

SENATE BILL 4

Introduced by Burnett

12/23	Introduced
12/23	Referred to Judiciary
1/04	First Reading
2/16	Hearing
2/19	Committee Report--Bill Not Passed
2/19	Adverse Committee Report Adopted
2/19	Motion Carried to Place on 2nd Reading
2/20	2nd Reading Do Pass Motion Failed (Proposed Constitutional Amendment Proceeded to 3rd Reading Vote)
2/22	3rd Reading Failed
	Transmitted to House
2/23	Referred to Judiciary
2/23	First Reading
3/16	Hearing
3/25	Tabled in Committee

## CONSTITUTIONAL AMENDMENT

SENATE BILL NO. 4

INTRODUCED BY BURNETT

A BILL FOR AN ACT ENTITLED: "AN ACT SUBMITTING TO THE QUALIFIED ELECTORS OF MONTANA AN AMENDMENT TO ARTICLE VII, SECTION 2, OF THE CONSTITUTION OF THE STATE OF MONTANA TRANSFERRING FROM THE MONTANA SUPREME COURT TO THE LEGISLATURE THE AUTHORITY TO DETERMINE WHO MAY BE ADMITTED TO THE BAR."

WHEREAS, Article II, section 1, of The Constitution of the State of Montana provides that all political power is vested in and derived from the people and that all government of right originates with the people, is founded upon their will only, and is instituted solely for the good of the whole; and

WHEREAS, Article II, section 2, of The Constitution of the State of Montana provides that the people have the exclusive right of governing themselves as a free, sovereign, and independent state and may alter or abolish the constitution and form of government whenever they deem it necessary; and

WHEREAS, Article VII, section 2, of The Constitution of the State of Montana gives the Montana Supreme Court exclusive control over admission to the bar and that court

denies admission to graduates of correspondence courses, those who have studied law under an attorney admitted to the bar, and those who are self-taught; and

WHEREAS, section 37-61-210, MCA, a law dating back to the first years of statehood, provides that if a person practices law in a court, except a justice's court or city court, without a license as an attorney, the person is guilty of contempt of court, and that section thus allows a nonattorney self-representation in a justice's or city court, but there is a question as to whether it allows a nonattorney to represent another in such a court.

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

**Section 1.** Article VII, section 2, of The Constitution of the State of Montana is amended to read:

**"Section 2. Supreme court jurisdiction -- admission to bar under legislative authority.** (1) The supreme court has appellate jurisdiction and may issue, hear, and determine writs appropriate thereto. It has original jurisdiction to issue, hear, and determine writs of habeas corpus and such other writs as may be provided by law.

(2) It has general supervisory control over all other courts.

(3) It may make rules governing appellate procedure, practice and procedure for all other courts, admission--to

1 the--bar and the conduct of its members of the judiciary and  
2 the bar. Rules of procedure shall be subject to disapproval  
3 by the legislature in either of the two sessions following  
4 promulgation.

5 (4) Supreme court process shall extend to all parts of  
6 the state.

7 (5) The legislature has exclusive authority to  
8 determine who may be admitted to the bar."

9 NEW SECTION. Section 2. Submission to electorate. This  
10 amendment shall be submitted to the qualified electors of  
11 Montana at the general election to be held in November 1994  
12 by printing on the ballot the full title of this act and the  
13 following:

14 ☐ FOR transferring from the supreme court to the  
15 legislature the power to determine who may be  
16 admitted to the bar.

17 ☐ AGAINST transferring from the supreme court to the  
18 legislature the power to determine who may be  
19 admitted to the bar.

-End-

COMMITTEE ON JUDICIARY

53rd Legislature

SB 0004/01

RECOMMEND DO NOT PASS

SB 0004/01

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