

## S.B. 171

# INTERVENTION AS A MATTER OF RIGHT AMENDMENTS

Senator **J. Stuart Adams** proposes the following amendments:

1. *Page 1, Lines 12 through 16:*

- 12 This bill:
- 13 ▶ provides that the Legislature may intervene as a matter of right in litigation under
- 14 certain circumstances;
- ▶ **addresses federal cases;**
- 15 ▶ requires the attorney general to provide notice to the legislative general counsel; and
- 16 ▶ makes technical changes.

2. *Page 3, Lines 74 through 80:*

- 74 (b) The Legislature has an unconditional right to intervene in a **state** court action
- {~~when~~} **if** a
- 75 party to that court action challenges:
- 76 (i) the constitutionality of a state statute;
- 77 (ii) the validity of legislation; or
- 78 (iii) any action of the Legislature.

**(c) For a federal court action that challenges the constitutionality of a state statute, the validity of legislation, or any action of the Legislature, the Legislature may seek permissive intervention in accordance with federal rules of procedure, or the ability to file an amicus brief in accordance with federal rules of procedure.**

- 79 {~~(c)~~} **(d)** The attorney general shall notify the legislative general counsel of a claim
- {~~described~~}
- 80 **in Subsection (4)(b)}** in accordance with Subsection 67-5-1(24).

3. *Page 7, Lines 183 through 185:*

- 183 (24) notify the legislative general counsel in writing within three business days after
- 184 the day on which the attorney general becomes aware of a claim {~~described in Subsection~~
- 185 **36-12-7(4)(b)}** **, regardless of whether the claim is filed in state or federal court, that challenges:**
- (i) the constitutionality of a state statute;**
- (ii) the validity of legislation; or**
- (iii) any action of the Legislature** .