

1 SENATE BILL NO. 450

2 INTRODUCED BY J. KASSMIER, W. MCKAMEY, G. LAMMERS

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4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING LEGISLATIVE OFFICERS WITH THE RIGHT TO
5 PARTICIPATE AS AMICUS CURIAE IN A CASE INVOLVING THE INTERPRETATION OF LEGISLATIVE
6 ENACTMENTS; PROVIDING DEFINITIONS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN
7 APPLICABILITY DATE."

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

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11 NEW SECTION. **Section 1. Findings of purpose -- amicus curiae briefing by officers of**
12 **legislature.** (1) The legislature finds that:

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

15 (b) the officers of the legislature have a strong interest in the subject matter of any litigation in
16 which the interpretation and administration of legislative enactments is at issue.

17 (2) The officers of the legislature may participate on an individual basis or jointly as amicus curiae
18 and file an amicus brief in state or federal court in actions involving statutory interpretation for legislative
19 enactments or legislative intent.

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

21 (4) The participation of an officer of the legislature in any action, state or federal, does not
22 constitute a waiver of legislative immunity or legislative privilege of any individual legislator, officer of the
23 legislature, or legislative staff.

24 (5) Subject to available appropriation authority, an officer of the legislature may use funding that is
25 approved by the legislative council or funding that is under the direction and control of the officer of the
26 legislature to pay attorney fees and costs associated with participating as amicus curiae under subsection (2).

27 (6) For the purposes of this section, "officer of the legislature" means the speaker of the house and
28 the president of the senate.

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2 NEW SECTION. **Section 2. Codification instruction.** [Section 1] is intended to be codified as an
3 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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5 NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval.

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7 NEW SECTION. **Section 4. Applicability.** [This act] applies to proceedings initiated on or after [the
8 effective date of this act].

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