

IN THE SUPREME COURT OF THE STATE OF MONTANA

OP 21-0247

STEVE BARRETT; ROBERT KNIGHT; MONTANA
FEDERATION OF PUBLIC EMPLOYEES; DR.
LAWRENCE PETTIT; MONTANA UNIVERSITY
SYSTEM FACULTY ASSOCIATION
REPRESENTATIVES; FACULTY SENATE OF
MONTANA STATE UNIVERSITY; DR. JOY C. HONEA;
DR. ANNJEANETTE BELCOURT; DR. FRANKE
WILMER; MONTANA PUBLIC INTEREST RESEARCH
GROUP; ASHLEY PHELAN; JOSEPH
KNAPPENBERGER; and NICOLE BONDURANT

Petitioners,

v.

STATE OF MONTANA; and GREG GIANFORTE,
Governor of the State of Montana,

Respondent.

FILED
MAY 26 2021
Bowen Greenwood
Clerk of Supreme Court
State of Montana

ORDER

Petitioners seek to invoke this Court’s original jurisdiction pursuant to M. R. App. P. 14(4) to issue a declaratory judgment on the alleged unconstitutionality of Montana House Bills 349, 112, and 102 and Montana Senate Bill 319. The petition requests this Court accept original jurisdiction, enjoin any acts that might be taken in furtherance of HB 102, Section 6, pending full consideration by this Court, direct such briefing as the Court deems suitable, and, after due consideration, determine HBs 349, 112, and 102 and SB 319 to be unconstitutional.

Having reviewed the Petition and its attached Appendix, this Court determines there is no need to order a summary response and no “urgency or emergency factors exist making litigation in the trial courts and the normal appeal process inadequate.” M. R. App. P. 14(4). While Petitioners join in the Board of Regents’ request for a stay or enjoinder of

any act in furtherance of HB 102, Section 6,¹ pending resolution of the Bill's constitutionality, such may be obtained to maintain the status quo or on other appropriate basis through the District Court. Therefore, in accordance with M. R. App. P. 14(7),

IT IS ORDERED that the Petition for Original Jurisdiction Consideration is DISMISSED without prejudice.

The Clerk is directed to provide copies of this Order to counsel for Petitioners and to all parties on whom the Petition has been served.

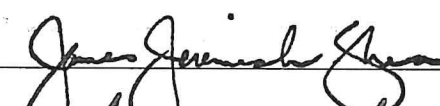
DATED this 26th day of May, 2021.

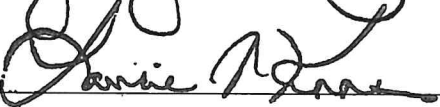



Chief Justice













Justices

¹ The Montana Board of Regents has filed a companion case—OP 21-0146—contesting the constitutionality of HB 102, Section 6, which is among the Bills contested in this cause. HB 102, Section 6, goes into effect June 1, 2021.