THE STATE CONSTITUTION OF MONTANA. As adopted by the constitutional convention March 22, 1972, and as ratified by the people, June 6, 1972. Preamble. We the people of Montana grateful to God for the quiet beauty of our mountains, the vastness of our rolling plains, and desiring to improve the quality of life, equality of opportunity and to secure the blessings of liberty for this and future generations do ordain and establish this co
stitution. ARTICLE I COMPACT WITH THE UNITED STATES All provisions of the enabling act of Congress (approved February 22, 1889, 25 Stat. 676), as amended and of Ordinance No. 1, appended to the Constitution of the state of Montana and approved February 22, 1889, including the agreement and declaration that all lands owned or held by any Indian or Indian tribes shall remain under the absolute jurisdiction and control of the congress of the United States, c
ontinue in full force and effect until revoked by the consent of the United States and the people of Montana. Section 1. Popular sovereignty. All political power is vested in and derived from the people. All government of right originates with the people, is founded upon their will only, and is instituted solely for the good of the whole. Section 2. Self-government. The people have the exclusive right of governing themselves as a free, sovereign, and independent state.
They may alter or abolish the constitution and form of government whenever they deem it necessary. Section 3. Inalienable rights. All persons are born free and have certain inalienable rights. They include the right to a clean and healthful environment and the rights of pursuing life's basic necessities, enjoying and defending their lives and liberties, acquiring, possessing and protecting property, and seeking their safety, health and happiness in all lawful ways. In e
xercising these rights, all persons recognize corresponding responsibilities. Section 4. Individual dignity. The dignity of the human being is inviolable. No person shall be denied the equal protection of the laws. Neither the state nor any person, firm, corporation, or institution shall discriminate against any person in the exercise of his civil or political rights on account of race, color, sex, culture, social origin or ancestry. Section 5. Religious liberty. The
om of religion. The state shall make no law respecting an establishment of religion or prohibiting the free exercise thereof. Section 6. Freedom of assembly. The people shall have the right peaceably to assemble, petition for redress or peaceably protest governmental action. Section 7. Freedom of speech, expression, and press. No law shall be passed impairing the freedom of speech or expression. Every person shall be free to speak or publish whatever he will on
any subject, being responsible for all abuse of that liberty. In all suits and prosecutions for libel or slander the truth thereof may be given in evidence; and the jury, under the direction of the court, shall determine the law and the facts. Section 8. Right of participation. The public has the right to expect governmental agencies to afford such reasonable opportunity for citizen participation in the operation of the agencies prior to the final decision as may be provided b
y law. Section 9. Right to know. No person shall be deprived of the right to examine documents or to observe the deliberations of all public bodies or agencies of state government and its subdivisions, except in cases in which the demand of individual privacy clearly exceeds the merits of public disclosure. Section 10. Right of privacy. The right of individual privacy is essential to the well-being of a free society and shall not be infringed without the showing of a co
mpelling state interest. Section 11. Searches and seizures. The people shall be secure in their persons, papers, homes and effects from unreasonable searches and seizures. No warrant to search any place, or seize any person or thing shall issue without describing the place to be searched or the person or thing to be seized, or without probable cause, supported by oath or affirmation reduced to writing. Section 12. Right to bear arms. The right of any person to ke
ep or bear arms in defense of his own home, person, and property, or in aid of the civil power when thereto legally summoned, shall not be called in question, but nothing herein contained shall be held to permit the carrying of concealed weapons. Section 13. Right of suffrage. All elections shall be free and open, and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage. Section 14. Adult rights. A person 18 years of
age or older is an adult for all purposes. Section 15. Rights of persons under 18 years of age shall include, but not be limited to, all the fundamental rights of this Article unless specifically precluded by laws which enhance the protection of such persons. Section 16. The administration of justice. Courts of justice shall be open to every person, and speedy remedy shall be afforded for injury to his person, property, or character. No person
shall be deprived of this full legal redress for injury incurred in employment for which another person may be liable except as to fellow employees and his immediate employer who hired him if such immediate employer provides coverage under the Workmen's Compensation Laws of this state. Right and justice shall be administered without sale, denial, or delay. Section 17. Due process of law. No person shall be deprived of life, liberty, or property without due pro
cess of law. Section 18. State subject to suit. The state, counties, cities, towns, and all other local governmental entities shall have no immunity from suit for injury to a person or property. This provision shall apply only to causes of action arising after July 1, 1973. Section 19. Habeas corpus. The privilege of the writ of habeas corpus shall never be suspended. Section 20. Initiation of proceedings. (1) Criminal offenses within the jurisdiction of any court inferior to t
he district court shall be prosecuted by complaint. All criminal actions in district court, except those on appeal, shall be prosecuted either by information, after examination and commitment by a magistrate or after leave granted by the court, or by indictment without such examination, commitment or leave. (2) A grand jury shall consist of eleven persons, of whom eight must concur to find an indictment. A grand jury shall be drawn and summoned only at the discr
etion and order of the district judge. Section 21. Bail. All persons shall be bailable by sufficient sureties, except for capital offenses, when the proof is evident or the presumption great. Section 22. Excessive sanctions. Excessive bail shall not be required, or excessive fines imposed, or cruel and unusual punishments inflicted. Section 23. Detention. No person shall be imprisoned for the purpose of securing his testimony in any criminal proceeding longer than may
be necessary in order to take his deposition. If he can give security for his appearance at the time of trial, he shall be discharged upon giving the same; if he cannot give security, his deposition shall be taken in the manner provided by law, and in the presence of the accused and his counsel, or without their presence, if they shall fail to attend the examination after reasonable notice of the time and place thereof. Section 24. Rights of the accused. In all criminal pro
secutions the accused shall have the right to appear and defend in person and by counsel; to demand the nature and cause of the accusation; to meet the witnesses against him face to face; to have process to compel the attendance of witnesses in his behalf, and a speedy public trial by an impartial jury of the county or district in which the offense is alleged to have been committed, subject to the right of the state to have a change of venue for any cause authorized by law; to be informed of the charge against him; to be compelled to testify against himself in a criminal proceeding. No person shall be compelled to testify against himself in a criminal proceeding. No person shall be again put in jeopardy for the same offense previously tried in any jurisdiction. Section 26. Trial by jury. The right of trial by jury is secured to all and shall remain inviolate. But upon default of appearance or by consent of the parties expressed in such manner as the law
may provide, all cases may be tried without a jury or before fewer than the number of jurors provided by law. In all civil actions, two-thirds of the jury may render a verdict, and a verdict so rendered shall have the same force and effect as if all had concurred therein. In all criminal actions, the verdict shall be unanimous. Section 27. Imprisonment for debt. No person shall be imprisoned for debt except in the manner provided by law, upon refusal to deliver up his est
ate for the benefit of his creditors, or in cases of tort, where there is strong presumption of fraud. Section 28. Rights of the convicted. Laws for the punishment of crime shall be founded on the principles of prevention and reformation. Full rights are restored by termination of state supervision for any offense against the state. Section 29. Eminent domain. Private property shall not be taken or damaged for public use without just compensation to the full extent of th
e loss having been first made to or paid into court for the owner. In the event of litigation, just compensation shall include necessary expenses of litigation to be awarded by the court when the private property owner prevails. Section 30. Treason and descent of estates. Treason against the state shall consist only in levying war against it, or in adhering to its enemies, giving them aid and comfort; no person shall be convicted of treason except on the testimony of t
wo witnesses to the same overt act, or on his confession in open court; no person shall be attainted of treason or felony by the legislature; no conviction shall cause the loss of property to the relatives or heirs of the convicted. The estates of suicides shall descend or vest as in cases of natural death. Section 31. Ex post facto, obligation of contracts, and irrevocable privileges. No ex post facto law nor any law impairing the obligation of contracts, or making any irr
evocable grant of special privileges, franchises, or immunities, shall be passed by the legislature. Section 32. Civilian control of the military. The military shall always be in strict subordination to the civil power; no soldier shall in time of peace be quartered in any house without the consent of the owner, nor in time of war, except in the manner provided by law. Section 33. Imposition of armed forces. No person or persons or armed forces shall be
ought into this state for the preservation of the peace, or the suppression of domestic violence, except upon the application of the legislature, or of the governor when the legislature cannot be convened. Section 34. Unenumerated rights. The enumeration in this constitution of certain rights shall not be construed to deny, impair, or disparage others retained by the people. Section 35. Servicemen, servicewomen, and veterans. The people declare that Montana servi
cemen, servicewomen, and veterans may be given special considerations determined by the legislature. Section 1. Separation of powers. The power of the government of this state is divided into three distinct branches--legislative, executive, and judicial. 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, except as in this constitution expressly directed or p
ermitted. Section 2. Continuity of government. The seat of government shall be in Helena, except during periods of emergency resulting from disasters or enemy attack. The legislature may enact laws to insure the continuity of government during a period of emergency without regard for other provisions of the constitution. They shall be effective only during the period of emergency that affects a particular office or governmental operation. Section 3. Oath of office.
Members of the legislature and all executive, ministerial and judicial officers, shall take and subscribe the following oath or affirmation, before they enter upon the duties of their offices: "I do solemnly swear (or affirm) that I will support, protect and defend the constitution of the United States, and the constitution of the state of Montana, and that I will discharge the duties of my office with fidelity (so help me God)." No other oath, declaration, or test shall be require
d as a qualification for any office or public trust. Section 4. Initiative. (1) The people may enact laws by initiative on all matters except appropriations of money and local or special laws. (2) Initiative petitions must contain the full text of the proposed measure, shall be signed by at least five percent of the qualified electors in each of at least one-third of the legislative representative districts and the total number of signers must be at least five percent of the total qual
ified electors of the state. Petitions shall be filed with the secretary of state at least three months prior to the election at which the measure will be voted upon. (3) The sufficiency of the initiative petition shall not be questioned after the election is held. Section 5. Referendum. (1) The people may approve or reject by referendum any act of the legislature except an appropriation of mon
ey. A referendum petition shall be held either upon order by the legislature or upon
petition signed by at least five percent of the qualified electors in e
ach of at least one-third of the legislative representative districts. The total number of signers must be at least five percent of the qualified electors of the state. A referendum petition shall be filed with the secretary of state no later than six mon
ths after adjournment of the legislature which passed the act. (2) An act ref
erred to the people is in effect until suspended by petitions signed
by at least 15 percent of the qualified electors in a majority of the legislative representative districts. If so suspended the act shall become operative only after it is approved at an
election, the result of which has been determined and declared as
provided by law. Section 6. Elections. The people shall vote on initiative an
d referendum measures at the general election unless the legislatur
e orders a special election. Section 7. Number of electors. The number of q
ualified electors required in each legislative representative district
and in the state shall be determined by the number of votes cast for the offi
ce of governor in the preceding general election. Section 8. Prohibit
ion. The provisions of this Article do not apply to CONSTITUTIONAL REVIS
ION, Article XIV. Section 9. Gambling. All forms of gambling, lotterie
s, and gift enterprises are prohibited unless authorized by acts of the legisl
ature or by the people through initiative or referendum. Section 1. B
allot. All elections by the people shall be by secret ballot. Section 2. Qualifi
ed elector. Any citizen of the United States 18 years of age or older
who meets the registration and residence requirements provided by law is
a qualified elector unless he is serving a sentence for a felony in a
penal institution or is of unsound mind, as determined by a court. Section
3. Elections. The legislature shall provide by law the requirements
for residence, registration, absentee voting, and administration of election
s. It may provide for a system of poll booth registration, and shall i
nsure the purity of elections and guard against abuses of the electoral pro
cess. Section 4. Eligibility for public office. Any qualified elector is
eligible to any public office except as otherwise provided in this constit
ution. The legislature may provide additional qualifications but no p
erson convicted of a felony shall be eligible to hold office until his final di
scharge from state supervision. Section 5. Result of elections. In a
ll elections held by the people, the person or persons receiving the larges
t number of votes shall be declared elected. Section 6. Privilege fr
om arrest. A qualified elector is privileged from arrest at polling places an
d in going to and returning therefrom, unless apprehended in the
commission of a felony or a breach of the peace. Section 7. Power and st
ructure. The legislative power is vested in a legislature consisting
of a senate and a house of representatives. The people reserve to themsel
ves the powers of initiative and referendum. Section 2. Size. The s
ize of the legislature shall be provided by law, but the senate shall not ha
ve more than 50 or fewer than 40 members and the house shall not
have more than 100 or fewer than 80 members. Section 3. Election and t
erms. A member of the house of representatives shall be elected for
a term of two years and a member of the senate for a term of four years e
ach to begin on a date provided by law. One-half of the senators shall
be elected every two years. Section 4. Qualifications. A candidate for the
legislature shall be a resident of the state for at least one year next prec
eding the general election. For six months next preceding the general el
ection, he shall be a resident of the county if it contains one or more distr
icts or of the district if it contains all or parts of more than one county. S
ection 5. Compensation. Each member of the legislature shall receive com
pensation for his services and allowances provided by law. No legislatur
e may fix its own compensation. Section 6. Sessions. The legislature shall
be a continuous body for two-year periods beginning when newly electe
d members take office. Any business, bill, or resolution pending at adjourn
ment of a session shall carry over with the same status to any other sess
ion of the legislature during the biennium. The legislature shall meet at lea
st once a year in regular session of not more than 60 legislative days. A
ny legislature may increase the limit on the length of any subsequent ses
sion. The legislature may be convened in special sessions by the govern
or or at the written request of a majority of the members. Section 7. Vacan
cies. A vacancy in the legislature shall be filled by special election for th
e unexpired term unless otherwise provided by law. Section 8. Immunity. A
member of the legislature is privileged from arrest during attendance at
sessions of the legislature and in going to and returning therefrom, unless app
rehended in the commission of a felony or a breach of the peace. He sh
all not be questioned in any other place for any speech or debate in the legislature.
Section 9. Disqualification. No member of the legislature shall, during th
e term for which he shall have been elected, be appointed to any civil office under th
e state; and no member of congress, or other person holding an office (
except notary public, or the militia) under the United States or this state, shall be a m
ember of the legislature during his continuance in office. Section 10. Or
ganization and procedure. (1) Each house shall judge the election and qualifications
of its members. It may by law vest in the courts the power to try and det
ermine contested elections. Each house shall choose its officers from among its mem
bers, keep a journal, and make rules for its proceedings. Each house m
ay expel or punish a member for good cause shown with the concurrence of two-thirds of
all its members. (2) A majority of each house constitutes a quorum. A s
maller number may adjourn from day to day and compel attendance of absent members. (3)
The sessions of the legislature and of the committee of the whole, all c
ommittee meetings, and all hearings shall be open to the public. (4) The legislature may estab
lish a legislative council and other interim committees. The legislature
shall establish a legislative post-audit committee which shall supervise post-auditing duties p
rovided by law. (5) Neither house shall, without the consent of the othe
r, adjourn or recess for more than three days or to any place other than that in which the two
houses are sitting. Section 11. Bills. (1) A law shall be passed by bill w
hich shall not be so altered or amended on its passage through the legislature as to change its
original purpose. No bill shall become law except by a vote of the maj
ority of all members present and voting. (2) Every vote of each member of the legislature on each s
ubstantive question in the legislature, in any committee, or in committ
ee of the whole shall be recorded and made public. On final passage, the vote shall be taken by ayes
and noes and the names entered on the journal. (3) Each bill, except
general appropriation bills and bills for the codification and general revision of the laws, shall contain only on
e subject, clearly expressed in its title. If any subject is embraced in a
ny act and is not expressed in the title, only so much of the act not so expressed is void. (4) A general approp
riation bill shall contain only appropriations for the ordinary expense
of the legislative, executive, and judicial branches, for interest on the public debt, and for public schools. Ev
ery other appropriation shall be made by a separate bill, containing b
ut one subject. (5) No appropriation shall be made for religious, charitable, industrial, educational, or benevol
ent purposes to any private individual, private association, or private
corporation not under control of the state. (6) A law may be challenged on the ground of noncompliance with
this section only within two years after its effective date. Section 12.
Local and special legislation. The legislature shall not pass a special or local act when a general act is, or c
an be made, applicable. Section 13. Impeachment. (1) The governor, e
xecutive officers, heads of state departments, judicial officers, and such other officers as may be provided
by law are subject to impeachment, and upon conviction shall be re
moved from office. Other proceedings for removal from public office for cause may be provided by law. (2
) The legislature shall provide for the manner, procedure, and causes
for impeachment and may select the senate as tribunal. (3) Impeachment shall be brought only by a two-
thirds vote of the house. The tribunal hearing the charges shall conv
ict only by a vote of two-thirds or more of its members. (4) Conviction shall extend only to removal from
office, but the party, whether convicted or acquitted, shall also be lia
ble to prosecution according to law. Section 14. Districting and apportionment. (1) The state shall be divi
ded into as many districts as there are members of the house, and e
ach district shall elect one representative. Each senate district shall be composed of two adjoining house
districts, and shall elect one senator. Each district shall consist of c
ompact and contiguous territory. All districts shall be as nearly equal in population as is practicable. (2) I
n the legislative session following ratification of this constitution an
d thereafter in each session preceding each federal population census, a commission of five citizens, non
e of whom may be public officials, shall be selected to prepare a pla
n for redistricting and reapportioning the state into legislative and congressional districts. The majority leaders of each house shall each designate one commis
sioner. Within 20 days after their designation, the four commissioners shall select the fifth member, who sh
all serve as chairman of the commission. If the four members fail to
select the fifth member within the time prescribed, a majority of the supreme court shall select him. (3) Th
e commission shall submit its plan to the legislature at the first regu
lar session after its appointment or after the census figures are available. With 30 days after submissi
on, the legislature shall return the plan to the commission with its r
ecommendations. Within 30 days thereafter, the commission shall file its final plan with the secretary
of state and it shall become law. The commission is then dissolved.
Section 1. Officers. (1) The executive branch includes a governor, lieutenant governor, secretary of st
ate, a
ttorney general, superintendent of public instruction, and auditor. (
2) Each holds office for a term of four years which begins on the first Monday of January next succeed
ing elec
tion. (3) Each shall reside at the seat of government, there keep the public records of his office, and perform such other dut
ies as are
provided by law. (4) The governor, lieutenant governor, secretary of state, attorney general, superintendent of public instruction,
and auditor sh
all be qualified electors at a general election provide
d by law. (2) Each candidate for governor shall file jointly with a candidate for lieutenant governor in primary elections, or s
o otherwise comply with nomination procedures provided by law t
hat the offices of governor and lieutenant governor are voted upon together in primary and general elections. Section 3. Qua
lifications. (1) No person shall be eligible to the office of governor,
lieutenant governor, secretary of state, attorney general, superintendent of public instruction, or auditor unless he is 25 years
of age or older at the time of his election. In addition, each shall
be a citizen of the United States who has resided within the state two years next preceding his election. (2) Any person with the
foregoing qualifications is eligible to the office of attorney general
if an attorney in good standing admitted to practice law in Montana who has engaged in the active practice thereof for at least fi
ve years next preceding his election. (3) The superintendent of public instructi
on shall have such educational qualifications as are provided by law. Section 4. Duties. (1) The executive power is vested in the go
vernor who shall see that the laws are faithfully executed. He shall
have such other duties as are provided in this constitution and by law. (2) The lieutenant governor shall perform the duties provide
d by law and those delegated to him by the governor. No power sp
ecifically vested in the governor by this constitution may be delegated to the lieutenant governor. (3) The secretary of state shall mai
ntain official records of the executive branch and of the acts of the legislatur
e as provided by law. He shall keep the great seal of the state of Montana and perform any other duties prescribed by law. (4) The supe
rintendent of public instruction and the auditor shall have such duties as are provided by law. Section 5. Compensation. (1) Officers
of the executive branch shall receive salaries provided by law. (2) During his term, no elected officer of the executive branch may hold another public office or receive comp
ensation for services from any other governmental agency. He may be a candidate for any public office during his term. Section 6. V
acancy in office. (1) If the office of lieutenant governor becomes vacant by his succession to the office of governor, or by his death, resignation, or disability as determined by law, the governor shall appoint a qualified person to serve in that office for the remainder o
f the term. If both the elected governor and the elected lieutenant governor become unable to serve in the office of governor, succes
sion to the respective offices shall be as provided by law for the period until the next general election. Then, a governor and lieutenant governor shall be elected to fill the remainder of the original term. (2) If the office of secretary of state, attorney general, auditor, or
superintendent of public instruction becomes vacant by death, resignation, or disability as determined by law, the governor shall ap
point a qualified person to serve in that office until the next general election and until a successor is elected and qualified. The person elected to fill a vacancy shall hold the office until the expiration of the term for which his predecessor was elected. Section 7. 20 de
partments. All executive and administrative offices, boards, bureaus, commissions, agencies and instrumentalities of the executive branch (
except for the office of governor, lieutenant governor, secretary of state, attorney general, superintendent of public instruction, and auditor) and their respective functions, powers, and duties, shall be allocated by law among not more than 20 principal departments so
as to provide an orderly arrangement in the administrative organization of state government. Temporary commissions may be established by
law and need not be allocated within a department. Section 8. Appointing power. Unless otherwise provided in this constitution or by law, each department shall be headed
by a single executive appointed by the governor subject to confirmation by the senate to hold office until the end of the governor's term un
less sooner removed by the governor. (2) The governor shall appoint, subject to confirmation by the senate, all officers provided for in this constitution or by law whose appointment or election is not otherwise provided for. They shall hold office until the end of the gove
rnor's term unless sooner removed by the governor. (3) If a vacancy occurs in any such office when the legislature is not in session, the gover
nor shal
l appoint a qualified person to discharge the duties thereof until the office is filled by appointment and confirmation. (4) A person not confirmed by the senate for an office shall not, except at its request, be nominated again for that office at the same session, or be ap
pointed to that office when the legislature is not in session. Section 9. Budget and messages. The governor shall at the beginning of each legisl
ative sess
ion, and may at other times, give the legislature information and recommend measures he considers necessary. The governor shall submit to the legislature at a time fixed by law, a budget for the ensuing fiscal period setting forth in detail for all operating funds the
proposed expenditures and estimated revenue of the state. Section 10. Veto power. (1) Each bill passed by the legislature, except bills proposin
g amend
ments to the
e Montana constitution, bills ratifying proposed amendments to the United States constitution, resolutions, and initiative and referendum measures, shall be submitted to the governor for his signature. If he does not sign or veto the bill within five days after its deliver
yto him if the legislature is in session or within 25 days if the legislature is adjourned, it shall become law. The governor shall return a vetoed bill
to t
he legislature with a s
tatement of his reasons therefor. (2) The governor may return any bill to the legislature with his recommendation for amendment. If the legislature passes the bill in accordance with the governor's recommendation, it shall again return the bill to the governor for his reconsideration.
(3) If the governor vetoes a bill, two-thirds of the members of each house p
resent approve the bill, it shall become law. (4) If the legislature is not in session when the governor vetoes a bill, he shall return the bill with his reasons thereof to the legislature as provided by law. The legislature may reconsider and override the veto by the same vote required for its passage and approval in the case of a bill over the veto of the governor. (5) If the governor fails to act on any bill passed by the legislature and delivered to him for his approval, and if the legislature is in session, the governor shall act on such bill within 15 days after the bill is delivered to him, or it shall become law. (6) If the legislature is not in session when the governor shall act on any bill, he shall approve or veto it within 15 days after the legislature convenes, and in such instances the procedure shall be the same as upon veto of an entire bill. Section 11. Special session. Whenever the governor consider s it in the public interest, he may convene the legislature. Section 12. Pardons. The governor may grant reprieves, commutations and pardons, restore citizenship, and suspend and remit fines and forfeitures subject to procedures provided by law. Section 13. Militia. (1) The governor is commander-in-chief of the militia
forces of the state, except when they are in the actual service of the United States. He may call out any part or all of the forces to aid in the execution of the laws, suppress insurrection, repel invasion, or protect life and property in natural disasters. (2) The militia forces shall consist of all able-bodied citizens of the state except those exempted by law. Section 14. Succession. (1) If the governor-elect is disqualified or dies, the lieutenant governor-elect upon qualifyi
ng for the office shall become governor for the full term. If the governor-elect fails to assume office for any other reason, the lieutenant governor-elect upon qualifying as such shall serve as acting governor until the governor-elect is able to assume office, or until the office becomes vacant. (2) The lieutenant governor shall serve as acting governor when so requested in writing by the governor. After the governor has been absent from the state for more than 45 con
secutive days, the lieutenant governor shall serve as acting governor. (3) He shall serve as acting governor when the governor is so disabled as to be unable to communicate to the lieutenant governor the fact of his inability to perform the duties of his office. The lieutenant governor shall continue to serve as acting governor until the governor is able to resume the duties of his office. (4) Whenever, at any other time, the lieutenant governor and attorney general tran
smit to the legislature their written declaration that the governor is unable to discharge the powers and duties of his office, the legislature shall convene to determine whether he is able to do so. (5) If the legislature, within 21 days after convening, determines by two-thirds vote of its members that the governor is unable to discharge the powers and duties of his office, the lieutenant governor shall serve as acting governor. Thereafter, when the governor transmits t
o the legislature his written declaration that no such disability exists, he shall resume the powers and duties of his office within 15 days, unless the legislature determines otherwise by two-thirds vote of its members. If the legislature so determines, the lieutenant governor shall continue to serve as acting governor. (6) If the office of governor becomes vacant by reason of death, resignation, or disqualification, the lieutenant governor shall become governor for the remainder of the term, except as provided in this constitution. (7) Additional succession to fill vacancies shall be provided by law. (8) When there is a vacancy in the office of governor, the successor shall be the governor. The acting governor shall have the powers and duties of the office of governor only for the period during which he serves. Section 15. Information for governor. (1) The governor may require information in writing, under oath when required, from the offi
cers of the executive branch upon any subject relating to the duties of their respective offices. (2) He may require information in writing, under oath, from all officers and managers of state institutions. (3) He may appoint a committee to investigate and report to him upon the condition of any executive office or state institution. Section 1. Judicial power. The judicial power of the state is vested in one supreme court, district courts, justice courts, and such other court
s as may be provided by law. Section 2. Supreme court jurisdiction. (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, ad
mission to the bar and the conduct of its members. Rules of procedure shall be subject to disapproval by the legislature in either of the two sessions following promulgation. (4) Supreme court process shall extend to all parts of the state. Section 3. Supreme court organization. (1) The supreme court consists of one chief justice and four justices, but the legislature may increase the number of justices from four to six. A majority shall join in and pronounce decision
s, which must be in writing. (2) A district judge shall be substituted for the chief justice or a justice in the event of disqualification or disability, and the opinion of the district judge sitting with the supreme court shall have the same effect as an opinion of a justice. Section 4. District court jurisdiction. (1) The district court has original jurisdiction in all criminal cases amounting to felony and all civil matters and cases at law and in equity. It may issue all writs appropr
iate to its jurisdiction. It shall have the power of naturalization and such additional jurisdiction as may be delegated by the laws of the United States or the state of Montana. Its process shall extend to all parts of the state. (2) The district court shall hear appeals from inferior courts as trials anew unless otherwise provided by law. The legislature may provide for direct review by the district court of decisions of administrative agencies. (3) Other courts may have juris
diction of criminal cases not amounting to felony and such jurisdiction concurrent with that of the district court as may be provided by law. Section 5. Justices of the peace. (1) There shall be elected in each county at least one justice of the peace with qualifications, training, and monthly compensation provided by law. There shall be provided such facilities that they may perform their duties in dignified surroundings. (2) Justice courts shall have such original jurisdi
ction as may be provided by law. They shall not have trial jurisdiction in any criminal case designated a felony except as examining courts. (3) The legislature may provide for additional justices of the peace in each county. Section 6. Judicial districts. (1) The legislature shall divide the state into judicial districts and provide for the number of judges in each district. Each district shall be formed of compact territory and be bounded by county lines. (2) The legislature
may change the number and boundaries of judicial districts and the number of judges in each district, but no change in boundaries or the number of districts or judges therein shall work a removal of any judge from office during the term for which he was elected or appointed. (3) The chief justice may, upon request of the district judge, assign district judges and other judges for temporary service from one district to another, and from one county to another. Sectio
n 7. Terms and pay. (1) All justices and judges shall be paid as provided by law, but salaries shall not be diminished during terms of office. (2) Terms of office shall be eight years for supreme court justices, six years for district court judges, four years for justices of the peace, and as provided by law for other judges. Section 8. Selection. (1) The governor shall nominate a replacement from nominees selected in the manner provided by law for any vacancy in the offi
ce of supreme court justice or district court judge. If the governor does not act within thirty days after receipt of nominees, the chief justice or acting chief justice shall make the nomination. Each nomination shall be confirmed by the senate, but a nomination made while the senate is not in session shall be effective as an appointment until the end of the next session. If the nomination is not confirmed, the vacant office shall be filled by another selection and nomi
nation shall be made. (2) If, at the first election after senate confirmation, and at the election before each succeeding term of office, any candidate other than the incumbent justice or district judge files for election to that office, the name of the incumbent shall be placed on the ballot. If there is no election contest for the office, the name of the incumbent shall nevertheless be placed on the general election ballot to allow voters of the state or district to approve or reje
ct him. If an incumbent is rejected, another selection and nomination shall be made. (3) If an incumbent does not run, there shall be an election for the office. Section 9. Qualifications. (1) A citizen of the United States who has resided in the state two years immediately before taking office is eligible to the office of supreme court justice or district court judge if admitted to the practice of law in Montana for at least five years prior to the date of appointment or election.
(2) Qualifications and methods of selection of judges of other courts shall be provided by law. (2) No supreme court justice or district court judge shall solicit or receive compensation in any form whatever on account of his office, except salary and actual necessary travel expense. (3) Except as otherwise provided in this constitution, no supreme court justice or district court judge shall practice law during his term of office, engage in any other employment for which
salary or fee is paid, or hold office in a political party. (4) Supreme court justices shall reside within the state. Every other judge shall reside during his term of office in the district, county, township, precinct, city or town in which he is elected or appointed. Section 10. Forfeiture of judicial position. Any holder of a judicial position forfeits that position by either filing for an elective public office other than a judicial position or absenting himself from the state for more
than 60 consecutive days. Section 11. Removal and discipline. (1) The legislature shall create a judicial standards commission consisting of five persons and provide for the appointment thereto of two district judges, one attorney, and two citizens who are neither judges nor attorneys. (2) The commission shall investigate complaints, make rules implementing this section, and keep its proceedings confidential. It may subpoena witnesses and documents. (3) Upon
a recommendation of the commission, the supreme court may: (a) Retire any justice or judge for disability that seriously interferes with the performance of his duties and is or may become permanent; or (b) Censure, suspend, or remove any justice or judge for willful misconduct in office, willful and persistent failure to perform his duties, or habitual intemperance. Section 1. Tax purposes. Taxes shall be levied by general laws for public purposes. Section 2. Tax pow
er inalienable. The power to tax shall never be surrendered, suspended, or contracted away. Section 3. Property tax administration. The state shall appraise, assess, and equalize the valuation of all property which is to be taxed in the manner provided by law. Section 4. Equal valuation. All taxing jurisdictions shall use the assessed valuation of property established by the state. Section 5. Property tax exemptions. (1) The legislature may exempt from taxation: (a) Pr
operty of the United States, the state, counties, cities, towns, school districts, municipal corporations, and public libraries, but any private interest in such property may be taxed separately. (b) Institutions of purely public charity, hospitals and places of burial not used or held for private or corporate profit, places for actual religious worship, and property used exclusively for educational purposes. (c) Any other classes of property. (2) The legislature may authorize
creation of special improvement districts for capital improvements and the maintenance thereof. It may authorize the assessment of charges for such improvements and maintenance against tax exempt property directly benefited thereby. Section 6. Highway revenue non-diversion. (1) Revenue from gross vehicle weight fees and excise and license taxes (except general sales and use taxes) on gasoline, fuel, and other energy sources used to propel vehicles on pu
blic highways shall be used as authorized by the legislature, after deduction of statutory refunds and adjustments, solely for: (a) Payment of obligations incurred for construction, reconstruction, repair, operation, and maintenance of public highways, streets, roads, and bridges. (b) Payment of county, city, and town obligations on streets, roads, and bridges. (c) Enforcement of highway safety, driver education, tourist promotion, and administrative collection costs.