

Senate Bill 289

In The Senate

January 27, 1981	Introduced and referred to Committee on Judiciary.
February 19, 1981	Committee recommend bill do pass as amended.
February 20, 1981	Bill printed and placed on members' desks.
February 21, 1981	Second reading do pass.
February 23, 1981	Correctly engrossed.
February 24, 1981	Third reading passed.

In The House

March 3, 1981	Introduced and referred to Committee on Judiciary.
March 26, 1981	Committee recommend bill not concurred.

In The Senate

March 27, 1981	Returned from House not concurred.
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1 Smith BILL NO. 289
2 INTRODUCED BY Lee

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE THE ATTORNEY
5 GENERAL TO CHALLENGE THE CONSTITUTIONALITY OF A FEDERAL LAW
6 THAT MATERIALLY IMPAIRS OR DESTROYS THE TAXING AUTHORITY OR
7 AUTONOMY OF THE STATE."

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

10 Section 1. Attorney general -- federal-state balance
11 of power. (1) The attorney general shall bring an action in
12 a court of competent jurisdiction to challenge the
13 constitutionality of a federal law or regulation if:

14 (a) it materially impairs or destroys the power of the
15 state over legitimate subjects of taxation within the
16 state's jurisdiction; or

17 (b) it contains or its application results in a threat
18 of loss, implied or expressed, that would materially, impair
19 or destroy the autonomy reserved to the state.

20 (2) The attorney general shall broadly construe and
21 liberally apply the provisions of this section in order to
22 better ensure the preservation of a proper distribution of
23 power between this state and the federal government.

-End-

INTRODUCED BILL
SB 289

Approved by Committee
on Judiciary

1 SENATE BILL NO. 289

2 INTRODUCED BY LEE

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE THE ATTORNEY
5 GENERAL TO CHALLENGE THE CONSTITUTIONALITY OF A FEDERAL LAW
6 THAT MATERIALLY IMPAIRS OR DESTROYS THE TAXING AUTHORITY OR
7 AUTONOMY OF THE STATE."

8

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

10 Section 1. Attorney general -- federal-state balance
11 of power. (1) The attorney general ~~shall~~ MAY bring an action
12 in a court of competent jurisdiction to challenge the
13 constitutionality of a federal law or regulation if:

14 (a) it materially impairs or destroys the power of the
15 state over legitimate subjects of taxation within the
16 state's jurisdiction; or

17 (b) it contains or its application results in a threat
18 of loss, implied or expressed, that would materially impair
19 or destroy the autonomy reserved to the state.

20 {2}--The attorney general ~~shall~~ --broadly--construe--and
21 broadly--apply--the provisions of this section in order to
22 better ensure the preservation of a proper--distribution--of
23 power between this state and the federal government.

-End-

SECOND READING
SB 289

1 SENATE BILL NO. 289
2 INTRODUCED BY LEE

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE THE ATTORNEY
5 GENERAL TO CHALLENGE THE CONSTITUTIONALITY OF A FEDERAL LAW
6 THAT MATERIALLY IMPAIRS OR DESTROYS THE TAXING AUTHORITY OR
7 AUTONOMY OF THE STATE."

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

10 Section 1. Attorney general -- federal-state balance
11 of power. (1) The attorney general shall MAY bring an action
12 in a court of competent jurisdiction to challenge the
13 constitutionality of a federal law or regulation if:

14 (a) it materially impairs or destroys the power of the
15 state over legitimate subjects of taxation within the
16 state's jurisdiction; or

17 (b) it contains or its application results in a threat
18 of loss, implied or expressed, that would materially impair
19 or destroy the autonomy reserved to the state.

20 +27+--the-attorney-general-shall-broadly-construe--and
21 +liberally-apply--the-provisions-of-this-section-in-order-to
22 better-ensure-the-preservation-of-a-proper--distribution--of
23 power-between-this-state-and-the-federal-government.

-End-

THIRD READING

SB 289