SENATE BILL 75

Introduced by Towe, et al.

1/11	Introduced
1/12	First Reading
1/12	Referred to Labor & Employment Relations
1/24	Hearing
1/30	Committee ReportBill Passed as Amended
2/01	2nd Reading Passed
2/02	3rd Reading Failed

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3	Doberal Day of	C Han	ugler	•	
4	A BILL FOR AN ACT	ENTITLED:	"AN ACT	TO PREVENT	Al

INJUNCTION THAT RESTRAINS UNION MEMBERS ON STRIKE FROM
PARTICIPATING IN AN ACTIVITY PROTECTED BY THE FEDERAL OR
STATE CONSTITUTION UNLESS A COURT FINDS THAT THE ACTIVITY
PRESENTS A CLEAR AND PRESENT DANGER OF VIOLENCE; AND

9 AMENDING SECTION 27-19-103, MCA."

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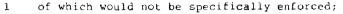
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- BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
- 12 Section 1. Section 27-19-103, MCA, is amended to read:
- "27-19-103. When injunction may not be granted. Aninjunction cannot may not be granted:
 - (1) to stay a judicial proceeding pending at the commencement of an action in which the injunction is demanded, unless such the restraint is necessary to prevent a multiplicity of such proceedings;
- 19 (2) to stay proceedings in a court of the United 20 States;
 - (3) to stay proceedings in another state upon a judgment of a court of that state;
- 23 (4) to prevent the execution of a public statute by
 24 officers of the law for the public benefit;
- 25 (5) to prevent the breach of a contract the performance



- 2 (6) to prevent the exercise of a public or private 3 office, in a lawful manner, by the person in possession;
- 4 (7) to prevent a legislative act by a municipal corporation;
- 6 (8) in labor disputes under any other or different
 7 circumstances or conditions than if the controversy were of
 8 another or different character or between parties neither or
 9 none of whom were laborers or interested in labor questions;
 10 or
 - (9) to restrain union members on strike from participating in an activity protected by The Constitution of the United States of America or The Constitution of the State of Montana unless a court makes a finding and establishes, pursuant to 27-19-105, that the activity presents a clear and present danger of violence in the form of substantial injury to person or property. There is a presumption that the exercise of a constitutional right does not lead to violence."

-End-

INTRODUCED BILL SB 15



APPPOVED BY COMMITTEE ON LABOR & EMPLOYMENT RELATIONS

1	SENATE BILL NO. 75
2	INTRODUCED BY TOWE, WHALEN, PIPINICH, DOLEZAL,
3	BLAYLOCK, HARRINGTON
4	
5	A BILL FOR AN ACT ENTITLED: "AN ACT TO PREVENT AN
6	INJUNCTION THAT RESTRAINS UNION MEMBERS ON STRIKE FROM
7	PARTICIPATING IN AN ACTIVITY PROTECTED BY THE FEDERAL OR
8	STATE CONSTITUTION UNLESS A COURT FINDS THAT THEACTIVITY
9	PRESENTSACIEARANDPRESENTDANGEROFVIOLENCE THE
10	INJUNCTION IS NECESSARY TO PREVENT VIOLENCE OR IRREPARABLE
11	INJURY TO PROPERTY; AND AMENDING SECTION 27-19-103, MCA."
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13	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
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15	*27-19-103. When injunction may not be granted. An
16	injunction cannot may not be granted:
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19	demanded, unless such the restraint is necessary to prevent
20	a multiplicity of such proceedings;
21	(2) to stay proceedings in a court of the United
22	States;
23	(3) to stay proceedings in another state upon a
24	judgment of a court of that state;
25	(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 2
- of which would not be specifically enforced; 3
- (6) to prevent the exercise of a public or private office, in a lawful manner, by the person in possession; 5
- 6 (7) to prevent a legislative act by a municipal
- corporation;
- (8) in labor disputes under any other or different
- 9 circumstances or conditions than if the controversy were of
- another or different character or between parties neither or 10
- 11 none of whom were laborers or interested in labor questions;
- 12 OΓ

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- (9) to restrain union members on strike 13 participating in an activity protected by The Constitution 14
- of the United States of America or The Constitution of the
- 15
- State of Montana unless a court makes a finding and 16
- establishes, pursuant to 27-19-105, that the--activity 17
- presents-a-clear-and-present-danger-of-violence-in-the--form 18
- 19 of--substantial--injury--to--person--or THE INJUNCTION IS
- 20 NECESSARY TO PREVENT VIOLENCE OR IRREPARABLE INJURY TO
- 21 property. There is a presumption that the exercise of a
- 22 constitutional right does not lead to violence."

-End-

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3	BLAYLOCK, HARRINGTON
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25	(4) to prevent the execution of a public statute by

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2	(5) to prevent the breach of a contract the performance
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4	(6) to prevent the exercise of a public or private
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. 1	none of whom were laborers or interested in labor questions;
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