

Moved by Burgoyne

Seconded by Barrett

IN THE HOUSE OF REPRESENTATIVES  
HOUSE AMENDMENT TO H.B. NO. 535

AMENDMENT TO SECTION 1

1  
2 On page 1 of the printed bill, in line 10, delete "or civil" and insert:  
3 "proceeding or civil"; and also in line 10, delete "~~state agency,~~" and  
4 insert: "state agency,"; in line 11, delete "governmental entity" and  
5 insert: "a public health district established pursuant to sections 39-408  
6 and 39-409, Idaho Code, or a political subdivision"; in line 12, delete  
7 "or another governmental entity" and insert: "the state agency, public  
8 health district, political subdivision or"; and also in line 12, following  
9 "court" insert: ", as the case may be,"; in line 13, following "and" insert:  
10 "other"; and also in line 13, delete "the" and insert: "the"; in line 14,  
11 delete "court" and insert: "court it"; also in line 14, following "that  
12 the" insert: "nonprevailing"; and also in line 14, delete "against whom the  
13 judgment is rendered"; and insert: "against whom the judgment is rendered";  
14 in line 15, following "law" insert: ", provided however, that this section  
15 shall not apply to allow an award of attorney's fees against a defendant  
16 in a regulatory enforcement action or proceeding affecting a professional  
17 license or otherwise seeking civil fines or penalties". Also on page 1,  
18 delete lines 34 through 36, and insert:

19 "(4) For the purposes of this section: In any civil judicial proceeding  
20 involving as adverse parties a governmental entity and another governmen-  
21 tal entity, the court shall award the prevailing party reasonable attorney's  
22 fees, witness fees and other reasonable expenses. For purposes of this sub-  
23 section (4), the term "governmental entity" means any state agency, city,  
24 county or other taxing district.

25 "(5) For the purposes of this section:"; and in line 37, delete "(b)" and  
26 insert: "(a)"; in line 39, delete "(b)" and insert: "(b)"; and in line 41,  
27 delete "(5)" and insert: "(56)".

CORRECTION TO TITLE

28  
29 On page 1, in line 4, following "AWARDED" insert: "AND TO REVISE DEFINI-  
30 TIONS".