

## 1 HOUSE BILL NO. 394

2 INTRODUCED BY R. BROWN

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4 A BILL FOR AN ACT ENTITLED: "AN ACT SUBMITTING TO THE QUALIFIED ELECTORS OF MONTANA AN  
5 AMENDMENT TO ARTICLE IV OF THE MONTANA CONSTITUTION TO IMPOSE TERM LIMITS ON STATE  
6 SUPREME COURT JUSTICES; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE."

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8 WHEREAS, the people of Montana have always desired a citizen Legislature and believe that citizen  
9 legislators, rather than career professional politicians, will enact laws most compatible with Montanans' values;  
10 and

11 WHEREAS, the people of Montana have taken great pains to ensure a citizen Legislature by enacting  
12 term limits for legislators and by limiting pay for legislators; and

13 WHEREAS, the Montana Supreme Court has embarked on an agenda of legislating from the bench,  
14 rather than adjudicating the facts and law; and

15 WHEREAS, the court's legislation from the bench has included areas that have previously been  
16 preserved by the people as the responsibility of their elected representatives under the separation of powers  
17 doctrine; and

18 WHEREAS, the only remaining avenue of redress to ensure that Montana laws are legislated by citizens  
19 rather than by lifelong career politicians is to ensure that the court is also composed of citizen lawmakers; and

20 WHEREAS, term limits are one means to ensure citizen representation in lawmaking bodies.

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

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24 NEW SECTION. **Section 1.** Article IV of The Constitution of the State of Montana is amended by  
25 adding a new section 9 that reads:

26 **Section 9. Term limits for supreme court.** (1) A person may not serve more than two consecutive  
27 terms as a supreme court justice. A term served as chief justice or justice shall count the same for computation  
28 of judicial term limits. Service as an appointee to a vacancy for any portion of an 8-year term shall count as one  
29 term for computation of judicial term limits.

30 (2) Except for write-in candidates, a candidate shall not file for nomination or election to a term of judicial

1 office that exceeds the limits set in subsection (1).

2 (3) Nothing contained in this section precludes an otherwise qualified candidate from being certified as  
3 nominated or elected by virtue of write-in votes cast for the candidate.

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5 **NEW SECTION. Section 2. Effective date -- applicability.** If approved by the electorate, this  
6 amendment is effective January 1, 2005, and applies to elections occurring during or after 2006. For purposes  
7 of calculating terms of service for judicial term limits, the amendment does not apply to terms of service that  
8 began prior to January 1, 2005, and those terms of service may not be included in a judicial term limits  
9 computation.

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11 **NEW SECTION. Section 3. Submission to electorate.** This amendment shall be submitted to the  
12 qualified electors of Montana at the general election to be held in November 2004 by printing on the ballot the  
13 full title of this act and the following:

14  FOR imposing term limits on state supreme court justices.

15  AGAINST imposing term limits on state supreme court justices.

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