

1 \*\*\*\* BILL NO. \*\*\*\*  
2 INTRODUCED BY \*\*\*\*  
3 BY REQUEST OF THE \*\*\*\*  
4

5 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE SUPREME COURT TO PRESUME  
6 CONSTITUTIONALITY OF LEGISLATIVE ACTS AND ADMINISTRATIVE RULES; AND AMENDING SECTION  
7 3-2-701, MCA."  
8

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

11 **Section 1.** Section 3-2-701, MCA, is amended to read:

12 **"3-2-701. Power of court over rules -- deference to legislation and administrative rules.** The  
13 supreme court of this state shall have the power to regulate the pleading, practice, procedure, and the forms  
14 thereof in civil actions in all courts of this state by rules promulgated by it from time to time for the purpose of  
15 simplifying judicial proceedings in the courts of Montana and for promoting the speedy determination of  
16 litigation upon its merits. Such rules shall not abridge, enlarge, or modify the substantive rights of any litigant  
17 and shall not be inconsistent with the constitution of the state of Montana.

18 (2) The supreme court of this state shall presume legislative acts and administrative rules are  
19 constitutional and give deference to both in its proceedings."

20 - END -