

1 SENATE BILL NO. 217

2 INTRODUCED BY T. MURPHY, SHOCKLEY

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

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

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12 **Section 1.** Section 2-3-221, MCA, is amended to read:
13 **"2-3-221. Costs to plaintiff party in certain actions to enforce constitutional right to know.** A
14 plaintiff party who prevails in an action brought in district court or on appeal from a decision of a district court to
15 enforce the plaintiff's party's rights to obtain a document or to have access to a public meeting under Article II,
16 section 9, of the Montana constitution may be awarded costs and reasonable attorney fees. ONLY A PARTY SEEKING
17 TO OBTAIN A DOCUMENT OR ACCESS TO A PUBLIC MEETING IS ENTITLED TO RECOVER COSTS AND ATTORNEY FEES UNDER
18 THIS SECTION."

19
20 NEW SECTION. **Section 2. Applicability -- retroactive applicability.** (1) [This act] applies to causes
21 of action arising after October 1, 2011.

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

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