

HOUSE BILL NO. 131

INTRODUCED BY F. MANDEVILLE

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A BILL FOR AN ACT ENTITLED: "AN ACT SPECIFYING A COUNTY ATTORNEY'S OBLIGATION IN CERTAIN LEGAL MATTERS; AND AMENDING SECTION 7-4-2711, MCA."

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

Section 1. Section 7-4-2711, MCA, is amended to read:

"7-4-2711. County attorney to be legal adviser of county and other subdivisions. (1) The county attorney is the legal adviser of the board of county commissioners. The county attorney shall attend their meetings when required and shall attend and oppose all claims and accounts against the county that are unjust or illegal. The county attorney shall defend all suits brought against the county.

(2) ~~The~~ If a county attorney determines that a dispute exists between the board of county commissioners and an entity described in this section, the county attorney is obliged to serve as the legal adviser to the board of county commissioners, as provided in subsection (1), in that dispute.

(3) Except as provided in subsection (2), a county attorney shall:

(a) give, when required and without fee, an opinion in writing to the county, district, and township officers on matters relating to the duties of their respective offices;

(b) act as counsel, without fee, for fire districts and fire service areas in unincorporated territories, towns, or villages within the county;

(c) when requested by a conservation district pursuant to 76-15-319, act as counsel, without fee;

(d) when requested by a weed district pursuant to 7-22-2109, act as counsel, without fee; and

(e) when requested by a county hospital board pursuant to 7-34-2115, act as counsel, without fee, ~~unless~~ the legal action requested involves the county commissioners."

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