

1 SB32
2 215352-1
3 By Senator Jones
4 RFD: Judiciary
5 First Read: 11-JAN-22
6 PFD: 01/06/2022

8 SYNOPSIS: Under the Alabama Rules of Civil Procedure,
9 upon timely application, any person may intervene
10 in a legal action when a statute confers an
11 unconditional right to intervene, or when the
12 applicant claims an interest relating to the
13 property or transaction which is the subject of the
14 action and the applicant is so situated that the
15 disposition of the action may as a practical matter
16 impair or impede the applicant's ability to protect
17 that interest, unless the applicant's interest is
18 adequately represented by existing parties.

19 This bill would provide individual members
20 of the Alabama Legislature with a statutory right
21 to intervene as a matter of right in legal actions
22 relating to the implementation, administration,
23 construction, or application of a local law passed
24 by the Legislature relating to a county or
25 municipality wholly or partially within the
26 member's legislative district or a general law
27 pertaining to only one municipality located wholly

1 or partially within the member's legislative
2 district.

3
4 A BILL
5 TO BE ENTITLED
6 AN ACT
7

8 Relating to civil procedure; to provide for the
9 authority of members of the Alabama Legislature to intervene
10 as a matter of right in certain legal actions.

11 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

12 Section 1. (a) (1) The Legislature finds and declares
13 that individual members of the Alabama Legislature, as the
14 elected officials of individual legislative districts, have a
15 substantial interest in ensuring that local laws relating to
16 their individual legislative districts are upheld and
17 appropriately implemented, administered, construed, and
18 applied when challenged in the courts of this state.

19 (2) The Legislature further finds and declares that
20 any legal challenge to the implementation, administration,
21 construction, or application of a local law creates an actual
22 or imminent injury in fact to any individual member of the
23 Legislature representing any portion of the legislative
24 district to which the local law pertains in his or her
25 official capacity as a member of the Alabama Legislature.

26 (b) A member of the Alabama Legislature, in the
27 member's official capacity, may intervene as a matter of right

1 in any legal action pending in the circuit court or district
2 court if the legal action relates to the implementation,
3 administration, construction, or application of a local law
4 passed by the Legislature relating to a county or municipality
5 wholly or partially within the member's legislative district
6 or a general law pertaining to only one municipality located
7 wholly or partially within the member's legislative district.

8 (c) A motion to intervene under this section shall
9 be made upon timely application to the court and in accordance
10 with the Alabama Rules of Civil Procedure and shall be served
11 upon the parties to the legal action.

12 (d) Any legal fees incurred as a result of
13 intervention under this section may be paid from campaign
14 contributions pursuant to Section 17-5-7(a)(7), Code of
15 Alabama 1975.

16 Section 2. This act shall become effective on the
17 first day of the third month following its passage and
18 approval by the Governor, or its otherwise becoming law.