

**County Attorney—Duties—Creation of Improvement District.**

It is a discretionary matter with the County Attorney as to whether he will prepare the petitions for the organization of improvement districts under the provisions of Chapter 156 of the Laws of 1917 and Chapter 67 of the Laws of 1919, there being no law specifically directing him so to do.

William L. Bullock, Esq.,  
County Attorney Pondera County,  
Conrad, Montana.

My dear Mr. Bullock:

Your inquiry, as to whether it is the duty of the County Attorney to act as attorney for people interested in creating an improvement district under the provisions of Chapter 156 of the Laws of 1917 and Chapter 67 of the Laws of 1919, has been received.

There is nothing in either of these laws specifically creating any duty of the County Attorney in connection with special improvement districts, hence resort must be had to the general provisions of the law relating to duties of County Attorneys. Section 3052 of the Revised Codes of 1907 enumerates these duties, and Subdivision 6 thereof reads as follows:

“Give when required, and without fee, his opinion in writing to the county, district and township officers, on mat-

ters relating to the duties of their respective offices."

Section 3056 requires the County Attorney to perform such other duties as are prescribed by law.

It will be seen from these that there is no specific requirement that the County Attorney prepare the petitions for the organization of improvement districts, and there are no officers connected with the same except that the County Commissioners have certain duties in connection therewith; hence it would seem that it is largely in the discretion of the County Attorney whether he shall perform these services in his official capacity, as the law does not specifically direct him to do so.

Very truly yours,

WELLINGTON D. RANKIN,

Attorney General.