1	HOUSE BILL NO. 457
2	INTRODUCED BY VINCENT
3	BY REQUEST OF THE ATTORNEY GENERAL
4	
5	A BILL FOR AN ACT ENTITLED: MAN ACT CLARIFYING THE POWERS
ó	OF THE ATTORNEY GENERAL AND COUNTY ATTORNEYS UNDER THE
7	MONTANA UNFAIR TRADE PRACTICES AND CONSUMER PROTECTION ACT;
8	AMENDING SECTION 95-416, R.C.M. 1947; AND PROVIDING AN
.3	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	<pre>#85-416. Assistance and actions by county attorney</pre>
15	reports. It is the duty of the county attorney to lend to
ló	the department such assistance as the department may request
17	in the commencement and prosecution of actions pursuant to
18	this act y-ory, the Inc county attorney <u>or the attorney</u>
19	<u>general</u> 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 along, 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 (39) days of

- 1 the final disposition of the matter."
- 2 Section 2. This act shall be effective upon passage
- 3 and approval.

-End-

INTRODUCED BILL

45th Legislature

H3 0451/02

Approved by Committee on Judiciary

I	HOUSE BILL NO. 457
Z	INTRODUCED BY VINCENT
3	BY REQUEST OF THE ATTORNEY GENERAL
4	
5	A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE POWERS
ė	OF THE ATTORNEY GENERAL AND COUNTY ATTORNEYS UNDER THE
7	MONTANA UNFAIR TRADE PRACTICES AND CONSUMER PROTECTION ACT;
8	AMENDING SECTION 95-416, R.C.M. 1947; AND PROVIDING AN
9	IMMEDIATE EFFECTIVE DATE."
19	
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 acty-ory_ the Ine 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 along, 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

SECOND READING

HB 0457/02

1 the final disposition of the matter.*

2 Section 2. This act shall be effective upon passage

and approval.

3

-End-

H8 04∍7/0∠

1 HOUSE BILL NO. 457 2 INTRODUCED BY VINCENT BY REQUEST OF THE ATTORNEY GENERAL 3 4 5 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE POWERS OF THE ATTORNEY GENERAL AND COUNTY ATTORNEYS UNDER THE 6 MONTANA UNFAIR TRADE PRACTICES AND CONSUMER PROTECTION ACT; 7 AMENDING SECTION 85-416, R.C.M. 1947; AND PROVIDING AN 8 9 IMMEDIATE EFFECTIVE DATE." 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 11 12 Section 1. Section 85-416, R.C.N. 1947, is amended to read as follows: 13 14 *85-416. Assistance and actions by county attorney --15 reports. It is the duty of the county attorney to lend to the department such assistance as the department may request 16 in the commencement and prosecution of actions pursuant to 17 18 this act-orve the Ibe county attorney or the attorney 19 deneral 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

THIRD READING

1 the final disposition of the matter."

2 Section 2. This act shall be effective upon passage

3 and approval.

-End-

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"

 Amend page 1, section 1, line 19.
 Following: "general" Insert: ", on request of the department or a county attorney,"
 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"

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.N. 1947; AND PROVIDING AN
9	INMEDIATE 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 ACTION BY ATTORNEY GENERAL ON REQUEST. It is the
16	duty of the county attorney to lend to the department such
17	assistance as the department may request in the commencement
18	and prosecution of actions pursuant to this $act_{\overline{v}}$ -or v_{\pm} the
19	<u>The</u> county attorney <u>or the attorney general. ON REQUEST OF</u>
20	THE DEPARTMENT OF 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 <u>OR THE AITORNEY GENERAL ON REQUEST</u>
24	OF THE COUNTY ATTORNEY, He THE PERSON PROSECUTING shall
25	notify the department as to the nature of the action and the

- 1 parties to the action within thirty (30) days of the filing
- 2 of the action. The county attorney <u>DR ATTORNEY GENERAL</u> shall
- 3 make a report thereon to the department within thirty (30)
- 4 days of the final disposition of the matter.*
- 5 Section 2. This act shall be effective upon passage6 and approval.

-End-

REFERENCE BILL