

1 *Mills*
1 *Moan*

SENATE BILL NO. 308

Monti L. Smith
2 *INTRODUCED BY*
2 *Richard B. Brown*
3 *Bill HARP Cole J. Baer Marilyn Benedict*
4 *Expressman Day Cook Storall Tom Nelson*
5 *Whom costs are awarded is entitled to reasonable attorney fees as determined by*
6 *the court; amending section 25-10-201, MCA, and providing an applicability date.*
7 *Jerold Sungard Sweetieh Tamm Beaufort Hartung*

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

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10 Section 1. Section 25-10-201, MCA, is amended to read:

11 "25-10-201. Costs generally allowable. A party to whom costs are awarded in an action is entitled
12 to include in ~~his~~ the bill of costs ~~his~~ the party's necessary disbursements, as follows:13 (1) the legal fees of witnesses, including mileage, or referees and other officers;
14 (2) the expenses of taking depositions;
15 (3) the legal fees for publication when publication is directed;
16 (4) the legal fees paid for filing and recording papers and certified copies thereof of papers
17 necessarily used in the action or on the trial;
18 (5) the legal fees paid to stenographers for per diem or for copies;
19 (6) the reasonable expenses of printing papers for a hearing when required by a rule of court;
20 (7) the reasonable expenses of making transcript for the supreme court;
21 (8) the reasonable expenses for making a map or maps if required and necessary to be used on trial
22 or hearing; and
23 (9) reasonable attorney fees, as determined by the court; and
24 ~~(9)~~ (10) such other reasonable and necessary expenses as that are taxable according to the course
25 and practice of the court or by express provision of law."

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27 NEW SECTION. Section 2. Applicability. [This act] applies to actions and proceedings filed after
28 October 1, 1995.

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