

1 HOUSE BILL NO. 480

2 INTRODUCED BY B. LER, G. OVERSTREET, R. GREGG, C. SCHOMER, M. THIEL, T. MILLETT, N. NICOL,
3 S. FITZPATRICK, K. ZOLNIKOV, B. MITCHELL

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5 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO WHEN A PARTY
6 TO A PROCEEDING IS ENTITLED TO A TRIAL BY JURY; PROVIDING THAT ANY PARTY IN A
7 PROCEEDING CHALLENGING LEGISLATIVE ACTS OR BALLOT ISSUES MAY DEMAND A TRIAL BY JURY
8 TO DETERMINE AN ISSUE OF FACT; AND AMENDING SECTION 27-8-302, MCA."

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

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12 NEW SECTION. **Section 1. Trial jury right in constitutional challenges -- definition.** When a
13 proceeding challenges the constitutionality or other illegality of a legislative act or a proposed or adopted ballot
14 issue, as defined in 13-1-101, and that proceeding involves the determination of an issue of fact, any party to
15 the proceeding is entitled to a trial by jury on a determination of an issue of fact that is in dispute.

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17 **Section 2.** Section 27-8-302, MCA, is amended to read:

18 **"27-8-302. Jury trial.** (1) When a proceeding under this chapter involves the determination of an
19 issue of fact, ~~such the~~ issue may be tried and determined in the same manner as issues of fact are tried and
20 determined in other civil actions in the court in which the proceeding is pending.

21 (2) When a proceeding under this chapter challenges the constitutionality or other illegality of a
22 legislative act or a proposed or adopted ballot issue, as defined in 13-1-101, and that proceeding involves the
23 determination of an issue of fact, any party to the proceeding is entitled to a trial by jury on a determination of
24 an issue of fact that is in dispute."

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26 NEW SECTION. **Section 3. Codification instruction.** [Section 1] is intended to be codified as an
27 integral part of Title 3, chapter 15, and the provisions of Title 3, chapter 15, apply to [section 1].

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