**** 69th Legislature 2025

1	HOUSE BILL NO. 30
2	INTRODUCED BY L. DEMING
3	BY REQUEST OF THE SENATE SELECT COMMITTEE ON JUDICIAL OVERSIGHT AND REFORM
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5	A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING THE BURDEN OF PROOF FOR A CLAIM THAT A
6	LEGISLATIVE ACT VIOLATES THE MONTANA CONSTITUTION; AND AMENDING SECTION 3-2-701, MCA."
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8	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
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10	Section 1. Section 3-2-701, MCA, is amended to read:
11	"3-2-701. Power of court over rules deference to legislative acts. (1) The supreme court of this
12	state shall have the power to may regulate the pleading, practice, and procedure, and the forms thereof of
13	these, in civil actions in all courts of this state by rules promulgated by it the supreme court from time to time for
14	the purpose of simplifying judicial proceedings in the courts of Montana and for promoting the speedy
15	determination of litigation upon on its merits. Such rules shall may not abridge, enlarge, or modify the
16	substantive rights of any litigant and shall may not be inconsistent with the constitution of the state of Montana.
17	(2) Except in cases in which the state constitution explicitly mandates a different standard of
18	review, if in a proceeding before a Montana court a party challenges a state legislative act as violative of the
19	state constitution, the supreme court shall uphold the legislative act unless the challenger demonstrates that the
20	legislative act is unconstitutional beyond a reasonable doubt."
21	- END -