_____ BILL NO. _____

INTRODUCED BY _____
(Primary Sponsor)

A BILL FOR AN ACT ENTITLED: “AN ACT REVISING WRIT OF MANDAMUS LAWS; REQUIRING CERTAIN CRITERIA TO BE MET FOR A WRIT TO BE ISSUED; REVISING THE CONTENT OF THE WRIT; REQUIRING ALL PARTIES TO APPEAR BEFORE THE COURT TO ADDRESS THE MERITS OF THE WRIT; AND AMENDING SECTIONS 27-26-201 AND 27-26-203, MCA.”

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

Section 1. Section 27-26-201, MCA, is amended to read:

"**27-26-201. Application for writ.** The writ must be issued ~~upon~~ on affidavit, on the application of the party beneficially interested, when the criteria established in 27-19-201 have been met."

Section 2. Section 27-26-203, MCA, is amended to read:

"**27-26-203. Form and content of writ.** The writ may be either alternative or peremptory. The alternative writ must state generally the allegation against the party to whom it is directed and command the party, immediately after the receipt of the writ or at some other specified time, to do the act required to be performed or to ~~show cause~~ appear with all parties before the court, at a specified time and place, ~~why the party has not done so~~ to address the merits of the writ. The peremptory writ must be in a similar form, except that the words requiring the party to ~~show cause why the party has not done as commanded~~ appear with all parties to address the merits of the writ must be omitted and a return day inserted."

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