

1 HOUSE BILL NO. 447

2 INTRODUCED BY K. WAGONER

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

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

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

12 **"2-3-114. Enforcement.** (1) The district courts of the state have jurisdiction to set aside an agency
13 decision under this part upon petition of any person whose rights have been prejudiced. A petition pursuant to
14 this section must be filed within 30 days of the date on which the petitioner learns, or reasonably should have
15 learned, of the agency's decision.

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

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

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

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