

HOUSE BILL NO. 531

INTRODUCED BY S. FITZPATRICK

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT THE LEGISLATURE HAS THE SOLE CONSTITUTIONAL AUTHORITY REGARDING RULES THAT GOVERN THE LEGISLATURE'S PROCEEDINGS; PROHIBITING THE JUDICIAL BRANCH FROM REVIEWING AND INTERPRETING LEGISLATIVE RULES; PROVIDING A DEFINITION; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

NEW SECTION. Section 1. Sole constitutional authority by legislature on rules governing its proceedings -- judicial review and interpretation prohibited -- exception. (1) ~~Pursuant~~ Except as provided in subsection (2), pursuant to Article V, section 10(1), of the Montana constitution, the legislature possesses the sole power and discretion to make, enforce, interpret, suspend, repeal, or waive rules for its proceedings, ~~unless the rules potentially conflict with the Montana constitution or the United States constitution.~~

(2) A judicial officer may not review and interpret a legislative rule unless the rule potentially conflicts with the Montana constitution or the United States constitution.

(3) For the purposes of this section, "judicial officer" has the same meaning as provided in 1-1-202(2).

NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 5, chapter 5, and the provisions of Title 5, chapter 5, apply to [section 1].

NEW SECTION. Section 3. Effective date. [This act] is effective on passage and approval.

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