

1 SENATE BILL NO. 131

2 INTRODUCED BY F. THOMAS

3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT SECTIONS 7, 9, AND 27 OF INITIATIVE
 5 MEASURE NO. 182 (2016) ARE EFFECTIVE WHEN INITIATIVE MEASURE NO. 182 (2016) WAS PASSED
 6 AND APPROVED BY THE PEOPLE OF MONTANA ON NOVEMBER 8, 2016, ~~AND THAT SECTION 9 OF~~
 7 ~~INITIATIVE MEASURE NO. 182 (2016) IS EFFECTIVE JUNE 30, 2017~~; AMENDING SECTION 27, INITIATIVE
 8 MEASURE NO. 182, APPROVED NOVEMBER 8, 2016; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."
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10 WHEREAS, pursuant to Article V, section 1, of the Montana Constitution, the legislative power is vested
 11 exclusively in a Legislature and in the people of Montana through initiative and referendum; and

12 WHEREAS, Article III, section 1, of the Montana Constitution specifically provides that the power of the
 13 government of this state is divided into three distinct branches--legislative, executive, and judicial--and that no
 14 person or persons charged with the exercise of power properly belonging to one branch shall exercise any power
 15 properly belonging to either of the others; and

16 WHEREAS, the First Judicial District Court in Montana Cannabis Industry Association and Danielle
 17 Muggli vs. Montana Department of Public Health and Human Services, Cause No. DV 2016-51, violated Article
 18 V, section 1, and Article III, section 1, of the Montana Constitution when it exercised the legislative power that is
 19 vested solely in the Legislature and the people of Montana, by ordering that the effective dates set out in Initiative
 20 Measure No. 182 (2016) and voted on by the people of Montana be changed; and

21 WHEREAS, the Montana Legislature, through this bill, is properly exercising its constitutional legislative
 22 power vested exclusively in the Legislature and the people of Montana to change the effective dates in I-182.
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24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
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26 **Section 1.** Section 27, Initiative Measure No. 182, approved November 8, 2016, is amended to read:
 27 "NEW SECTION. Section 27. Effective dates. (1) Except as provided in subsection (2), [this act] is
 28 effective June 30, 2017.

29 (2) [Sections 3, 4, 5, 9 7, 9, and 20] and this section are effective on passage and approval."
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