

HOUSE BILL NO. 394
INTRODUCED BY R. BROWN

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

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

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

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

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

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

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

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

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

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

(2) Except for write-in candidates, a candidate shall not file for nomination or election to a term of judicial office that exceeds the limits set in subsection (1).

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

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

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

- FOR imposing term limits on state supreme court justices.
- AGAINST imposing term limits on state supreme court justices.

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