

HOUSE BILL NO. 447

INTRODUCED BY K. WAGONER

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A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT A ~~PETITIONER~~ THAT PERSON WHO PREVAILS AND OBTAINS RELIEF AT ANY STAGE IN AN ACTION TO ENFORCE THE CONSTITUTIONAL RIGHT TO PARTICIPATE IS AWARDED COSTS AND REASONABLE ATTORNEY FEES; AMENDING SECTION 2-3-114, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

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

**Section 1.** Section 2-3-114, MCA, is amended to read:

**"2-3-114. Enforcement.** (1) The district courts of the state have jurisdiction to set aside an agency decision under this part upon petition of any person whose rights have been prejudiced. A petition pursuant to this section must be filed within 30 days of the date on which the ~~petitioner~~ PERSON learns, or reasonably should have learned, of the agency's decision.

(2) A ~~petitioner~~ PERSON ALLEGING A DEPRIVATION OF RIGHTS who prevails and obtains relief at any stage in an action brought in district court to enforce the ~~petitioner's~~ PERSON'S rights under Article II, section 8, of the Montana constitution must be awarded costs and reasonable attorney fees."

NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

NEW SECTION. **Section 3. Applicability.** [This act] applies to proceedings initiated on or after [the effective date of this act].

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