

CHAPTER NO. 533.

HOUSE BILL NO. 863

INTRODUCED BY CURTISS, HIRSCH, DAY, SCHULTZ,
E. SMITH, MANUEL, HAFFERMAN, NATHE

IN THE HOUSE

February 17, 1979	Introduced and referred to Committee on Agriculture, Livestock, and Irrigation.
February 20, 1979	Committee recommend bill do pass. Report adopted.
February 22, 1979	Second reading, do pass. Considered correctly engrossed.
February 23, 1979	Third reading, passed. Transmitted to second house.

IN THE SENATE

February 23, 1979	Introduced and referred to Committee on Agriculture, Livestock, and Irrigation.
March 15, 1979	Committee recommend bill be concurred in as amended. Report adopted.
March 17, 1979	Motion pass consideration.
March 19, 1979	Second reading, concurred in.
March 21, 1979	Third reading, concurred in as amended.

IN THE HOUSE

March 22, 1979	Returned from second house. Concurred in as amended.
March 23, 1979	On motion, consideration passed until the 71st Legislative Day.

March 30, 1979

Second reading, amendments
adopted.

March 31, 1979

Third reading, amendments
adopted. Sent to enrolling.

Reported correctly enrolled.

1 ~~House~~ BILL NO. 863
 2 INTRODUCED BY ~~Curtiss L. Hinkle Day Schutte~~
 3 ~~E. Smith Manuel, Hoffmann NATHC,~~
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND LAWS
 5 PERTAINING TO CONSERVATION DISTRICTS TO PROVIDE FOR COUNTY
 6 ATTORNEY REPRESENTATION; AND TO PROVIDE COMPENSATION FOR
 7 SUPERVISORS ON SPECIAL PROJECTS; AMENDING SECTIONS 7-4-2711,
 8 76-15-313, AND 76-15-319, MCA."
 9
 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 11 Section 1. Section 7-4-2711, MCA, is amended to read:
 12 "7-4-2711. County attorney to be legal advisor of
 13 county and other subdivisions. (1) The county attorney is
 14 the legal adviser of the board of county commissioners. He
 15 must attend their meetings when required and must attend and
 16 oppose all claims and accounts against the county which are
 17 unjust or illegal. He must defend all suits brought against
 18 his county.
 19 (2) The county attorney must:
 20 (a) give, when required and without fee, his opinion
 21 in writing to the county, district, and township officers on
 22 matters relating to the duties of their respective offices;
 23 (b) act as counsel, without fee, for fire districts in
 24 unincorporated territories, towns, or villages within his
 25 county; and

1 ~~(c) when requested by a conservation district pursuant~~
 2 ~~to 76-15-319, act as counsel, without fee."~~
 3 Section 2. Section 76-15-313, MCA, is amended to read:
 4 "76-15-313. Operation of supervisors. (1) The
 5 supervisors shall annually elect a chairman from their
 6 members.
 7 (2) A majority of the supervisors constitute a quorum,
 8 and the concurrence of a majority in any matter within their
 9 duties is required for its determination.
 10 (3) ~~A~~ Except for special projects in which funds are
 11 available, a supervisor may not receive compensation for his
 12 services, but he is entitled to expenses, including travel
 13 expenses as provided for in 2-18-501 through 2-18-503,
 14 incurred in the discharge of his duties."
 15 Section 3. Section 76-15-319, MCA, is amended to read:
 16 "76-15-319. Legal assistance. The supervisors may call
 17 upon the county attorney of the county in which the greatest
 18 portion of the district is located or the attorney general
 19 of the state for such legal services as they may require or
 20 may employ their own counsel and legal staff."

-End-

-2- H.B. 203
INTRODUCED BILL

1 *House* BILL NO. *863*
 2 INTRODUCED BY *Curtis L. Hines, Jay Schulte*
 3 *E. Smith, Manuel, Hoffmann, NATHAN,*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND LAWS
 5 PERTAINING TO CONSERVATION DISTRICTS TO PROVIDE FOR COUNTY
 6 ATTORNEY REPRESENTATION; AND TO PROVIDE COMPENSATION FOR
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HOUSE BILL NO. 863

INTRODUCED BY CURTISS, HIRSCH, DAY, SCHULTZ,

E. SMITH, MANUEL, HAFFERMAN, NATHE

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND LAWS PERTAINING TO CONSERVATION DISTRICTS TO PROVIDE FOR COUNTY ATTORNEY REPRESENTATION; AND TO PROVIDE COMPENSATION FOR SUPERVISORS ON SPECIAL PROJECTS; AMENDING SECTIONS 7-4-2711, 76-15-313, AND 76-15-319, 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 advisor of county and other subdivisions. (1) The county attorney is the legal adviser of the board of county commissioners. He must attend their meetings when required and must attend and oppose all claims and accounts against the county which are unjust or illegal. He must defend all suits brought against his county.

(2) The county attorney must:

(a) give, when required and without fee, his 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 in unincorporated territories, towns, or villages within his

county; and

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

Section 2. Section 76-15-313, MCA, is amended to read: "76-15-313. Operation of supervisors. (1) The supervisors shall annually elect a chairman from their members.

(2) A majority of the supervisors constitute a quorum, and the concurrence of a majority in any matter within their duties is required for its determination.

(3) A Except for special projects in which funds are available, a supervisor may not receive compensation for his services, but he is entitled to expenses, including travel expenses as provided for in 2-18-501 through 2-18-503, incurred in the discharge of his duties."

Section 3. Section 76-15-319, MCA, is amended to read:

"76-15-319. Legal assistance. (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."

-End-

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HB 863

REFERENCE BILL

March 15, 1979

SENATE STANDING COMMITTEE REPORT
(Agriculture, Livestock & Irrigation)

That House Bill No. 863 be amended as follows:

1. Page 2, line 16.

Following: "assistance."

Insert: "(1)"

2. Page 2.

Following: line 20

Insert: "(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."