

SENATE BILL NO. 323

INTRODUCED BY J. BALYEAT

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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 III, SECTION 1, OF THE MONTANA CONSTITUTION TO PROVIDE THAT A
6 DECISION OF THE MONTANA SUPREME COURT INVALIDATING ONE OR MORE STATUTES OR PARTS
7 OF STATUTES MAY BE OVERTURNED BY A BILL THAT RECEIVES A TWO-THIRDS VOTE OF EACH
8 HOUSE OF THE LEGISLATURE AND THAT IS SIGNED BY THE GOVERNOR."

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

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12 **Section 1.** Article III, section 1, of The Constitution of the State of Montana is amended to read:
13 **"Section 1. Separation of powers. (1)** The power of the government of this state is divided into three
14 distinct branches--legislative, executive, and judicial. No person or persons charged with the exercise of power
15 properly belonging to one branch shall exercise any power properly belonging to either of the others, except as
16 in this constitution expressly directed or permitted.

17 (2) A decision of the Montana supreme court invalidating one or more statutes or parts of statutes may
18 be overturned by a bill that is approved by a vote of at least two-thirds of the members of each house of the
19 legislature and that is signed by the governor. The bill must specifically state the statutes or parts of statutes
20 invalidated by the decision being overturned."

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22 NEW SECTION. Section 2. Two-thirds vote required. Because [section 1] is a legislative proposal
23 to amend the constitution, Article XIV, section 8, of the Montana constitution requires an affirmative roll call vote
24 of two-thirds of all the members of the legislature, whether one or more bodies, for passage.

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26 NEW SECTION. Section 3. Submission to electorate. [This act] shall be submitted to the qualified
27 electors of Montana at the general election to be held in November 2012 by printing on the ballot the full title of
28 [this act] and the following:

29 [] FOR allowing a law enacted by two-thirds of each house of the legislature to overturn a Montana
30 supreme court decision invalidating statutory law.

