

Unofficial Draft Copy - To Legal Review

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Drafter: Julie Johnson, ****

69th Legislature 2025

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**** BILL NO. ****

INTRODUCED BY ****

BY REQUEST OF THE SENATE SELECT COMMITTEE ON JUDICIAL OVERSIGHT AND REFORM

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING THE BURDEN OF PROOF FOR A CLAIM THAT A LEGISLATIVE ACT VIOLATES THE MONTANA CONSTITUTION; 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 legislative acts. 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) Except in cases in which the Montana constitution explicitly mandates a different standard of review, if in a proceeding before a Montana court, a party challenges a state legislative act as violative of the state constitution, the court shall uphold the legislative act unless the challenger demonstrates that it is unconstitutional beyond a reasonable doubt."

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