

SENATE BILL NO. 364

Introduced: 02/05/83

Referred to Committee on Local Government: 02/05/83
Hearing: 2/10/83
Report: 02/17/83, Do Not Pass. Report Adopted.
Bill Killed.

1 *Senate* BILL NO. 364
 2 INTRODUCED BY Norman
 3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THAT THE
 5 COUNTY COMMISSIONERS OF A COUNTY MAY EMPLOY AN ATTORNEY TO
 6 PERFORM ANY LEGAL SERVICE IN CONNECTION WITH THE CIVIL
 7 BUSINESS OF THE COUNTY WITHOUT THE CONSENT OR INVOLVEMENT OF
 8 THE COUNTY ATTORNEY; AMENDING SECTIONS 7-4-2705 AND
 9 7-4-2711, MCA; AND REPEALING SECTION 7-4-2708, MCA."
 10
 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 12 Section 1. Section 7-4-2705, MCA, is amended to read:
 13 "7-4-2705. Employment of special counsel in certain
 14 counties. (1) Except in counties of the first class, the
 15 board of county commissioners has the power, whenever in its
 16 judgment the ends of justice or the interest of the county
 17 require it, to employ or authorize the county attorney to
 18 employ special counsel to assist in the prosecution of any
 19 criminal case pending in such county or,
 20 (2) ~~in any county, the board may employ any other~~
 21 ~~attorney licensed in Montana~~ to represent said county in any
 22 civil action in which such county is a party."
 23 Section 2. Section 7-4-2711, MCA, is amended to read:
 24 "7-4-2711. County attorney to be legal adviser of
 25 county and other subdivisions. (1) ~~The Except when the board~~

1 ~~of county commissioners employs another attorney as provided~~
 2 ~~in 7-4-2705, the county attorney;~~
 3 (a) is the legal adviser of the board of ~~county~~
 4 ~~commissioners;~~
 5 (b) He must attend their meetings when required and;
 6 (c) must attend and oppose all claims and accounts
 7 against the county which are unjust or illegal; ~~and~~
 8 (d) He must defend all suits brought against his
 9 county.
 10 (2) The county attorney must:
 11 (a) give, when required and without fee, his opinion
 12 in writing to the county, district, and township officers on
 13 matters relating to the duties of their respective offices;
 14 (b) act as counsel, without fee, for fire districts in
 15 unincorporated territories, towns, or villages within his
 16 county; and
 17 (c) when requested by a conservation district pursuant
 18 to 76-15-319, act as counsel, without fee."
 19 NEW SECTION. Section 3. Repealer. Section 7-4-2708,
 20 MCA, is repealed.

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