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HOUSE BILL NO. 252

INTRODUCED BY B. DAVIES

A BILL FOR AN ACT ENTITLED: "AN ACT SUBMITTING TO THE QUALIFIED ELECTORS OF MONTANA AN AMENDMENT TO ARTICLE III, SECTION 1, OF THE MONTANA CONSTITUTION TO PROVIDE THAT A DISTRICT COURT DECISION THAT IS BASED ON CONSTITUTIONAL GROUNDS DOES NOT TAKE EFFECT UNTIL THE TIME FOR APPEAL HAS ENDED AND TO PROVIDE THAT IF THE DECISION IS APPEALED, THE DECISION DOES NOT TAKE EFFECT UNLESS AND UNTIL THE DECISION IS AFFIRMED BY THE MONTANA SUPREME COURT."

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

**Section 1.** Article III, section 1, of The Constitution of the State of Montana is amended to read:

**"Section 1. Separation of powers. (1)** The power of the government of this state is divided into three distinct branches--legislative, executive, and judicial. No person or persons charged with the exercise of power properly belonging to one branch shall exercise any power properly belonging to either of the others, except as in this constitution expressly directed or permitted.

(2) A district court decision that is based on constitutional grounds does not take effect until the time for appeal has ended, and if the decision is appealed, the decision does not take effect unless and until the decision is affirmed by the Montana supreme court."

NEW SECTION. **Section 2. Submission to electorate.** This amendment shall be submitted to the qualified electors of Montana at the general election to be held in November 2002 by printing on the ballot the full title of this act and the following:

- FOR delaying the effective date of a district court decision that is based on constitutional grounds.
- AGAINST delaying the effective date of a district court decision that is based on constitutional grounds.

- END -

