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\*\*\*\* BILL NO. \*\*\*\*

INTRODUCED BY \*\*\*\*

BY REQUEST OF THE \*\*\*\*

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE SUPREME COURT TO PRESUME CONSTITUTIONALITY OF AND GIVE DEFERENCE TO LEGISLATIVE ACTS; AND AMENDING SECTION 3-2-701, MCA."

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

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

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

(2) (a) The supreme court of this state shall presume legislative acts are constitutional and give deference to legislative acts in its proceedings.

(b) For purpose of this section, the term to "give deference" means that the supreme court must yield or submit to the legislature's judgment in passing legislation."

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