

SENATE BILL NO. 322

INTRODUCED BY J. BALYEAT

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A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING THE VENUE FOR AN ACTION AGAINST THE LEGISLATURE OR ONE OF ITS HOUSES OR COMMITTEES CHALLENGING THE CONSTITUTIONALITY OF A LEGISLATIVE ENACTMENT; PROVIDING THAT THE PROPOSED ACT BE SUBMITTED TO THE QUALIFIED ELECTORS OF MONTANA; 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. Action against legislature or house or committee of legislature -- action alleging validity of legislative enactment. (1) The proper place of trial for an action challenging the constitutionality of a legislative enactment is:

(a) if the action names as a party the legislature or a committee of the legislature that is composed of legislators from both houses, either the county in which the president of the senate resides or the county in which the speaker of the house resides;

(b) if the action names as a party the senate or a committee of the senate, the county in which the president of the senate resides;

(c) if the action names as a party the house of representatives or a committee of the house of representatives, the county in which the speaker of the house resides.

(2) This section does not waive any immunity for legislative acts or omissions provided under 2-9-111.

NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 25, chapter 2, part 1, and the provisions of Title 25, chapter 2, part 1, apply to [section 1].

NEW SECTION. Section 3. Effective date. [This act] is effective upon approval by the electorate.

NEW SECTION. Section 4. Applicability. [This act] applies to actions filed on or after [the effective date of this act].



