

SENATE BILL NO. 217

INTRODUCED BY T. MURPHY

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A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THAT THE EXISTING RIGHT TO ATTORNEY FEES AND COSTS IN A LEGAL ACTION TO OBTAIN A DOCUMENT OR TO HAVE ACCESS TO A PUBLIC MEETING APPLIES TO THE PARTY SEEKING THE DOCUMENT OR ACCESS; CLARIFYING THAT THE RIGHT TO COSTS AND FEES APPLIES TO AN APPEAL FROM A DECISION OF A DISTRICT COURT; AMENDING SECTION 2-3-221, MCA; AND PROVIDING APPLICABILITY DATES."

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

Section 1. Section 2-3-221, MCA, is amended to read:

"2-3-221. Costs to plaintiff party in certain actions to enforce constitutional right to know. A plaintiff party who prevails in an action brought in district court or on appeal from a decision of a district court to enforce the plaintiff's party's rights to obtain a document or to have access to a public meeting under Article II, section 9, of the Montana constitution may be awarded costs and reasonable attorney fees."

NEW SECTION. Section 2. Applicability -- retroactive applicability. (1) [This act] applies to causes of action arising after October 1, 2011.

(2) [This act] applies retroactively, within the meaning of 1-2-109, to causes of action arising before October 1, 2011, for which proceedings are pending on October 1, 2011.

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