

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 Report--Bill Passed as Amended
2/01	2nd Reading Passed
2/02	3rd Reading Failed

1 *SENATE* BILL NO. *75*
 2 INTRODUCED BY *Dave Whalen Bob Pipinich*
 3 *Doreal Blaylock Hamington*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PREVENT AN
 5 INJUNCTION THAT RESTRAINS UNION MEMBERS ON STRIKE FROM
 6 PARTICIPATING IN AN ACTIVITY PROTECTED BY THE FEDERAL OR
 7 STATE CONSTITUTION UNLESS A COURT FINDS THAT THE ACTIVITY
 8 PRESENTS A CLEAR AND PRESENT DANGER OF VIOLENCE; AND
 9 AMENDING SECTION 27-19-103, MCA."

10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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

13 "27-19-103. When injunction may not be granted. An
14 injunction ~~cannot~~ may not be granted:

15 (1) to stay a judicial proceeding pending at the
16 commencement of an action in which the injunction is
17 demanded; unless such the restraint is necessary to prevent
18 a multiplicity of such proceedings;

19 (2) to stay proceedings in a court of the United
20 States;

21 (3) to stay proceedings in another state upon a
22 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

1 of which would not be specifically enforced;

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
5 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

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

-End-

INTRODUCED BILL
SB 75



APPROVED BY COMMITTEE
ON LABOR & EMPLOYMENT
RELATIONS

SENATE BILL NO. 75

INTRODUCED BY TOWE, WHALEN, PIPINICH, DOLEZAL,

BLAYLOCK, HARRINGTON

A BILL FOR AN ACT ENTITLED: "AN ACT TO PREVENT AN
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~~ THE
INJUNCTION IS NECESSARY TO PREVENT VIOLENCE OR IRREPARABLE
INJURY TO PROPERTY; AND AMENDING SECTION 27-19-103, MCA."

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

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

"27-19-103. When injunction may not be granted. An
injunction 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;

(2) to stay proceedings in a court of the United
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(3) to stay proceedings in another state upon a
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officers of the law for the public benefit;

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another or different character or between parties neither or
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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~~ THE INJUNCTION IS
NECESSARY TO PREVENT VIOLENCE OR IRREPARABLE INJURY TO
property. There is a presumption that the exercise of a
constitutional right does not lead to violence."

-End-

SECOND READING



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2 INTRODUCED BY TOWE, WHALEN, PIPINICH, DOLEZAL,

3 BLAYLOCK, HARRINGTON

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT TO PREVENT AN
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8 STATE CONSTITUTION UNLESS A COURT FINDS THAT ~~THE--ACTIVITY~~
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17 establishes, pursuant to 27-19-105, that ~~the--activity~~
18 ~~presents-a-clear-and-present-danger-of-violence-in-the--form~~
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-

THIRD READING