

1 HOUSE BILL NO. 457
 2 INTRODUCED BY VINCENT
 3 BY REQUEST OF THE ATTORNEY GENERAL
 4

5 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE POWERS
 6 OF THE ATTORNEY GENERAL AND COUNTY ATTORNEYS UNDER THE
 7 MONTANA UNFAIR TRADE PRACTICES AND CONSUMER PROTECTION ACT;
 8 AMENDING SECTION 85-416, R.C.M. 1947; AND PROVIDING AN
 9 IMMEDIATE EFFECTIVE DATE."

10
 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 Section 1. Section 85-416, R.C.M. 1947, is amended to
 13 read as follows:

14 "85-416. Assistance and actions by county attorney --
 15 reports. It is the duty of the county attorney to lend to
 16 the department such assistance as the department may request
 17 in the commencement and prosecution of actions pursuant to
 18 this act. ~~or, the~~ The county attorney ~~or the attorney~~
 19 ~~general~~ may institute initiate all procedures and prosecute
 20 actions in the same manner as provided for the department.
 21 If an action is prosecuted by the county attorney alone, he
 22 shall notify the department as to the nature of the action
 23 and the parties to the action within thirty (30) days of the
 24 filing of the action. The county attorney shall make a
 25 report thereon to the department within thirty (30) days of

1 the final disposition of the matter."

2 Section 2. This act shall be effective upon passage
 3 and approval.

-End-

Approved by Committee
on Judiciary

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SECOND READING

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March 31, 1977

SENATE
STANDING COMMITTEE REPORT
Committee on Judiciary

That House Bill No. 457, third reading, be amended as follows:

1. Amend page 1, section 1, line 15.

Following: "reports"

Insert: "--action by attorney general on request"

2. Amend page 1, section 1, line 19.

Following: "general"

Insert: ", on request of the department or a county attorney,"

3. Amend page 1, section 1, line 21.

Following: "alone"

Insert: "or the attorney general on request of the county attorney"

Following: ", "

Strike: "he"

Insert: "the person prosecuting"

4. Amend page 1, section 1, line 24.

Following: "attorney"

Insert: "or attorney general"

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 18 and prosecution of actions pursuant to this act~~---or, the~~
 19 ~~The county attorney or the attorney general, ON REQUEST OF~~
 20 ~~THE DEPARTMENT OR A COUNTY ATTORNEY,~~ may ~~institute~~ initiate
 21 all ~~procedures~~ and prosecute actions in the same manner as
 22 provided for the department. If an action is prosecuted by
 23 the county attorney alone ~~OR THE ATTORNEY GENERAL ON REQUEST~~
 24 ~~OF THE COUNTY ATTORNEY,~~ he ~~THE PERSON PROSECUTING~~ shall
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