

SENATE BILL NO. 135

INTRODUCED BY S. FITZPATRICK

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO INJUNCTIONS; PROVIDING THAT AN INJUNCTION MAY NOT BE GRANTED REGARDING AN ADMINISTRATIVE RULE BEFORE THE RULE IS ISSUED; AMENDING SECTION 27-19-103, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE ~~AND A RETROACTIVE APPLICABILITY DATE.~~"

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

Section 1. Section 27-19-103, MCA, is amended to read:

"27-19-103. When injunction may not be granted. An injunction cannot be granted:

- (1) to stay a judicial proceeding pending at the commencement of an action in which the injunction is demanded, unless such restraint is necessary to prevent a multiplicity of such proceedings;
- (2) to stay proceedings in a court of the United States;
- (3) to stay proceedings in another state upon a judgment of a court of that state;
- (4) to prevent the execution of a public statute by officers of the law for the public benefit;
- (5) to prevent the breach of a contract the performance of which would not be specifically enforced;
- (6) to prevent the exercise of a public or private office, in a lawful manner, by the person in possession;
- (7) to prevent a legislative act by a municipal corporation;
- (8) in labor disputes under any other or different circumstances or conditions than if the controversy were of another or different character or between parties neither or none of whom were laborers or interested in labor questions;
- (9) to prevent the secretary of state from issuing a temporary or final administrative rule before the administrative rule is issued."

Amendment - 1st Reading-white - Requested by: Andrea Olsen - (S) Judiciary

- 2023

68th Legislature 2023

Drafter: Julianne Burkhardt, 406-444-4025

SB0135.001.001

1 NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

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3 NEW SECTION. ~~**Section 3. Retroactive applicability.**~~ [This act] applies retroactively, within the

4 ~~meaning of 1-2-109, to all occurrences on or after January 1, 2021.~~

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- END -