

1 SENATE BILL NO. 135

2 INTRODUCED BY S. FITZPATRICK

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

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

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

12 "27-19-103. When injunction may not be granted. An injunction cannot be granted:

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

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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 -

AMEND