

HOUSE BILL NO. 374

INTRODUCED BY S. FITZPATRICK

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A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING TO AN INDIVIDUAL LEGISLATOR WHO IS A SPONSOR OR COSPONSOR OF LEGISLATION STANDING TO INTERVENE IN DECLARATORY JUDGMENT ACTIONS INVOLVING ALLEGED CONSTITUTIONAL OR STATUTORY VIOLATIONS; PROVIDING LEGISLATIVE FINDINGS; 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. Legislative findings -- legislator standing and 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 of Montana are matters of great public interest and significant importance; and

(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.

(2) Legislators in their capacity as sponsors or cosponsors of legislation at issue who voted for passage and approval of the legislation have standing and may intervene in declaratory judgment actions involving alleged constitutional or statutory violations of Montana law.

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

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

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



