

HOUSE BILL NO. 448

INTRODUCED BY K. WAGONER

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22

A BILL FOR AN ACT ENTITLED: "AN ACT ~~REQUIRING THAT~~ ALLOWING A PLAINTIFF PERSON ALLEGING A DEPRIVATION OF RIGHTS WHO PREVAILS ~~AND OBTAINS RELIEF AT ANY STAGE~~ IN AN ACTION AGAINST THE STATE ENFORCING THE CONSTITUTIONAL RIGHT TO KNOW TO BE AWARDED COSTS AND REASONABLE ATTORNEY FEES; AMENDING SECTION 2-3-221, 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 2-3-221, MCA, is amended to read:

**"2-3-221. Costs to plaintiff in certain actions to enforce constitutional right to know.** A plaintiff PERSON ALLEGING A DEPRIVATION OF RIGHTS who prevails ~~and obtains relief at any stage~~ in an action brought in district court to enforce the plaintiff's PERSON'S rights under Article II, section 9, of the Montana constitution ~~may~~ must MAY 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].

- END -