

SENATE BILL NO. 131

INTRODUCED BY F. THOMAS

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT SECTIONS 7, 9, AND 27 OF INITIATIVE MEASURE NO. 182 (2016) ARE EFFECTIVE WHEN INITIATIVE MEASURE NO. 182 (2016) WAS PASSED AND APPROVED BY THE PEOPLE OF MONTANA ON NOVEMBER 8, 2016, ~~AND THAT SECTION 9 OF INITIATIVE MEASURE NO. 182 (2016) IS EFFECTIVE JUNE 30, 2017; AMENDING SECTION 27, INITIATIVE MEASURE NO. 182, APPROVED NOVEMBER 8, 2016; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.~~"

WHEREAS, pursuant to Article V, section 1, of the Montana Constitution, the legislative power is vested exclusively in a Legislature and in the people of Montana through initiative and referendum; and

WHEREAS, Article III, section 1, of the Montana Constitution specifically provides that the power of the government of this state is divided into three distinct branches--legislative, executive, and judicial--and that 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; and

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

WHEREAS, THE POWERS RESERVED TO THE LEGISLATURE AND THE PEOPLE IN ARTICLE V, SECTION 1, OF THE MONTANA CONSTITUTION WERE DISREGARDED, AND THE POWERS SEPARATED BY ARTICLE III, SECTION 1, OF THE MONTANA CONSTITUTION AND NOT PROPERLY BELONGING TO THE JUDICIAL BRANCH WERE EXERCISED IN MONTANA CANNABIS INDUSTRY ASSOCIATION AND DANIELLE MUGGLI VS. MONTANA DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES BY ORDERING THAT THE EFFECTIVE DATES SET OUT IN INITIATIVE MEASURE NO. 182 (2016) AND VOTED ON BY THE PEOPLE OF MONTANA BE CHANGED; AND

WHEREAS, the Montana Legislature, through this bill, is properly exercising its constitutional legislative power vested exclusively in the Legislature and the people of Montana to change the effective dates in I-182.

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

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2 **Section 1.** Section 27, Initiative Measure No. 182, approved November 8, 2016, is amended to read:

3 "NEW SECTION. **Section 27. Effective dates.** (1) Except as provided in subsection (2), [this act] is

4 effective June 30, 2017.

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

7 NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

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