

MONTANA FIRST JUDICIAL DISTRICT COURT, LEWIS AND CLARK COUNTYMONTANA FEDERATION OF PUBLIC
EMPLOYEES,

Plaintiff,

NORTHERN CHEYENNE TRIBE,
BLACKFEET NATION, CONFEDERATED
SALISH & KOOTENAI TRIBES, FORT
BELKNAP INDIAN COMMUNITY, and
WESTERN NATIVE VOICE,

Plaintiff-Intervenors,

v.

STATE OF MONTANA and CHRISTI
JACOBSEN, in her official capacity as
Montana Secretary of State,

Defendants.

Cause No. **ADV-25-2025-0268****ORDER DENYING DEFENDANTS'
MOTION TO TRANSFER VENUE**

This matter comes before the Court on Defendants' Motion to Transfer Venue pursuant to Senate Bill 97 (SB 97). Having reviewed the parties' briefs, the applicable law, and the record, the Court DENIES the motion for the reasons set forth below.

I. Background

Plaintiff Montana Federation of Public Employees challenges the constitutionality of Senate Bills 490 and 276, enacted during the 2025 legislative session. Defendants seek to transfer venue to Lincoln County under SB 97, which modifies venue rules for constitutional

1 challenges to legislative acts. SB 97 was signed into law on May 5, 2025, but does not specify an
2 effective date. Under Montana law, statutes without an explicit effective date take effect on
3 October 1 following their passage. See § 1-2-201(1)(a), MCA. SB 97 also includes a saving
4 clause, which states that the law “does not affect ... proceedings that were begun before [its]
5 effective date.” SB 97 § 7.

6 **II. Analysis**

7 **A. SB 97 Is Not Yet in Effect**

8 Under Montana law, statutes without an explicit effective date take effect on October 1
9 following their passage. § 1-2-201(1)(a), MCA. SB 97 does not include an explicit effective date,
10 and the legislature’s website confirms that its effective date is October 1, 2025. Defendants
11 concede this point but argue that SB 97, as a procedural law, is “functionally effective
12 immediately” upon the Governor’s signature. This argument is unpersuasive.
13

14 Montana courts have never enforced a statute before its statutory effective date. The cases
15 cited by Defendants—*State ex rel. Johnson v. District Court*, 148 Mont. 22, 417 P.2d 109
16 (1966), and *City of Helena v. Community of Rimini*, 2017 MT 145, address the retroactive
17 application of laws already in effect, not the pre-effective date enforcement of statutes. The
18 distinction between retroactivity and effective dates is critical. As the Montana Supreme Court
19 has made clear, a statute cannot be enforced before it becomes law. See *Johnson*, 148 Mont. at
20 28, 417 P.2d at 112.
21

22 **B. SB 97’s Saving Clause Bars Its Application to This Case**

23 Even if SB 97 were in effect, its saving clause explicitly exempts this case. The saving
24 clause states that SB 97 “does not affect ... proceedings that were begun before [its] effective
25 date.” SB 97 § 7. The Montana Supreme Court has consistently held that saving clauses preserve

1 the application of prior law to pending cases. See *Fisher v. First Citizens Bank*, 2000 MT 314, ¶
2 19, 302 Mont. 473, 14 P.3d 1228. By its plain language, SB 97’s saving clause “excepts” this
3 case, which was filed on May 12, 2025, well before the statute’s October 1, 2025, effective date.

4 Defendants argue that the saving clause does not apply because SB 97 is procedural and
5 does not “affect” the proceedings. This argument is unconvincing. The saving clause explicitly
6 applies to “proceedings that were begun before [the statute’s] effective date,” and there is no
7 basis to exclude venue determinations from its scope. Defendants’ interpretation would render
8 the saving clause meaningless, contrary to the principle that courts must give effect to all
9 provisions of a statute. See *Mont. Vending, Inc. v. Coca-Cola Bottling Co.*, 2003 MT 282, ¶ 21,
10 318 Mont. 1, 78 P.3d 499.

12 **C. Venue Is Proper in Lewis and Clark County**

13 Under existing venue laws, venue is proper in Lewis and Clark County because the State
14 is a named defendant, Plaintiff is headquartered in Lewis and Clark County, and the cause of
15 action arose in Lewis and Clark County. See §§ 25-2-125, 25-2-126(1), MCA. Transferring
16 venue to Lincoln County based on a statute that is not yet in effect and explicitly exempts
17 pending cases would be legally improper.

18 **III. Conclusion**

19 For the foregoing reasons, the Court finds that SB 97 is not yet in effect and, even if it
20 were, its saving clause exempts this case. Venue is proper in Lewis and Clark County under
21 existing law. Accordingly, Defendants’ Motion to Transfer Venue is **DENIED**.

23 The Clerk of Court is directed to serve all parties with a copy of this Order.

24 **ELECTRONICALLY SIGNED AND DATED BELOW**