

SENATE BILL NO. 278

INTRODUCED BY S. FITZPATRICK

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR LEGISLATIVE INTERVENTION IN A DECLARATORY JUDGMENT ACTION; PROVIDING THE RIGHT TO INTERVENE TO LEGISLATIVE OFFICERS; PROVIDING THE RIGHT TO INTERVENE TO A SPONSOR AND COSPONSOR WHO VOTED FOR PASSAGE AND APPROVAL OF THE LEGISLATION AT ISSUE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

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

NEW SECTION. Section 1. Findings of purpose -- legislator intervention in legal challenges

authorized. (1) The legislature finds that:

(a) proper interpretation and administration of the constitution and legislative enactments and referendums of the state are matters of great public interest and significant importance;

(b) individual legislators in their capacity as sponsors or cosponsors of legislation at issue who voted for passage and approval of the legislation have a plain, direct, and adequate interest in maintaining the effectiveness of their votes and have a personal stake in ensuring proper interpretation and administration of the constitution and legislative enactments and referendums that is distinguishable from that of the public generally; and

(c) the officers of the legislature have a plain, direct, and adequate interest in ensuring proper interpretation and administration of legislative enactments.

(2) The officers of the legislature and legislators in their capacity as a sponsor or cosponsor of legislation at issue who voted for passage and approval of the legislation may intervene, individually or jointly, in declaratory judgment actions involving alleged constitutional or statutory violations of state law.

(3) Nothing in this section supersedes the authority of the attorney general to represent the state of Montana.

(4) The participation of an officer of the legislature in any action, state or federal, as a party or

1 otherwise, does not constitute a waiver of legislative immunity or legislative privilege of any individual legislator,
2 officer of the legislature, or legislative staff.

3 (5) For the purposes of this section, "officer of the legislature" means the speaker of the house and
4 the president of the senate.

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

8
9 **NEW SECTION. Section 3. Effective date.** [This act] is effective on passage and approval.

10
11 **NEW SECTION. Section 4. Applicability.** [This act] applies to proceedings initiated after [the
12 effective date of this act].

13 - END -