

1 SENATE BILL NO. 278

2 INTRODUCED BY S. FITZPATRICK

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

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

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

13 **authorized.** (1) The legislature finds that:

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

16 (b) AN individual legislators LEGISLATOR in their THE LEGISLATOR'S capacity as sponsors or  
17 cospensors THE PRIMARY SPONSOR of legislation at issue who voted for passage and approval of the legislation  
18 have HAS a plain, direct, and adequate interest in maintaining the effectiveness of their votes THE LEGISLATOR'S  
19 VOTE and have HAS a personal stake in ensuring proper interpretation and administration of the constitution and  
20 legislative enactments and referendums that is distinguishable from that of the public generally; and

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

23 (2) The officers of the legislature and legislators A LEGISLATOR in their THE LEGISLATOR'S capacity as  
24 a THE PRIMARY sponsor or cospensor of legislation at issue who voted for passage and approval of the  
25 legislation may intervene AS OF RIGHT, individually or jointly, in declaratory judgment actions involving alleged  
26 constitutional or statutory violations of state law.

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

**Amendment - 1st Reading/2nd House-blue - Requested by: Jonathan Karlen - (H) Legislative Administration**

- 2023

68th Legislature 2023

Drafter: Joe Kolman, 406-444-3747

SB0278.002.002

1 Montana.

2 (4) The participation of an officer of the legislature in any action, state or federal, as a party or  
3 otherwise, does not constitute a waiver of legislative immunity or legislative privilege of any individual legislator,  
4 officer of the legislature, or legislative staff.

5 (5) For the purposes of this section, "officer of the legislature" means the speaker of the house,  
6 ~~and~~ the president of the senate, or the minority leader of the house or the senate.

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

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

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13 NEW SECTION. Section 4. Applicability. [This act] applies to proceedings initiated after [the  
14 effective date of this act].

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