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**MONTANA FIRST JUDICIAL DISTRICT COURT
LEWIS & CLARK COUNTY**

BRIAN SCHWEITZER, in his official
capacity as Governor,

Plaintiff,

vs.

61st MONTANA LEGISLATIVE
ASSEMBLY, HOUSE
APPROPRIATIONS COMMITTEE,
AND SENATE FINANCE AND CLAIMS
COMMITTEE,

Defendants.

Cause No. AOV-2010-886

SUMMONS

DOROTHY McCARTER
Presiding Judge

The State of Montana to the above-named Defendants:

YOU ARE HEREBY SUMMONED to answer the Complaint in this action which is filed in the office of the clerk of this court, a copy of which is herewith served upon you, and to file your Answer and serve a copy thereof upon the Plaintiff's attorney within 40 days after the service of this summons, exclusive of the day of service; and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the Complaint.

WITNESS my hand and the seal of said court, this 16 day of
September, 2010.

NANCY SWEENEY,
Clerk of District Court


Deputy Clerk

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FILED
2010 SEP 16 A 9:47
BY JAC DILLON
DEPUTY

Attorney for Plaintiff

**MONTANA FIRST JUDICIAL DISTRICT COURT
LEWIS & CLARK COUNTY**

BRIAN SCHWEITZER, in his official capacity as Governor,)	Cause No. <u>ADV-2010-886</u>
)	
Plaintiff,)	DOROTHY McCARTER)
)	
vs.)	COMPLAINT
)	
61 st MONTANA LEGISLATIVE)	
ASSEMBLY, HOUSE)	
APPROPRIATIONS COMMITTEE, AND SENATE FINANCE AND CLAIMS COMMITTEE,)	
Defendants.)	

COMES NOW the Plaintiff, Governor Brian Schweitzer, through counsel,
and for his Complaint in the captioned matter, states as follows:

1. Plaintiff Brian Schweitzer is the duly elected Governor of the State of
Montana. He resides in Lewis and Clark County, Montana.

2. Defendant 61st Montana Legislative Assembly consists of the 150
legislators duly elected as Senators and Representatives in November 2008.
Defendant House Appropriations Committee is a standing committee of the

Montana House of Representatives and Defendant Senate Finance and Claims Committee is a standing committee of the Montana Senate.

3. The 61st Montana Legislative Assembly, meeting in regular session, passed House Bill No. 676 (HB 676). 2009 Mont. Laws Ch. 486. HB 676 was introduced in the Legislature by the request of the House Appropriations Committee. The Legislature adjourned the session *sine die* on April 28, 2009 and on April 30, 2009, HB 676 was delivered to Governor Schweitzer for his signature. Governor Schweitzer neither signed nor vetoed HB 676, and consequently, ten days after its delivery to him, pursuant to Article VI, sec. 10(1) of the Montana Constitution, the bill became law without the Governor's signature.

4. HB 676 consists of thirty nine pages, comprising thirty five separate sections. The title to the bill, spanning more than one page, states that it is a bill "implementing the general appropriations act." The bill's provisions are as far-ranging as permanently amending statutes pertaining to the Children's Health Insurance Plan and Healthy Montana Kids Plan, establishing the level of certain school funding payments for the biennium (basic entitlement and per-ANB), permanently amending the duties of the Office of the State Public Defender to require the Office make certain detailed reports to the Legislative Finance Committee, providing for one-time-only and permanent transfers of money from various funds and accounts to others, repealing the renal disease voluntary tax checkoff, and directing the Department of Public Health and Human Services to reduce its general fund budget request to the 62nd Legislative Assembly to the

level funded with on-going money in the general appropriations act passed by the 61st Legislative Assembly, or by approximately \$22 million, among other things.

5. Article V, section 11(3) of the Montana Constitution, states in relevant part: "Each bill, except general appropriation bills and bills for the codification and general revision of the laws, shall contain only one subject"

6. HB 676 is not a general appropriation bill, nor is it a bill for the codification and general revision of the laws.

7. HB 676 contains multiple subjects in violation of Article V, section 11(3) of the Montana Constitution.

8. Montana's constitutional requirement that each bill contain a "single subject" serves two primary purposes: to prevent "logrolling" of legislation, where unrelated subjects are combined into one bill in order to secure passage of legislation that would not survive on its own merits, and to protect the integrity of a governor's veto power.

9. By combining multiple subjects into HB 676, in violation of the Montana Constitution, the 61st Legislative Assembly limited Governor Schweitzer's power to veto subjects contained in the bill.

10. Legislative staff reports anticipate that the 62nd Legislative Assembly will introduce a bill similar to HB 676, referred to as a "companion bill" to the general appropriations act, in the coming legislative session.

11. HB 676, by its terms, took effect July 1, 2009. This "single subject" challenge is brought within two years of the effective date, as required by Article V, section 11(6) of the Montana Constitution.

12. Governor Schweitzer brings this action under the Uniform Declaratory Judgments Act, Mont. Code Ann. §§ 27-8-101 through -313, seeking a declaratory judgment that HB 676 contains multiple subjects in violation of Article V, section 11(3) of the Montana Constitution.

Wherefore, Governor Schweitzer prays for relief as follows:


1. That this Court declare HB 676, passed by the 61st Legislative Assembly (2009 Mont. Laws Ch. 486), to contain multiple subjects in violation of Article V, section 11(3) of the Montana Constitution.

2. That this Court apply its ruling prospectively to July 1, 2011, the beginning of the state's next fiscal year and biennium and after the 62nd Legislative Assembly has met and had the opportunity to consider appropriate legislation to rectify the single subject violation.

3. That this Court order such other and further relief as the Court deems just, necessary, and appropriate.

DATED this 15th day of September, 2010.

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CLERK OF DISTRICT COURT

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FILED

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**MONTANA FIRST JUDICIAL DISTRICT COURT
LEWIS & CLARK COUNTY**

BRIAN SCHWEITZER, in his official
capacity as Governor,

Plaintiff,

vs.

61st MONTANA LEGISLATIVE
ASSEMBLY, HOUSE
APPROPRIATIONS COMMITTEE,
AND SENATE FINANCE AND CLAIMS
COMMITTEE,

Defendants.

Cause No. ADV-2010-886

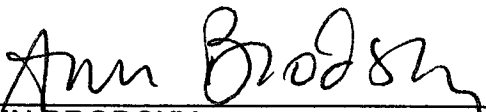
**GOVERNOR'S MOTION FOR
SUMMARY JUDGMENT**

Plaintiff Governor Brian Schweitzer moves this Court for summary judgment in accordance with Mont. R. Civ. P. 56(c), asking the Court to declare that House Bill No. 676 ("HB 676") passed by the 61st Montana Legislative Assembly (2009 Mont. Laws Ch. 486), contains multiple subjects in violation of the "single subject" rule found at Article V, section 11(3) of the Montana Constitution. Governor Schweitzer further asks this Court to apply its ruling prospectively, until July 1, 2011.

No genuine issue of material fact exists. Governor Schweitzer is entitled to summary judgment as a matter of law for the reasons more fully explained in his brief accompanying this Motion.

DATED this 16th day of September, 2010.

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ANN BRODSKY
Special Assistant Attorney General
Attorney for Governor Schweitzer

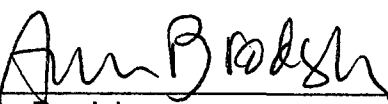
CERTIFICATE OF SERVICE

I hereby certify that I have ~~mailed~~ ^{hand-delivered} a true and accurate copy of the foregoing Governor's Motion for Summary Judgment, postage prepaid, by U.S. mail, to the following:

Rob Stutz
Legal Director
Legislative Services Division
P.O. Box 201706
Rm. 110, State Capitol
1301 E. Sixth Avenue
Helena, MT 59620-1706

Steve Bullock
Attorney General
Department of Justice
P.O. Box 201401
Helena, MT 59620-1401

Dated this 16th day of September, 2010.


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2010 SEP 16 A 9:51
 BY ED
 DEPUTY

Attorney for Plaintiff

**MONTANA FIRST JUDICIAL DISTRICT COURT
 LEWIS & CLARK COUNTY**

BRIAN SCHWEITZER, in his official capacity as Governor,)	
)	
)	
Plaintiff,)	Cause No. <u>ADV-2010-886</u>
)	
vs.)	GOVERNOR'S BRIEF IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT
)	
61 ST MONTANA LEGISLATIVE ASSEMBLY, HOUSE)	
APPROPRIATIONS COMMITTEE, AND SENATE FINANCE AND CLAIMS COMMITTEE,)	
)	
Defendants.)	

Plaintiff Governor Brian Schweitzer challenges House Bill No. 676 ("HB 676"), passed by the 61st Montana Legislative Assembly (2009 Mont. Laws Ch. 486), on grounds the bill violates the "single subject" rule found at Article V, section 11(3) of the Montana Constitution. This constitutional limitation on legislation states in pertinent part: "*Each bill, except general appropriation bills and bills for the codification and general revision of the laws, shall contain only one subject, clearly expressed in its title.*" MONT. CONST. art. V, § 11(3) (emphasis added). HB 676, denominated "an act implementing the general appropriations act," contains multiple subjects in contravention

of the constitutional requirement. Included among its subjects are matters as diverse as K-12 public school funding, amendments to the Healthy Montana Kids Program passed by the voters in November 2008, repeal of Montana's renal disease treatment program, executive agency reporting requirements, vendor selection under the vehicle insurance verification program, and revisions to the budget laws for purposes of the 2013 biennial budget, among many others.

Governor Schweitzer brings this action under the Uniform Declaratory Judgments Act, Mont. Code Ann. §§ 27-8-101 through -313, asking this Court to declare HB 676 in violation of the single subject rule. The constitutional provision, itself, recognizes that the general appropriations act contains multiple subjects, and excepts that act from the single subject requirement. HB 676 is *not* a general appropriations act. Where the bill's stated "subject" is to implement the entirety of the general appropriations act, the bill necessarily contains multiple subjects in contravention of the single subject requirement. In addition to asking this Court to hold HB 676 unconstitutional, the Governor asks the Court to apply its ruling prospectively so as to avoid the disruption of government programs and budgets during the present biennium.

STANDARD OF REVIEW

The standard applicable to the Court's review of a constitutional challenge to a statute is well-established. "The constitutionality of a statute is a question of law. . . . Statutes enjoy a presumption of constitutionality, and the person challenging a statute's constitutionality bears the burden of proving it unconstitutional." *Jaksha v. Butte-Silver Bow County*, 2009 MT 263, ¶13 (citations omitted). Moreover, "any doubt must be resolved in favor of the statute." *State v. Michaud*, 2008 MT 88, ¶ 15.

Where the challenge is to the single subject requirement found in Article V, § 11(3) of the Montana Constitution, the Court has stated: “Sound policy and legislative convenience dictate a liberal construction of the title and subject-matter of statutes to maintain their validity. Infraction of this constitutional clause must be plain and obvious to be recognized as fatal.” (Citation omitted.) *Rosebud County v. Flinn*, 109 Mont. 537, 544, 98 P.2d 330, 334 (Mont. 1940).

Notwithstanding the high bar placed on a constitutional challenge such as this one, where it is shown beyond a reasonable doubt that the statute violates the constitutional requirement, it is the responsibility of the Court to “affirm the clear intent of the people of Montana, as set forth in Montana's Constitution” and declare the legislation in contravention of the constitutional mandate. *Marshall v. State by & Through Cooney*, 1999 MT 33, ¶26 (striking down a voter constitutional initiative on grounds it violated Montana’s constitutional requirement that the people vote on multiple amendments to the state constitution separately).

CONTENTS OF HB 676

The title to HB 676 begins: “AN ACT IMPLEMENTING THE GENERAL APPROPRIATIONS ACT;” (A copy of HB 676 is attached hereto as Exhibit A.) The Governor is unaware of any previous single act, passed by the Montana Legislature, to implement the entirety of the general appropriations act. Spanning more than a page in length, the title continues by describing the bill’s 35 sections. The following are some examples of the bill’s provisions to illustrate its multiplicity of subjects. Other provisions of the bill are discussed throughout this brief, as well.

Two sections of HB 676 amended Montana's budget laws for purposes of the coming (2013) biennium. First, section 11, amended the definition of the term "present law base," found in Mont. Code Ann. § 17-7-102, for purposes of the 2013 biennial budget. Second, section 12 amended Mont. Code Ann. § 17-7-111 by requiring the Department of Public Health and Human Services ("DPHHS"), when preparing its budget request for the 2013 biennium, to identify reductions of ongoing general fund expenditures to the "level funded in the general appropriations act" passed by the 61st Legislature, amounting to approximately \$22 million.¹

Section 15 of HB 676 amended the Healthy Montana Kids initiative, I-155, passed by the voters in November 2008 – only months prior to passage of HB 676 – by reducing the portion of money from the insurance premium tax that the voters had redirected from the general fund to the Healthy Montana Kids Plan from 33% to 16.67%. Section 15 terminates on June 30, 2013. HB 676, section 35(2).

The statute establishing the Office of the State Public Defender was amended in section 16 of the bill to require the Office to provide detailed annual reports to the Legislative Finance Committee regarding both caseloads and collections of client reimbursements for services (amending Mont. Code Ann. § 47-1-201).

The bill also imposed reporting requirements on the Montana Department of Transportation concerning emergency medical service grants funded by the Legislature. Section 25 requires permanent reports to the Governor and Legislative Finance Committee. That section is now codified as Mont. Code Ann. § 61-2-109. Section 27

¹ The \$22 million funding reduction is derived by adding the one-time-only money appropriated to DPHHS in House Bill No. 2 ("HB 2") for ongoing services.

established reporting requirements to an interim legislative committee during the 2011 biennium for expenditures authorized under the 2009 general appropriations act, HB 2.

Also of note, Mont. Code Ann. § 53-4-1005, pertaining to benefits provided under the children's health insurance program ("CHIP"), was amended more than once by various legislative committees as it wound its way through the legislative process. The introduced version of HB 676 did not amend this statute. It was first amended by the Senate Finance and Claims Committee to eliminate the prohibition on paying for birth control contraceptives under CHIP. The prohibition on contraceptive funding was reinstated by the Free Conference Committee to HB 676 and remained through passage of the bill. *See* 2009 Mont. Laws Ch. 486, sec. 18.

The range of subjects covered in HB 676 is demonstrated as well in section 29, which required the successful vendor bidding on the Department of Justice's ("DOJ") vehicle insurance verification system to have installed a substantially similar system in at least two other states. Notably, DOJ's authority to contract with a private vendor to establish the motor vehicle insurance verification system derives from another bill passed by the 2009 Legislature, SB 508 (2009 Mont. Laws Ch. 413), now codified at Mont. Code Ann. § 61-6-157(2).

Finally, section 30 of the bill repealed Montana's renal disease program and voluntary tax checkoff.

These are but some of the provisions of HB 676 demonstrating its wide-ranging multiplicity of subjects. The Legislature entitled the bill "an act implementing the general appropriations act," however the Governor contends the breadth of subjects covered under this overly general theme is impermissible under Montana's constitutional

single subject requirement. As well, on its face, it is clear that in making permanent changes to substantive law and by including provisions related to the preparation of the 2013 biennial budget, HB 676 does far more than implement the 2011 biennial budget passed by the Legislature in the 2009 general appropriations act.

ARGUMENT

The Montana Constitution clearly and simply provides:

Each bill, except general appropriation bills and bills for the codification and general revision of the laws, shall contain only one subject, clearly expressed in its title. If any subject is embraced in any act and is not expressed in the title, only so much of the act not so expressed is void.

MONT. CONST. art. V, § 11(3) (emphasis added).

As stated in the constitutional provision, the only exceptions to the single subject requirement are general appropriations bills and bills for the codification and general revision of the laws. HB 676, the “budget implementation act,” falls in none of those categories.

I. The Dual Purpose of the Single Subject Requirement is to Prevent Logrolling and Protect the Governor’s Veto Power.

Montana’s present constitutional provision repeats almost verbatim the similar provision in Montana’s 1889 Constitution.² The provision is straightforward, and the

² Article V, section 23 of the 1889 Montana Constitution stated in full: “No bill, except general appropriation bills, and bills for the codification and general revision of the laws, shall be passed containing more than one subject which shall be clearly expressed in its title; but if any subject shall be embraced in any act which shall not be expressed in the title, such act shall be void only as to so much thereof as shall not be so expressed.”

Montana Supreme Court's discussions of the single subject rule are similar, generally, to those expressed by numerous state courts analyzing like constitutional requirements.³

A universally-stated reason for the single subject rule is to prevent the practice of "logrolling." See, e.g., *Harper v. Greely*, 234 Mont. 259, 266, 763 P.2d 650, 654-55 (1988) [citing *State v. McKinney*, 29 Mont. 375, 380-82, 74 P. 1095, 1096 (1904)].

While the Montana Supreme Court has not elaborated on the meaning of "logrolling," the term has been described frequently by other authorities. In *Associated Builders & Contractors v. Ventura*, 610 N.W.2d 293, 299, n.22 (Minn. 2000), the court summarized: "We defined logrolling as the 'combination of different measures, dissimilar in character . . . united together . . . compelling the requisite support to secure their passage.' *State v. Cassidy*, 22 Minn. 312, 322 (1875) (subject provision's purpose is to 'secure to every distinct measure of legislation a separate consideration and decision, dependent solely upon its individual merits, by prohibiting the fraudulent insertion therein of matters wholly foreign')." In *Bennett v. Napolitano*, 81 P.3d 311, 319 (Ariz. 2003), the court described the practical implications: "A bill that deals with multiple subjects creates a serious 'logrolling' problem because an individual legislator 'is thus forced, in order to secure the enactment of the proposition which he considers the most important, to vote for others of which he disapproves.'" (Citation omitted.)

A second reason for the single subject requirement, cited by a number of courts, is to protect a governor's veto power, which necessarily is eroded by a bill containing multiple subjects. This distinct purpose of the single subject rule was discussed by the

³ One authority indicates that, as of 1990, forty-three states had some form of a single subject requirement in their constitutions. *Kincaid v. Mangum*, 432 S.E.2d 74, 79 (W.Va. 1993) [citing Michael W. Catalon, *The Single Subject Rule: A Check on Anti-Majoritarian Logrolling*, 3 Emerging Issues St. Const. Law 77, 79 (1990)].

Maryland Supreme Court in *Porten Sullivan Corp. v. State*, 568 A.2d 1111 (Md. 1990).

There, the court explained:

An additional purpose of the single-subject rule is to "protect the integrity of the governor's veto power." Williams, *State Constitutional Limits on Legislative Procedure: Legislative Compliance and Judicial Enforcement*, 48 U.Pitt.L.Rev. 797, 809 (1987). In *Brown v. Firestone*, the Supreme Court of Florida said that a purpose of the one-subject rule is to prevent

"a practice under which the legislature could include in a single act matters important to the people and desired by the Governor and other matters opposed by the Governor or harmful to the welfare of the state, with the result that in order to obtain the constructive or desired matter the Governor had to accept the unwanted portion. The veto power of the chief executive [would] thereby [be] severely limited if not destroyed and one of the intended checks on the authority of the legislature [would be] able to be negated in practice."

382 So.2d 654, 663-664 (Fla.1980) (quoting *Green v. Rawls*, 122 So.2d 10, 13 (Fla.1960)). See *House Bill No. 1353*, 738 P.2d 371, 372 (Colo.1987) (single-subject rule "enables governor to consider each single subject of legislation separately and independently in determining whether to exercise his veto power"); *Turner v. Wright*, 11 Ill.2d 161, 172, 142 N.E.2d 84, 90 (1957) ("by limiting the contents of a bill to a single subject it outlaws legislative 'riders,' and so protects the veto power of the Governor against encroachment"); *Commonwealth v. Barnett*, 199 Pa. 161, 171-172, 48 A. 976, 977 (1901) ("by joining a number of different subjects in one bill the governor was put under compulsion to accept some enactments that he could not approve, or to defeat the whole, including others that he thought desirable or even necessary"). The California Supreme Court has said that although it has not yet recognized any relationship between the one-subject rule and the governor's veto power, "it cannot be denied that as a practical matter the broader the definition ascribed to the term 'single subject' . . . , the more circumscribed is the Governor's power to veto legislation." *Harbor v. Deukmejian*, 43 Cal.3d 1078, 1094, 240 Cal.Rptr. 569, 577-578, 742 P.2d 1290, 1298-1299 (1987).

Id. at 1117.

Under his constitutional authority, a Montana Governor may veto a bill in its entirety and may veto "items" of appropriations bills. MONT. CONST. art. VI, § 10(1) and

(5). The Governor has no power to veto portions or items of a bill that is not an appropriations bill, such as HB 676. Thus, when, on April 30, 2009, after the Legislature had adjourned for the session *sine die*, HB 676 was delivered to the Governor for his signature, he had the choice of signing it, vetoing it in its entirety, or neither signing nor vetoing it but allowing it to become law without his signature. MONT. CONST. art. VI, § 10(1). Governor Schweitzer elected the last of the three options. He did not sign HB 676, and it became law ten days after it was delivered to him.

These alternatives faced by Governor Schweitzer when presented with HB 676 were described by the Arizona Supreme Court in the case of *Bennett v. Napolitano*, 81 P.3d 311 (Ariz. 2003). There, the court stated: “Moreover the single subject violations create a separate problem, equally serious, in connection with the governor’s veto power. A governor presented with a multi-subject bill inevitably faces a ‘Hobson’s choice.’ She must either veto the entire bill, including the measures she supports, or accept the entire bill, including the measures she opposes.” *Id.* at 319.

The two purposes underlying the single subject requirement – to prevent logrolling and to protect a governor’s veto power -- were discussed in a Colorado case in which the Governor asked the Colorado Supreme Court, under a special state constitutional provision, to rule on the constitutionality of legislation covering subjects as diverse as the reduction of state contributions to various state employees’ retirement funds, imposition of a charge against inmate accounts, transfer of state severance tax money to the general fund, and imposition of a surcharge on insurance carriers based on workers’ compensation premiums received. *In re Interrogatory Propounded by Governor Roy Romer on House Bill No. 1353*, 738 P.2d 371 (Colo. 1987).

The court rejected the argument that the Colorado legislation addressed the single subject of “the increase in the moneys available to the state.” Instead, the court held that the legislation violated the single subject rule and concluded “that these diverse and incongruous subjects impermissibly impeded achievement of the goal that each legislative proposal be considered on its own merits, and intrude on the governor’s ability to exercise the veto power.” *Id.* at 373.

Similarly, HB 676 impermissibly contains “diverse and incongruous subjects” inconsistent with the single subject requirement and the purposes underlying it: to prevent logrolling and protect the Governor’s veto power. The Court should find HB 676 in violation of Article V, sec. 11(3) of the Montana Constitution.

II. The Single Subject Requirement Cannot be Circumvented through Legislation Purporting to Address a Single Subject that is of Excessive Generality and Breadth.

The Governor understands that the courts, generally, give great latitude to legislatures and strive to uphold legislation, and that the Montana Supreme Court, like other states’ high courts, interprets the single subject requirement broadly. In an early Montana case, the Montana Supreme Court discussed the high standard to which the Court will hold a single subject challenge:

The object of the constitutional provision now under consideration is not to embarrass honest legislation, but to prevent the vicious practice, which prevailed in states which did not have such inhibitions, of joining in one Act incongruous and unrelated matters. The rule of interpretation now quite generally adopted is that, if all parts of the statutes have a natural connection and can reasonably be said to relate, directly or indirectly, to one general and legitimate subject of legislation, the Act is not open to the charge that it violates this constitutional provision; and this is true no matter how extensively or minutely it deals with the details looking to the accomplishment of the main legislative purpose. . . .

Evers v. Hudson, 36 Mont. 135, 145-146, 92 P. 462, 465-66 (1907) (citations omitted).

In *Evers*, the court upheld legislation that concerned the single subject of providing for the organization and maintenance of a uniform system of county free high schools. *Id.* at 145, 92 P. at 465.

While the standard expressed in *Evers* remains in force, the Governor contends that the problem with HB 676 is one not faced in *Evers*. The problem with HB 676 is that the stated “subject” of the bill is so general and broad that to uphold it as a “single subject” within the meaning of Article V, § 11(3) of the Constitution would render the single subject requirement meaningless.

The Montana Supreme Court discussed the problem with an excessively general subject in a case involving a challenge to a voter-passed constitutional initiative prohibiting the enactment of tax increases without prior voter approval. In *Marshall v. State by & Through Cooney*, 1999 MT 33, the Court struck down the constitutional initiative as violative of Article XIV, section 11 of the Montana Constitution, requiring multiple amendments to the constitution to be voted upon separately. In reaching its decision, the Court analyzed three prior Montana cases that discussed the two similar provisions in the 1889 Constitution (the separate vote and single subject provisions, which the Court recognized to differ from each other). The Court overruled the earlier decisions for reasons that directly support the Governor’s argument in this case. The Court stated: “Under the Court’s rationale in *Hay* [*State ex rel. Hay v. Alderson*, 49 Mont. 387, 142 P. 210 (1914)], for example, a constitutional initiative to ‘improve Montana’s government’ could amend virtually every part of Montana’s Constitution but have one single subject. The unity of subject rule set forth in *Hay* and *Cooney* [referring