

1 HOUSE BILL NO. 701
2 INTRODUCED BY R. GREGG

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4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING HOW TO CALCULATE ATTORNEY FEES
5 AWARDED AGAINST A GOVERNMENT ENTITY; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

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9 NEW SECTION. Section 1. Calculating attorney fees awarded against government entity. In a
10 legal action in which attorney fees are assessed, awarded, or otherwise incurred, whether by operation of law
11 or by order of a court, against the state, a political subdivision, or an agency of the state or a political
12 subdivision, the attorney fees must be calculated not to exceed the maximum hourly salary rate paid by the
13 state to the attorney general, as determined under 2-16-405, private counsel that represented the state in
14 litigation over the prior 2 years, multiplied by the number of attorney hours devoted to the action.

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16 NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an
17 integral part of Title 25, chapter 10, part 7, and the provisions of Title 25, chapter 10, part 7, apply to [section 1].

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19 NEW SECTION. Section 3. Effective date. [This act] is effective on passage and approval.

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