

HOUSE BILL NO. 499

Introduced: 01/25/83

Referred to Committee on Education & Cultural Resources:

01/25/83

Hearing: 2/4/83

Report: 02/04/83, Do Not Pass

Bill Killed: 02/07/83

1 House BILL NO. 499  
2 INTRODUCED BY Ellsain  
3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ELIMINATE CONFLICTS  
5 OF INTEREST FOR A COUNTY ATTORNEY IN SCHOOL MATTERS BY  
6 PROVIDING THAT A COUNTY ATTORNEY REPRESENT ONLY THE COUNTY  
7 SUPERINTENDENT OF SCHOOLS; TO PROVIDE THAT TRUSTEES OF A  
8 SCHOOL DISTRICT OR A COMMUNITY COLLEGE DISTRICT EMPLOY AN  
9 ATTORNEY OTHER THAN THE COUNTY ATTORNEY; AMENDING SECTIONS  
10 20-1-204 AND 20-15-404, MCA; REPEALING SECTION 20-1-205,  
11 MCA."

12  
13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

14 Section 1. Section 20-1-204, MCA, is amended to read:  
15 "20-1-204. County attorney's duties ~~--- legal services~~  
16 ~~for trustees. (1)~~ Upon request of the county superintendent  
17 ~~or the trustees of any school district or community college~~  
18 ~~district,~~ the county attorney shall be ~~their~~ the legal  
19 adviser and shall prosecute and defend all suits to which  
20 ~~such---persons~~ the county superintendent, in ~~their~~ his  
21 capacity as a public ~~officials~~ official, may be a party;  
22 ~~however, the~~

23 (2) The trustees of any school district or community  
24 college district ~~may, in their discretion,~~ shall employ any  
25 other attorney licensed in Montana to perform any legal

1 services in connection with school or community college  
2 board business."

3 Section 2. Section 20-15-404, MCA, is amended to read:  
4 "20-15-404. Trustees to adhere to certain other laws.  
5 Unless the context clearly indicates otherwise, the trustees  
6 of a community college district shall:

7 (1) adhere to the teachers' retirement provisions of  
8 Title 19, chapter 4, as amended;

9 (2) adhere to the provisions of 20-1-201, ~~20-1-205,~~  
10 20-1-211, and 20-1-212, as amended;

11 (3) adhere to the school property provisions of  
12 20-6-605, 20-6-621, 20-6-622, 20-6-624, 20-6-631, and  
13 20-6-633 through 20-6-636, as amended;

14 (4) adhere to the adult education provisions of  
15 20-7-701 through 20-7-712, as amended;

16 (5) adhere to the administration of finances  
17 provisions of 20-9-115, 20-9-134, subsections (2), (3), (4),  
18 and (5) of 20-9-161, 20-9-163, 20-9-165, 20-9-207 through  
19 20-9-210, 20-9-215, and 20-9-221 through 20-9-224, as  
20 amended;

21 (6) adhere to the school bond provisions of 20-9-401  
22 through 20-9-412, 20-9-421 through 20-9-446, 20-9-451  
23 through 20-9-456, and 20-9-461 through 20-9-465, as amended;

24 (7) adhere to the special purpose funds provisions of  
25 20-9-502, 20-9-503, 20-9-507, 20-9-508, and 20-9-511, as

1 amended;  
2 (8) adhere to the educational cooperative agreements  
3 provisions of 20-9-701 through 20-9-704, as amended;  
4 (9) adhere to the school elections provisions of Title  
5 20, chapter 20, as amended;  
6 (10) adhere to the students' rights provisions of  
7 20-25-511 through 20-25-516, as amended; and  
8 (11) adhere to the health provisions of 50-1-206."  
9 NEW SECTION. Section 3. Repealer. Section 20-1-205,  
10 MCA, is repealed.

-End-