

1 _____ BILL NO. _____

2 INTRODUCED BY _____
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE PLACE OF TRIAL FOR CONSTITUTIONAL
5 CHALLENGES AND LAWSUITS AGAINST THE STATE; AMENDING SECTION 25-2-126, MCA; AND
6 PROVIDING AN APPLICABILITY DATE."

7
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9
10 **NEW SECTION. Section 1. Constitutional challenges.** The proper place of trial for an action alleging
11 a constitutional violation or challenging the constitutionality of a statute, law, regulation, ordinance, or
12 administrative rule is the county in which the claim arose or the county in which the plaintiff resides.

13
14 **Section 2.** Section 25-2-126, MCA, is amended to read:

15 **"25-2-126. Against state and political subdivisions.** (1) The proper place of trial for an action against
16 the state is in the county in which the claim arose ~~or in Lewis and Clark County~~. In an action brought by a resident
17 of the state, the county of the plaintiff's residence is also a proper place of trial.

18 (2) The proper place of trial for an action against a political subdivision is in the county in which the claim
19 arose or in any county where the political subdivision is located."

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21 **NEW SECTION. Section 3. Codification instruction.** [Section 1] is intended to be codified as an
22 integral part of Title 25, chapter 2, part 1, and the provisions of Title 25, chapter 2, part 1, apply to [section 1].

23
24 **NEW SECTION. Section 4. Applicability.** [This act] applies to cases filed after [the effective date of
25 this act].

26 - END -