

1 HOUSE BILL NO. 446

2 INTRODUCED BY K. WAGONER

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING ATTORNEY FEES AND COSTS TO A PARTY
5 PREVAILING AGAINST THE STATE, COMMISSIONER OF POLITICAL PRACTICES, OR A COUNTY
6 ATTORNEY IN ACTIONS BROUGHT IN DISTRICT COURT UNDER AN ACTION IN TITLE 13, CHAPTER 35
7 OR 37; AND PROVIDING AN EFFECTIVE DATE."

8

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

10

11 NEW SECTION. Section 1. Costs and attorney fees. (1) In an action brought in district court under
12 chapter 37 or this chapter by or against the state, the commissioner of political practices, or a county attorney,
13 the opposing party, whether plaintiff or defendant, is entitled to reasonable attorney fees and costs if the opposing
14 party prevails against the state, commissioner, or county attorney.

15 (2) For the purposes of this section, a party prevails if:

16 (a) in an action in which the party initiates an enforcement of rights or remedies, it recovers on any of
17 its claims; or18 (b) in an action in which the party defends against an enforcement action, it successfully defended
19 against a majority of the claims made against it.

20

21 NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an
22 integral part of Title 13, chapter 35, part 1, and the provisions of Title 13, chapter 35, part 1, apply to [section 1].

23

24 NEW SECTION. Section 3. Effective date. [This act] is effective July 1, 2015.

25

- END -