

HOUSE BILL NO. 480

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

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

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

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

(2) WHEN A PROCEEDING UNDER THIS CHAPTER CHALLENGES THE CONSTITUTIONALITY OR OTHER  
ILLEGALITY OF A LEGISLATIVE ACT OR A PROPOSED OR ADOPTED BALLOT ISSUE, AS DEFINED IN 13-1-101, AND THAT  
PROCEEDING INVOLVES THE DETERMINATION OF AN ISSUE OF FACT, ANY PARTY TO THE PROCEEDING IS ENTITLED TO A  
TRIAL BY JURY ON A DETERMINATION OF AN ISSUE OF FACT THAT IS IN DISPUTE.

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

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

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

1 an issue of fact that is in dispute."

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

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6 NEW SECTION. SECTION 4. EFFECTIVE DATE. [THIS ACT] IS EFFECTIVE ON PASSAGE AND APPROVAL.

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8 NEW SECTION. SECTION 5. APPLICABILITY. [THIS ACT] APPLIES TO PROCEEDINGS UNDER [THIS ACT] FOR  
9 WHICH A PARTY TO A CIVIL ACTION HAS DEMANDED A JURY TRIAL ON OR AFTER [THE EFFECTIVE DATE OF THIS ACT].

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