

1 HOUSE BILL NO. 701  
2 INTRODUCED BY R. GREGG  
3

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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