

VOLUME NO. 38

OPINION NO. 73

COUNTY ATTORNEYS - Conservation districts, legal representation;
CONSERVATION DISTRICTS - Legal representation, county attorneys;
MONTANA CODE ANNOTATED - Sections 7-4-2711, 76-15-319.

HELD: Sections 7-4-2711 and 76-15-319, MCA, require the county attorney to provide upon request such legal services as the conservation district may require.

17 March 1980

Donald D. MacIntyre, Esq.
Department of Natural Resources
and Conservation
32 South Ewing
Helena, Montana 59601

Dear Mr. MacIntyre:

You have requested my opinion on the following question:

Does a county attorney have an obligation to advise and represent a conservation district without fee upon request by the district?

Section 7-4-2711, MCA, provides in part:

(2) The county attorney must:

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

Section 76-15-319 provides:

(1) The supervisors may call upon the county attorney of the county in which the greatest portion of the district is located or the attorney general of the state for such legal services as they may require or may employ their own counsel and legal staff.

(2) If the county attorney is unable to provide legal assistance because of lack of staff or conflict of interest, then the matter may be referred to the attorney general or the department of natural resources and conservation.

These sections so clearly indicate the Legislature's intent that the county attorney represent conservation districts that they require no further discussion.

THEREFORE, IT IS MY OPINION:

Sections 7-4-2711 and 76-15-319, MCA, require the county attorney to provide upon request such legal services as the conservation district may require.

Very truly yours,

MIKE GREELY
Attorney General