2021 Litigation Tracker

Bill Number and Short Title 2021	Sponsor	Short description	Current Status of Lawsuit	Current Status of Bill	Lawsuit filed	Case Number	District Court	Judge	Appealed	Supreme Court action	Basis for Litigation in Introduced Bill or in Amendments?	Legal Review Note	LSD comments
SB 140 Revise laws relating to	Сроинск	Gets rid of judicial nominating commission,						Juliago	7.5500.00	оприменения в применения в прим			200 00000000
the judiciary	Keith Regier	establishes direct gubernatorial appointment of judges	Resolved	Is law	March 2021	OP-21- 0125	N/A	N/A	Yes	Upheld	Introduced Bill	N	resolved
HB 102 Generally revise	Seth	Rewrites Montana's gun laws, including		Partly upheld and is law, partly		DA-21-				2022 MT 128 MSC decided Board of Regents maintains power to regulate guns on college			
gun laws HB 102 Generally	Berglee	allowing guns on campus	Resolved	(guns on campus) struck down	May 2021	0605			Yes	campuses, striking part of HB 102	Introduced Bill	Y	resolved
revise gun laws (2)	Seth Berglee	Rewrites Montana's gun laws, including allowing guns on campus	Resolved	Guns on campus permanently enjoined by MSC.	June 2021	18-DV-21- 0581	Gallatin County	Rienne McElyea	Yes		Introduced Bill	Y	updated by JJ on 5/20/24
SB 319 Generally revise campaign finance laws	Greg Hertz	Makes several changes to campaign finance law, including allowing joint fundraising committees, also prohibited some campaign activities on college campuses	Resolved	Partly overturned. Rules in favor of plaintiffs, finding that the bill unconstitutionally included two provisions unrelated to its title and was amended during the legislative process to the extent that its original purpose was changed. The ruling strikes down restrictions on political activity on college campuses and a judicial recusal requirement, but leaves the original bill about campaign finance intact.	June 2021	1-DV-21- 0611	Lewis and Clark County	Mike Menahan	Yes	2024 MT 86 issued on 4/26/2024, the MSC ruled that the "State has in fact conceded HB 349 and SB 319 are unconsitutional by failing to provide any argument that they are in fact constitutional on appeal."	Amended which changed subject and purpose of title according to MSC 2024 MT 86	N	DC did not give atty fees, on appeal MSC reversed, now in DC to determine fees
Sec 2 of HB 319 Generally revise campaign finance laws)2)	Greg Hertz John	Makes several changes to campaign finance law, including allowing joint fundraising committees, also prohibited some campaign activities on college campuses	Resolved	Partly overturned. Rules in favor of plaintiffs, finding that the bill unconstitutionally included two provisions unrelated to its title and was amended during the legislative process to the extent that its original purpose was changed. The ruling strikes down restrictions on political activity on college campuses and a judicial recusal requirement, but leaves the original bill about campaign finance intact.	June 2021	18-DV-21-	County	Rienne Rienne	No (YES- JJ)	2024 MT 86 issued on 4/26/2024, the MSC ruled that the "State has in fact conceded HB 349 and SB 319 are unconstitutional by failing to provide any argument that they are in fact constitutional on appeal." 2024 MT 86 issued on 4/26/2024, the MSC ruled that the "State has in fact conceded HB 349 and SB 319 are unconstitutional by failing to provide any argument that they are		N	DC did not give atty fees, on appeal MSC reversed, now in DC to determine fees
HB 112	Fuller	according to their sex assigned at birth	Resolved	Permanently enjoined by MSC	June 2021	0581	County	McElyea	Yes	in fact constitutional on appeal."	Introduced Bill	Υ	updated by JJ on 5/10/24

										2024 MT 86 issued on 4/26/2024,			
										the MSC ruled that the "State has in			
										fact conceded HB 349 and SB 319			
										are unconstitutional by failing to			
		Designed to protect Freedom of								provide any argument that they are			
	Mike	Association and Free Speech on college				18-DV-21	- Gallatin	Rienne		in fact constitutional on			
HB 349	Hopkins	campuses	Resolved	Permanently enjoined by MSC	June 2021		County	McElyea	Yes	appeal." para 42 of opinion	Introduced Bill	Y	updated by JJ on 5/10/24
										эррэн ран на н			
						MSC (2):							
						DA 24-							
						0147/							
				Temp injunction affirmed by		MSC (1):				2022 MT 157 MSC Affirmed DC			
				MSC pending trial. DC granted		DA 21-				then sent back to trial. On			
	Lola			SJ holding 136, 171, and 140		0521/ DC				2/29/2024 DC granted summary			
	Sheldon-			unconstitutional, on appeal to			- Yellowsto	Kurt		judgment to Plaintiffs. Now on			
HB 136		Pain-Capable Unborn Child Protection Act	On appeal for second time	MSC	August 2021			Krueger	Voc	second appeal to MSC.	Introduced Bill	~	opening brief filed on appeal on PI
110 130	Galloway	Fairi-Capable Oriborn Child Frotection Act	On appear for second time	IVISO	August 2021	0999	ne Count	yrkiuegei	163	second appear to MSC.	Introduced bill	+'	opening blief liled off appeal off F1
						MSC (2):							
						DA 24-							
						0147/							
				T i-i		-				2022 MT 157 MSC Affirmed DC			
				Temp injunction affirmed by		MSC (1):				then sent back to trial. On			
				MSC pending trial. DC granted		DA 21-				2/29/2024 DC granted summary			
	0.			SJ holding 136, 171, and 140		0521/ DC				· · · · · · · · · · · · · · · · · · ·			
	Sharon	l		unconstitutional, on appeal to			- Yellowsto			judgment to Plaintiffs. Now on			
HB 171	Greef	Abortion-Inducing Drug Risk Protocol Act	On appeal for second time	MSC	August 2021	0999	ne Count	y Krueger	Yes	second appeal to MSC.	Introduced Bill	Υ	opening brief filed on appeal on PI
						1400 (0)							
						MSC (2):							
						DA 24-							
						0147/				2022 MT 157 MSC Affirmed DC			
				Temp injunction affirmed by		MSC (1):				then sent back to trial. On			
				MSC pending trial. DC granted		DA 21-							
		Requires option to view ultrasound, fetal		SJ holding 136, 171, and 140		0521/ DC				2/29/2024 DC granted summary			
	Amy	heartbeat, etc. before an abortion is		unconstitutional, on appeal to			 Yellowsto 			judgment to Plaintiffs. Now on			
HB 140	Regier	performed "provide information"	On appeal for second time	MSC	August 2021	0999	ne Count	y Krueger	Yes	second appeal to MSC.	Introduced Bill	N	opening brief filed on appeal on PI
		Prohibits Obamacare insurance policies											
	Jane	from paying for abortion, with exceptions	Awaiting Supreme Court			13-DV-21	- Yellowsto	Michael					
HB 229	Gillette	(rape, incest, save life of mother)	decision	Blocked	August 2021	0999	ne Count	Moses	Yes		Introduced Bill	N	
		,			,				Yes, may be	2022 MT 234 court agreed with DC			
HB 702	Jennifer	Prohibits discrimination based on vaccine	Remanded to DC, oral argument			7-DV-21-	Richland	Olivia	appealed a	no preliminary injunction and			
lawsuit 1	Carlson	status	on pending	Partly in effect	June 2021		County	Rieger	second time	remanded.	Introduced Bill	N	judgment on pleadings before DC
			1	_	-		Federal		1				
				Partly overturned (not			court:				Both introduced		
HB 702	Jennifer	Prohibits discrimination based on vaccine		enforceable in health care		9-21-cv-	District of	Donald			bill and		Appealed to 9th Circuit and argued before
lawsuit 2	Carlson	status	Resolved	settings)	September 2021		Montana		No	N/A	amendments	N	the Court in Feb. 2024
	,		<u> </u>	·9-/			Federal		† · -	· ·		†	
							court:						
HB 702	Jennifer	Prohibits discrimination based on vaccine				4-22-cv-	District of	Brian					
lawsuit 3	Carlson	status	Pending in federal district court	Partly in effect	September 2022		Montana	Morris	N/A	N/A	Introduced Bill	N	Updated 5/20/2024
iavvouit o	Juliauli	- Calab	- Sharing in load at district court	I dray in oncot	Ocptorriber 2022	00001	Montana	IVIOITIO	14// 1	1973	maoaaoea Dill	N (LC	
												656, not	
												LRN or	
HB 176	Sharon	Closes late voter registration at noon the				8-DV-21-	Yellowsto	Michael		2024 MT 66, Permanently blocked		memo to	
	Greef	day before an election (amended 13-2-304)	Posolyod	Permanently overturned	April 2021	-	ne Count		Yes	the bill, ruling it unconstitutional	Introduced Bill	file)	2024 MT 66
iawouit I	GIEEI	Tuay perore an election (amended 13-2-304)	I VESOIVEU	r ermanemily overturned	Aprii 2021	0000	THE COUNT	y IVIUSES	100	une bill, rulling it unconstitutional	muoduced bill	111 <i>C)</i>	ZUZT IVI I UU

						1		1			1	_	
							Cascade						
							County (later						
							consolidat	t				N (LC 656	
		Closes late voter registration at noon the					ed with					not LRN	
HB 176 lawsuit 2	Sharon Greef	day before an election (amended 13-2-304)	Resolved by MSC ruling in 2024 MT 66	Blocked	September 2021	13-DV-21 0451	- Yellowsto	John Kutzman	Voo	2024 MT 66 , Permanently blocked the bill, ruling it unconstitutional	Introduced Bill	or memo	2024 MT 66
iawsuit 2	Gleei	304)	W1 00	Diocked	September 2021	0431	ne cases)	Kutzillali	163	the bill, fulling it unconstitutional	introduced Bill	to file)	2024 IVIT 00
	Mike						- Yellowsto			Permanently blocked the bill, ruling			
SB 169	Cuffe	Strengthens voter ID laws	Resolved	Permanently overturned	April 2021	0451	ne County	Moses	Yes	it unconstitutional		N	2024 MT 66
	Wendy					13-DV-21	- Yellowsto	Michael		Permanently blocked the bill, ruling			
HB 530	McKamey	Prohibits paid ballot collection	Resolved	Permanently overturned	April 2021	0451	ne County	Moses	Yes	it unconstitutional		N	2024 MT 66
	Paul	Puts additional sideboards on redistricting commission, also prohibits sending ballots				13 DV 21	- Yellowsto	Michael		Permanently blocked the bill, ruling			
HB 506	Fielder	to people under age 18	Resolved	Permanently overturned	April 2021		ne County		Yes	it unconstitutional		MT	2024 MT 66
				,	•		Lewis and						
HB 224	Paul Fielder	Allows trappers to snare wolves	Pending in district court; state filed motion to dismiss	In effect	October 2022	1-DV-22-	Clark County	Chris Abbott				N	Updated 5/15/2023 JRC
110 224	i iciuci	naiowa nappera to anare woives	med motion to distribs	in choot	October 2022	0000	Lewis and					14	Opadica 0/10/2020 0110
	Paul	Authorizes wolf trapping, sets season	Pending in district court; state			1-DV-22-	Clark	Chris					
HB 225	Fielder	dates Liberalizes wolf hunting regs to include use	filed motion to dismiss	In effect	October 2022	0896	County Lewis and	Abbott				N	Updated 5/15/2023 JRC
	Bob	of bait and night vision under some	Pending in district court; state			1-DV-22-	Clark	Chris					
SB 314	Brown	circumstances	filed motion to dismiss	In effect	October 2022	0896	County	Abbott				N	Updated 5/15/2023 JRC
	Bob	Authorizes paid reimbursement for wolf	Pending in district court; state			1-DV-22-	Lewis and Clark	Chris					
SB 267	Brown	trapping/hunting	filed motion to dismiss	In effect	October 2022		County	Abbott				N	Updated 5/15/2023 JRC
			Lawsuit filed; state's motion to			4 D) / 00	Lewis and						
HB 379	Sue Vinton	Authorizes sex-based insurance ratemaking	dismiss denied 2/9/24, matter pending	In effect	November 2022	1-DV-22- 0925	Clark County	Mike Menahan				N	Updated 5/15/2023 JRC
			F							DA 21-0382 (MTSC) - sent back to			
										Dist. Ct in 2021 MT 287; AD 22-			
							Silver			0229 (MTSC) Upheld lower court ruling, blocked from the 2022			
	Barry			Referendum struck from the		2-DV-21-	Bow	Peter		general election ballot in 2022 MT			
HB 325	Usher	Elect Supreme Court justices by districts	Resolved	ballot	May 2021	0120	County	Ohman	Yes.	160.		Υ	Updated 5/15/2024 - JRC
				DC Order 6/26/23 (Def. State in									
				Contempt of Court, Ordered to									
				Pay Attorney fees/Costs from									
				1/10/23 to 6/1/23, Summary Judgment Granted pending									
				determination of attorney fees									
				and costs) Blocked; MTSC		40 5) (5 :							
SB 280	Carl Glimm	Requires surgery in order to change sex on birth certificate	Awaiting Supreme Court action	appeal dismissed without prejudice in DA 24-0318	July 2021		 Yellowsto ne County 		Yes	Notice of appeal dismissed without prejudice on 5/29/2024		N	opening brief on appeal filed
OD 200	Similifi	Dia Solutiono	waring Supreme Court action	projudioo iii 5/1 24-00 10	July 2021	3073	Federal	Kathleen	1.00	projudioc on orzorzoza		14	operang brief on appear filed
	04	Decidence additional to				4 04	court:	DeSoto,					
SB 265	Steve Fitzpatrick	Revises arbitration laws among utility companies	Resolved	Permanently enjoined	May 2021	1-21-cv- 00047	District of Montana	Susan Watters	No	N/A		N	
35 200	. ALPGUION			. S.manority Orijoiniou	1010 2021	33011	Federal	Kathleen				† '	
	0.					4 04	court:	DeSoto,					
SB 266	Steve Fitznatrick	Revises unfair trade practices regarding utility companies	Resolved	Permanently enioined	May 2021	1-21-cv-	District of Montana	Susan Watters	No	N/A		N	
JD 200	1 ALPAUTON	Taunty companies	1 10001104	i omianomily originated	IVIGY ZUZ I	UUUTI	Montana	Trancis	1.10	13// 1	1	11.4	

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SB 358	John Esp	Repeals numeric nutrient standards for	Resolved on April 4, 2022 through partial motion to dismiss in regards to SB 358	In effect	March 2022	4-22-cv- 00032	Federal court: District of Montana		N/A	N/A		N	SB 358 was made Montana law on April 30, 2021, and repealed the Circular 12-A numeric nutrient criteria. The Ninth Circuit ruled shortly after on October 6, 2021, that the variance did not violate the Clean Water Act. Upper Missouri Waterkeeper v. U.S. Env't Prot. Agency, 15 F.4th 966, 976 (9th Cir. 2021). JRC 6/4
													USDC granted DOR motion to dismiss on
													3-26-24, reasoning no imminent harm for
-		The main bill establishing MT's recreational					Federal						preliminary injunction standard and no
lawsuit 1	Hopkins	marijuana program	dismiss on 3/26/24	In effect	July 2023		court		N/A	N/A	1	N	standing, also not ripe. JRC 6/4/2024
							Lewis and						
-		The main bill establishing MT's recreational	Lawsuit filed, motion to dismiss			DV 2023-	-						Agency Motion to dismiss pending as of
lawsuit 2	Hopkins	marijuana program	pending	In effect	July 2023	498	County		N/A	N/A	1	N	9/26/23; JRC 6/4/24
							Lewis and						
	Greg						Clark	Christoph					no summons filed; No Supreme Court
SB 199	Hertz	1	Lawsuit filed, but no summons	In effect	December 2023		County	er Abbott	N/A	N/A	ı	N	docket found; JRC 6/4/24
			LawsuiLawsuit filed / Distric										
			Court Order / Appeal filed and				Lewis and						
		0	dismissed without prejudice t	Statute held facially		BDV 2023	3 Clark						6/4/2024 JRC; Dist. Ct ruled against state;
HB 407	Noland	single-use plastics	filed	unconstitutional	December 2023	754	County		N/A	N/A	ľ	N	appeal is likely once certication is available