fees -- attorney fees and costs.** (1) A licensee may not charge or receive, directly or indirectly, any interest, fees, or charges except those specifically authorized by this section.

(2) A licensee may not charge a fee for ~~each deferred deposit loan entered into with a consumer that exceeds 25% of the principal amount of the deferred deposit loan that is advanced or, in the case of an electronic transaction, 25% of the principal amount of the deferred deposit loan.~~ making or carrying each deferred deposit loan authorized by this part that exceeds 36% per annum, exclusive of the insufficient funds fees authorized in subsections (3) and (4).

(3) If there are insufficient funds to pay a check on the date of presentment, a licensee may charge a fee, not to exceed \$30. Only one fee may be collected pursuant to this subsection with respect to a particular check even if it has been redeposited and returned more than once. A fee charged pursuant to this subsection is a licensee's exclusive charge for late payment. A licensee or any collection agency acting as an agent of a licensee, as a holder in due course of a licensee, or under an agreement with a licensee to collect amounts due or asserted to be due may not collect damages under 27-1-717(3) for an insufficient funds check.

(4) If the loan involves an electronic deduction and there are insufficient funds to deduct on the date on which the payment is due, a licensee may charge a fee, not to exceed \$30. Only one fee may be collected pursuant to this subsection with respect to a particular loan even if the licensee has attempted more than once to deduct the amount due from the consumer's account. A fee charged pursuant to this subsection is a licensee's exclusive charge for late payment. A licensee or any collection agency acting as an agent of a licensee, as a holder in due course of a licensee, or under an agreement with a licensee to collect amounts due or asserted to be due may not collect damages under 27-1-717(3) for an electronic deduction for which there are insufficient funds.

(5) If the loan agreement in 31-1-721 requires, reasonable attorney fees and court costs may be awarded to the party in whose favor a final judgment is rendered in any action on a deferred deposit loan entered into pursuant to this part."

**Section 7.** Section 31-1-817, MCA, is amended to read:

(Continued on page 20)

**“31-1-817. Interest rates -- fees charged. (1)**

The maximum rate of interest that a title lender may contract for and receive for making and carrying any title loan authorized by this part may not exceed: 36% per annum exclusive of the recording costs and service charges provided for in subsections (2) and (3).

~~(a) 25% for each 30-day period for the portion of a loan that does not exceed \$2,000;~~

~~(b) 18% for each 30-day period for the portion of a loan exceeding \$2,000 but not exceeding \$4,000; and~~

~~(c) 10% for each 30-day period, plus fees, on the portion of a loan that exceeds \$4,000.~~

(2) Title lenders may charge their actual costs of recording liens on borrowers' certificates of title.

(3) Title lenders may charge a service charge, as provided in 27-1-717, if there are insufficient funds to pay a check on the date of presentment. Title lenders may not collect damages under 27-1-717(3) based upon the presentment of an insufficient funds check.”

**Section 8.** Section 32-5-301, MCA, is amended to read:

**“32-5-301. Fees charged to consumers. (1)** A licensee may contract for and receive; interest on any loan of money, ~~interest as provided under 31-1-112.~~ Such interest, including fees and charges incurred in the making of the loan but excluding the fees authorized in subsections (2) and (3), may not exceed 36% per annum.

(2) If provided for in the contract, an additional fee may be charged for any amount past due according to the original terms of the contract, whether by reason of default or extension agreement. The fee charged may be the greater of \$15 or 5% of the amount past due, not to exceed \$50. The fee charged for any past-due amount may be charged only once. Except as provided in subsection (3), other fees may not be charged for default or extension of the contract by the borrower.

(3) (a) If provided for in the contract, a licensee may grant a deferral at any time. A deferral postpones the scheduled due date of the earliest unpaid installment and all subsequent installments as originally scheduled or as previously deferred for a period equal to the agreed-upon deferral period. The deferral period is that period during which an

installment is not scheduled to be paid by reason of the deferral.

(b) A licensee may charge an additional fee for each deferral. The fee charged may be the greater of \$15 or 5% of the amount currently due, not to exceed \$50.

(c) Other fees may not be charged by the lender for any deferrals granted by the lender.

(4) The licensee may include in the principal amount of any loan:

(a) the actual fees paid a public official or agency of the state for filing, recording, or releasing any instrument securing the loan;

(b) the premium for insurance in lieu of filing or recording any instrument securing the loan to the extent that the premium does not exceed the fees that would otherwise be payable for filing, recording, or releasing any instrument securing the loan;

(c) bona fide fees or charges related to real estate security paid to third parties;

(d) fees or premiums for title examination, title insurance, or similar purposes, including survey;

(e) fees for preparation of a deed, settlement statement, or other documents;

(f) fees for notarizing deeds and other documents;

(g) appraisal fees;

(h) fees for credit reports; and

(i) fees paid to a trustee for release of a trust deed.

(5) (a) Other fees may not be directly or indirectly contracted for or received by any licensee except those specifically authorized by this chapter. A licensee may not divide into separate parts any contract made for the purpose of or with the effect of obtaining fees in excess of those authorized by this chapter. If any amount in excess of the fees permitted by this chapter is charged, contracted for, or received, the licensee shall forfeit to the borrower a sum that is double the amount that is in excess of the fees authorized by this chapter.

(b) This section does not apply to fees for services rendered in connection with a loan after the loan has been consummated and if the borrower's participation in the services is strictly voluntary.”

**NEW SECTION. Section 9. Effective Date.**

[This act] applies to all transactions governed hereby entered into on or after January 1, 2011.

## Argument for I-164

**Protect Montana families. Vote FOR I-164.**

**I-164 will protect Montana's seniors and working families from predatory loans designed to snare borrowers in a debt trap. We need to cap the rate because 400 percent interest is too high.**

Currently, Montana law allows lenders to charge annual interest rates of **650 percent** for a 14-day payday loan and **300 percent** for a 30-day car title loan. These are some of the highest interest rates in the country. I-164 will cap the annual interest rate on these loans at 36 percent, the rate currently set for our military families.

Montanans work hard, often two or three jobs. In today's economy, any family could find itself in need of an emergency loan. We need protections from predatory lenders who take advantage of our families.

Not only do these lenders charge outrageous interest, **their dangerous products place Montanans in a costly debt trap.**

Over three-fourths of payday loan interest and fees come from people caught in a cycle of repeat loans that puts them deeper and deeper into debt.

Even the payday lenders admit this. Dan Feehan, CEO of Cash America said: *"The theory in the business is you've got to get that customer in, work to turn him into a repetitive customer, long-term customer, because that's really where the profitability is."*

The Center for Responsible Lending reports that 90 percent of the payday lending industry's business is generated by trapped borrowers who take out five or more loans a year. Because of multiple debts, the average borrower ends up paying \$800 on an initial \$300 loan. Loan alternatives are readily available that don't prey on Montana's families.

**Predatory loans are bad for Montanans and bad for our state's economy.** The debt trap prevents working Montanans from getting back on their feet and moving ahead in our economy.

These lenders are not mom-and-pop Montana businesses. Large, out-of-state firms own more than 70 percent of payday-lending businesses in Montana. That means most of their profits leave the state. **Each year, this industry drains millions of dollars from Montana's economy.**

Voting FOR I-164 can put a stop to this. The initiative caps interest on these loans at 36 percent.

This is the same cap that the U.S. Congress instituted to protect military families from predatory payday and car title loans. Congress imposed the cap after the U.S. Department of Defense determined that predatory lenders, targeting military families, were undermining the military readiness of our armed forces.

**I-164 is supported by the following groups: AARP Montana, Center for Responsible Lending, homeWORD, MEA-MFT, Montana Human Rights Network, Montana Catholic Conference, Montana State AFL-CIO, Montana Women's Lobby, Montana Community Foundation, Montana Women Vote, NeighborWorks, Rural Dynamics, SEIU 775 NW, and Women's Foundation of Montana.**

**400% interest is too high. Cap the rate, vote FOR I-164.**

## Argument Against I-164

I-164 Proponents trying to scare voters into supporting the initiative are misrepresenting facts to deceive you. They proclaim that lenders are charging between 300% and 650% Annual Percentage Rate (APR) on loans. What they aren't telling you is that those annual percentages, in the instance of deferred deposit loans, equal a \$15 fee on a two week, \$100 loan. Bounced check fees for that same \$100 can be up to \$35.00 or 912% APR. They also aren't saying that with their proposed 36% per annum rate cap, a lender could charge only \$1.38 on the same loan. Ask yourself, would you make an unsecured \$100 loan to a stranger for a \$1.38?

NO. That is why you should **Vote AGAINST I-164.** I-164 will actually **BAN** an entire sector of small business lenders by eliminating the deferred deposit lending, title lending, and retail installment contract businesses in Montana.

Current deferred deposit loan law strictly prohibits rollovers; caps the maximum loan amount at \$300; caps fees at 25% of the loan; requires lender licensure; and limits outstanding loans to one per customer.

According to the Governor's Budget Director, passage of I-164 will result in lost revenue in excess of a million dollars over time, due to all of these

*(Continued on page 22)*



(Continued from page 21)

businesses surrendering their licenses—clear evidence of industry elimination. In the few states that have passed a 36% APR rate cap, these businesses no longer exist. The elimination of these businesses will result in lost revenue from State licensing fees and corporate income tax collections, along with direct job losses for 600-900 Montanans. Lost jobs result in higher unemployment, increased unemployment benefit costs, and lost revenue to the State due to a decline in personal income tax collections.

Deferred deposit lending, title lending, retail installment sales, and consumer financing industries are strictly regulated by the Montana Division of Banking. The Division has received very few complaints from consumers regarding these loans. I-164 will eliminate these highly regulated, law-abiding, state-licensed lenders, paving the way for unregulated Internet lenders operating outside Montana, and the United States, to offer short-term loans to Montana residents without regulations imposed by Montana law. The rates, terms, consumer protections, and other limitations currently provided in statute will no longer be in place to protect borrowers if I-164 passes. Montanans who can find these types of loans elsewhere will face higher interest rates than are currently allowed in Montana, repeated rollovers (which are currently prohibited), and zero assistance from State regulators.

Proponents tout I-164 as an initiative that will eliminate “predatory lenders” while protecting consumers. In truth, I-164 does *nothing* to protect or educate the struggling Montanans who need these services and does nothing to curb the need for short-term emergency loans, but will eliminate tightly regulated, law-abiding lenders who employ your neighbors to provide these needed services for Montana consumers.

Don't be swayed by a dishonest 30 second sound bite; exercise your rights based on facts.

**Vote AGAINST I-164.** Save Montana businesses and Montana jobs. **Montana simply can't afford I-164.**

## Proponents' Rebuttal of Argument Against I-164

**I-164 offers a clear choice between 400% or 36% interest.**

**In approving the Statement of Purpose for I-164, Montana's Attorney General agreed that Montana law currently allows interest rates of 300% and 650%.**

Opponents like to downplay the cost of payday loans. Many borrowers in crisis are forced to take out multiple loans; borrowing \$300 for three months by taking out successive two-week loans at 400% annual interest amounts to paying \$600 for a \$300 loan. Clearly, 400% is too high.

With their arguments, opponents are trying to confuse voters and blur the issue.

Large out-of-state companies take \$7 million annually out of the pockets of hard-working Montanans and away from our communities. Predatory lending is hurting Montana's economy and costing us jobs.

Car title loans are secured because lenders put a lien on the title; borrowers risk losing their vehicles from these high-interest loans.

I-164 does not ban small loans; it simply bans 400% interest rates. I-164 says payday and car title lenders can continue lending in Montana if their rates are not higher than 36%. Many lenders, including Montana credit unions, already offer loans under 36%. Our military families are currently protected by a 36% cap.

I-164 applies to anyone lending to Montanans, including Internet lenders. All existing consumer protections would remain.

I-164 presents a simple choice. Should Montanans pay annual interest rates of 300%, 400% or even 650%, or should we cap the rate at 36%? **The choice is clear. Cap the Rate, Vote FOR I-164.**

## Opponents' Rebuttal of Argument for Approval of I-164

Proponents correctly state that in today's economy, any family could end up in need of an emergency loan, but, misleading voters rather than helping consumers, **Proponents admit they offer no viable alternative emergency loan product to those eliminated by I-164.**

Proponents are lying to you. Facts don't support I-164. The alleged "debt traps" of cyclical repeat deferred-deposit loans **ARE STRICTLY PROHIBITED UNDER CURRENT LAW** where the maximum allowable repayment on an initial \$300 loan is \$375 which includes a one-time-only \$75 fee. If the check is returned, there is also a potential one-time-only \$30 insufficient funds fee—not the \$800 claimed by Proponents.

Traditional banks and credit unions are exempt from I-164's rate cap. Shouldn't a 36% APR cap be good for them as well? The Proponents' honest response is that they didn't want to deal with that level of opposition—a telling revelation. Meanwhile, national banks are quietly stepping in to replace the lenders I-164 will eliminate, but they are offering their short-term loans at interest rates greatly exceeding 36%

APR. These are the "readily available" loan alternatives referred to by Proponents. In actuality, I-164 eliminates competition for big banks.

Isn't it shameful that Montana allows non-profit, non-tax-paying entities to engage in this type of misleading political activity, which is focused on putting tax-paying employers out of business, and tax-paying employees out of jobs, rather than focusing their efforts on truly helping the struggling consumer?

**Vote AGAINST I-164.** Save Montana businesses and Montana jobs. **Montana simply can't afford I-164.**

### Credits

The PROPONENT argument and rebuttal for I-164 were prepared by former State Senator Dan Harrington, AARP Montana State Director Bob Bartholomew, and Linda Reed, President/CEO Montana Community Foundation.

The OPPONENT argument and rebuttal were prepared by former State Senator Jeff Mangan, former State Senator JD Lynch, Bernard Harrington, and Todd Coutts.



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# Voting in Montana Elections

## ★ Register to Vote – It's Easy!

You must be:

- A citizen of the United States
- A resident of Montana for at least 30 days before the next election
- 18 years of age on or before the next election.

If you meet these requirements you can register by:

- Visiting your county election office and filling out a card
- Filling out a card on the Secretary of State's website, printing it and returning it in person or by mail to the county election office
- Filling out a card when getting or renewing your Montana driver's license.

### Regular Registration Deadline for the 2010 Federal General Election:

- 5:00 p.m. October 4, 2010

### Late Registration:

- Begins October 5, 2010
- Closes on Election Day at 8:00 p.m.
- Must be done at the county election office or the location designated by the Election Administrator
- Late registration is temporarily closed beginning at noon on the day before the election, but opens again election morning.

**Whatever method you use to register - make sure your card gets to the county election office!**

## ★ Voting by Absentee Ballot

If you choose to vote by absentee ballot you must:

- Fill out and sign an *Application for Absentee Ballot*.
  - Application forms can be found on the Secretary of State's website at [sos.mt.gov/Elections](http://sos.mt.gov/Elections).
- Submit the signed Application to the county election office by mail or in person.
- Once you receive your ballot packet, read the directions carefully and vote your ballot.

- Return the ballot in the signed return envelope to the county election office by mail or in person.
- Absentee ballots must reach the county election office by the close of polls on Election Day!

## ★ Annual Absentee List

You can sign up to be on the Annual Absentee List by:

- Contacting the county election office
- Selecting that option on your absentee materials.

If you sign up for the list, ballots will automatically be mailed to you for each election in which you are eligible to vote, as long as you complete and return an annual address confirmation card that the county election office will mail to you in January of each year. Failure to return the confirmation card will result in your name being removed from the Annual Absentee List.

## ★ Election Day

You can find the location of your polling place on:

- The Secretary of State's website at *My Voter Page*
- Your voter registration confirmation card
- Or you can contact your county election office.

Most polling places open at 7:00 a.m., although some smaller polling places may not open until noon. All polling places close at 8:00 p.m.

**Be sure to bring ID** with you. Any of the following forms of ID can be used:

- Current photo ID (driver's license, state ID, tribal ID, school ID, etc.)
- Voter registration confirmation card
- Current utility bill, bank statement, paycheck, government check or other government document that shows your name and current address.

# Voting in Montana Elections

If you forget your ID you can:

- Return to the polls when you have ID
- Fill out a *Polling Place Elector ID Form* available at each polling place
- Vote a provisional ballot
  - Your provisional ballot will be counted if your identity and eligibility to vote can be verified.

## ★ Provisional Ballots

If you have identity or eligibility problems when you get to the polls, you have the option to vote a ballot that is provisional and will be counted if your identity or eligibility problem can be solved.

The election official who gives you the ballot will explain to you why your ballot is provisional, and will tell you what steps you can take to resolve the provisional status of your ballot.

## ★ Voting for People with Disabilities

Each polling place and election office is equipped with an AutoMARK, voting equipment specially designed for individuals with visual or mobility impairments.

An AutoMARK can be used by any voter, and has the following features:

- Touch screen
- Keypad with raised buttons
- Braille markings
- Headphones for the voter to listen to the ballot choices
- Connection for the voter's sip and puff personal device
- Allows voter to confirm their choices visually or audibly
- Prints a regular ballot based on a voter's confirmed choices

The AutoMARK does not save any ballots and does not tabulate any votes.

## ★ My Voter Page

*My Voter Page* is the Secretary of State's latest online voter information service.

By entering your name and date of birth, you can determine:

- If you are registered to vote
- Where you are registered to vote
- The location of your polling place
- The status of your absentee ballot.

The polling locations listed are for state and federal primary and general elections, and may not apply to other elections.

Check out *My Voter Page* by clicking on the MVP icon at [sos.mt.gov/Elections](https://sos.mt.gov/Elections).



## ★ Serve as an Election Judge

County election officials are looking for qualified citizens to serve as elections judges. Election judges work at the polling place or at counting centers on Election Day.

If you are a registered voter in your county and you are interested in serving as an election judge, contact the county election office to find out when the next election workers' training is scheduled.



Visit My Voter Page @  
[sos.mt.gov/Elections](https://sos.mt.gov/Elections)



# County Election Offices

## Beaverhead

2 S Pacific St No 3  
Dillon MT 59725  
Phone: 683-3720  
Fax: 683-3781  
dscott@co.beaverhead.mt.us

## Big Horn

PO Box 908  
Hardin MT 59034  
Phone: 665-9730  
Fax: 665-9738  
kyarlott@co.bighorn.mt.us

## Blaine

PO Box 278  
Chinook MT 59523  
Phone: 357-3240  
Fax: 357-2199  
sboardman@co.blaine.mt.gov

## Broadwater

515 Broadway St  
Townsend MT 59644  
Phone: 266-3443  
Fax: 266-3674  
treas@co.broadwater.mt.us

## Carbon

PO Box 887  
Red Lodge MT 59068  
Phone: 446-1220  
Fax: 446-2640  
elections@co.carbon.mt.us

## Carter

Box 315  
Ekalaka MT 59324  
Phone: 775-8749  
Fax: 775-8750  
ccnrc@midrivers.com

## Cascade

Box 2305  
Great Falls MT 59403  
Phone: 454-6803  
Fax: 454-6725  
elections@co.cascade.mt.us

## Chouteau

Box 459  
Fort Benton MT 59442  
Phone: 622-5151  
Fax: 622-3012  
joann19@itstriangle.com

## Custer

1010 Main  
Miles City MT 59301  
Phone: 874-3343  
Fax: 874-3452  
m.wehri@co.custer.mt.us

## Daniels

Box 247  
Scobey MT 59263  
Phone: 487-5561  
Fax: 487-5583  
clerkrec@danielsco.mt.gov

## Dawson

207 West Bell  
Glendive MT 59330  
Phone: 377-3058  
Fax: 377-1717  
kreimans@  
dawsoncountymail.com

## Deer Lodge

800 Main  
Anaconda MT 59711  
Phone: 563-4060  
Fax: 563-4001  
clerk-recorder@  
anacondadeerlodge.mt.gov

## Fallon

Box 846  
Baker MT 59313  
Phone: 778-7106  
Fax: 778-2048  
falloncc@midrivers.com

## Fergus

712 W Main  
Lewistown MT 59457  
Phone: 535-5242  
Fax: 535-9023  
clerkrecorder@co.fergus.mt.us

## Flathead

800 S Main  
Kalispell MT 59901  
Phone: 758-2453  
Fax: 758-5877  
electionweb@flathead.mt.gov

## Gallatin

311 W Main Rm 103  
Bozeman MT 59715  
Phone: 582-3055  
Fax: 582-3068  
charlotte.mills@gallatin.mt.gov

## Garfield

Box 7  
Jordan MT 59337  
Phone: 557-2760  
Fax: 557-2765  
gccr@midrivers.com

## Glacier

512 E Main  
Cut Bank MT 59427  
Phone: 873-3609  
Fax: 873-3613  
gmhall@glaciercountymt.org

## Golden Valley

PO Box 10  
Ryegate MT 59074  
Phone: 568-2231  
Fax: 568-2428  
berryml@midrivers.com

## Granite

Box 925  
Philipsburg MT 59858  
Phone: 859-3771  
Fax: 859-3817  
graclerk@co.granite.mt.us

# County Election Offices

## Hill

315 4th St  
Havre MT 59501  
Phone: 265-5481 x221  
Fax: 265-2445  
dahld@co.hill.mt.us

## Jefferson

Box H  
Boulder MT 59632  
Phone: 225-4020  
Fax: 225-4149  
bramey@jeffco.mt.gov

## Judith Basin

Box 427  
Stanford MT 59479  
Phone: 566-2277 x109  
Fax: 566-2211  
akelly@co.judith-basin.mt.us

## Lake

106 4th Ave E  
Polson MT 59860  
Phone: 883-7268  
Fax: 883-7230  
knewgard@lakemt.gov

## Lewis & Clark

316 N Park Ave Rm 168  
Helena MT 59623  
Phone: 447-8338  
Fax: 457-8598  
pdehart@co.lewis-clark.mt.us

## Liberty

Box 459  
Chester MT 59522  
Phone: 759-5365  
Fax: 759-5395  
clerk@co.liberty.mt.gov

## Lincoln

512 California  
Libby MT 59923  
Phone: 293-7781 x200  
Fax: 293-8577  
lcclerk@libby.org

## Madison

Box 366  
Virginia City MT 59755  
Phone: 843-4270  
Fax: 843-5264  
pkaatz@madison.mt.gov

## McCone

Box 199  
Circle MT 59215  
Phone: 485-3505  
Fax: 485-2689  
clerk@middrivers.com

## Meagher

Box 309  
White Sulphur Sprgs MT  
59645  
Phone: 547-3612 x104  
Fax: 547-3388  
dogle@meaghercounty.mt.gov

## Mineral

Box 550  
Superior MT 59872  
Phone: 822-3520  
Fax: 822-3579  
kjasper@co.mineral.mt.us

## Missoula

200 W Broadway  
Missoula MT 59802  
Phone: 258-4751  
Fax: 258-3913  
vzeier@co.missoula.mt.us

## Musselshell

506 Main  
Roundup MT 59072  
Phone: 323-1104  
Fax: 323-3303  
mshlcocr@middrivers.com

## Park

414 E Callender St  
Livingston MT 59047  
Phone: 222-4110  
Fax: 222-4193  
clerkrecorder@parkcounty.org

## Petroleum

Box 226  
Winnett MT 59087  
Phone: 429-5311  
Fax: 429-6328  
leslies@middrivers.com

## Phillips

Box 360  
Malta MT 59538  
Phone: 654-2423  
Fax: 654-2429  
clerkrecorder@  
phillipscounty.mt.gov

## Pondera

20 4th Ave SW  
Conrad MT 59425  
Phone: 271-4000  
Fax: 271-4070  
clerkrec@3rivers.net

## Powder River

Box 200  
Broadus MT 59317  
Phone: 436-2361  
Fax: 436-2151  
kamende@prco.mt.gov

## Powell

409 Missouri  
Deer Lodge MT 59722  
Phone: 846-3680 x223  
Fax: 846-3891  
cr@co.powell.mt.us

# County Election Offices

## **Prairie**

Box 125  
Terry MT 59349  
Phone: 635-5575  
Fax: 635-5576  
clerkrecorder@prairie.mt.gov

## **Ravalli**

215 S 4th St Ste C  
Hamilton MT 59840  
Phone: 375-6550  
Fax: 375-6554  
rplettenberg@  
ravallicounty.mt.gov

## **Richland**

201 W Main  
Sidney MT 59270  
Phone: 433-1708  
Fax: 433-3731  
plewis@richland.org

## **Roosevelt**

400 2nd Ave S  
Wolf Point MT 59201  
Phone: 653-6250  
Fax: 653-6289  
chansen@rooseveltcountry.org

## **Rosebud**

Box 47  
Forsyth MT 59327  
Phone: 346-7318  
Fax: 346-7551  
gcuster@rosebudcountymt.com

## **Sanders**

Box 519  
Thompson Falls MT 59873  
Phone: 827-6922  
Fax: 827-6970  
clerk&recorder@  
sanderscounty.mt.gov

## **Sheridan**

100 W Laurel Ave  
Plentywood MT 59254  
Phone: 765-3403  
Fax: 765-2609  
jjohnson@co.sheridan.mt.us

## **Silver Bow**

155 W Granite Rm 208  
Butte MT 59701  
Phone: 497-6342  
Fax: 497-6328  
shollis@bsb.mt.gov

## **Stillwater**

Box 149  
Columbus MT 59019  
Phone: 322-8000  
Fax: 322-8007  
pmishler@stillwater.mt.gov

## **Sweet Grass**

Box 888  
Big Timber MT 59011  
Phone: 932-5152  
Fax: 932-3026  
sgclerk1@cablmt.net

## **Teton**

Box 610  
Choteau MT 59422  
Phone: 466-2693  
Fax: 466-3244  
paula@3rivers.net

## **Toole**

226 1st St S  
Shelby MT 59474  
Phone: 424-8300  
Fax: 424-8301  
tcclerk@3rivers.net

## **Treasure**

Box 392  
Hysham MT 59038  
Phone: 342-5547  
Fax: 342-5547  
clerkrecorder@rangeweb.net

## **Valley**

501 Court Sq Box 2  
Glasgow MT 59230  
Phone: 228-6226  
Fax: 228-9027  
Inyquist@valleycountymt.net

## **Wheatland**

Box 1903  
Harlowton MT 59036  
Phone: 632-4891  
Fax: 632-4880  
wccr@mtintouch.net

## **Wibaux**

PO Box 199  
Wibaux MT 59353  
Phone: 796-2481  
Fax: 796-2625  
wibauxco@midrivers.com

## **Yellowstone**

Box 35002  
Billings MT 59107  
Phone: 256-2740  
Fax: 254-7940  
brutherford@  
co.yellowstone.mt.gov



# Ballot Issue Worksheet

This worksheet is intended to help you remember your decisions about ballot issues. If you're interested in having a reminder on Election Day, just fill it out and take it with you to the polling place.

## Constitutional Convention Call No. 2

- FOR calling a constitutional convention.
- AGAINST calling a constitutional convention.

## Constitutional Initiative No. 105

- FOR amending the Montana Constitution to prohibit state or local governments from imposing any new tax on transactions that sell or transfer real property.
- AGAINST amending the Montana Constitution to prohibit state or local governments from imposing any new tax on transactions that sell or transfer real property.

## Initiative No. 161

- FOR abolishing outfitter-sponsored hunting licenses, replacing outfitter-sponsored big game licenses with nonresident licenses, increasing nonresident license fees, and increasing funding for hunting access and habitat.
- AGAINST abolishing outfitter-sponsored hunting licenses, replacing outfitter-sponsored big game licenses with nonresident licenses, increasing nonresident license fees, and increasing funding for hunting access and habitat.

## Initiative No. 164

- FOR reducing the annual interest, fees, and charges payday, title, and retail installment lenders and consumer loan licensees may charge on loans to 36 percent.
- AGAINST reducing the annual interest, fees, and charges payday, title, and retail installment lenders and consumer loan licensees may charge on loans to 36 percent.

Every vote is a voice heard.  
Thank you for being an informed voter!

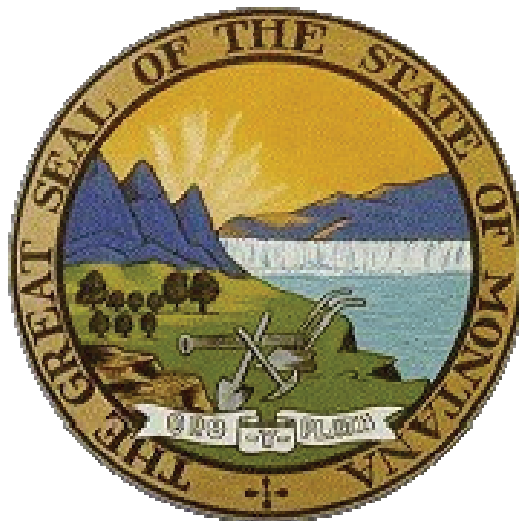


Linda McCulloch, MT Secretary of State

***2010 Ballot Issue Worksheet***







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Montana Secretary of State/  
Elections Administrator  
Elections, VIP  
P.O. Box 202801  
Helena, MT 59620-2801

Do Not Forward – Do Not Return

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## Election Reminders

- **General Election Day is Tuesday, November 2.**
- **Polls are open from 7:00 a.m. to 8:00 p.m.**  
Some precincts may open at noon. Check your local media or county election office for polling place times and locations.
- **Don't forget to bring your ID when you vote!**
- **It's not too late to register to vote!**  
Montana's late registration law allows eligible Montanans to register & vote right up until the close of polls on Election Day.

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