

Bond Case Briefs

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BALLOT INITIATIVES - MONTANA

Montana Mining Association v. State by and through Fox

Supreme Court of Montana - June 19, 2018 - P.3d - 2018 WL 3031078 - 2018 MT 151

Mining association brought original jurisdiction action requesting to overrule Attorney General's determination that initiative, which would change mine permitting process, was legally sufficient.

The Supreme Court of Montana held that issue of whether initiative delegated rulemaking authority was outside scope of Attorney General's legal-sufficiency review of initiative and thus also outside scope of Supreme Court's pre-election initiative review.

Issue of whether initiative, which would change mine permitting process, delegated rulemaking authority, as would determine required effective date of initiative, was outside statutory scope of Attorney General's legal-sufficiency review of initiative and thus also outside scope of Supreme Court's pre-election initiative review; answering question of whether initiative delegated rulemaking authority would have required Attorney General to analyze text or substance of initiative in context of relevant caselaw and statutes, which was broader inquiry than whether initiative complied with requirements governing submission of a ballot initiative to electors.