_____ BILL NO. _____

INTRODUCED BY _____

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING ELECTED COUNTY OFFICERS TO CONTRACT FOR LEGAL SERVICES FROM ANY ATTORNEY LICENSED IN MONTANA IN CONNECTION WITH A LEGAL DISPUTE BETWEEN ELECTED COUNTY OFFICERS; AMENDING SECTIONS 7-4-2708 AND 7-4-2711, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 7-4-2708, MCA, is amended to read:

"**7-4-2708. Contract for services of any other attorney.** (1) In any county, the county commissioners may ~~employ~~ contract any attorney licensed in Montana to perform any legal service in connection with the civil business of the county.

(2) If the county commissioners contract an attorney to perform legal services under subsection (1) in connection with a legal dispute with another elected county officer, the county commissioners shall allow the other elected county officer to contract at that officer's discretion any attorney licensed in Montana for legal services in relation to the dispute using county funds."

Section 2. Section 7-4-2711, MCA, is amended to read:

"**7-4-2711. County attorney to be legal adviser of county and other subdivisions -- recusal.** (1) The county attorney is the legal adviser of the board of county commissioners. The county attorney shall attend their meetings when required and shall attend and oppose all claims and accounts against the county that are unjust or illegal. The county attorney shall defend all suits brought against the county.

(2) The county attorney shall:

(a) give, when required and without fee, an 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 and fire service areas in unincorporated territories,

towns, or villages within the county;

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

(d) when requested by a weed district pursuant to 7-22-2109, act as counsel, without fee; and

(e) when requested by a county hospital board pursuant to 7-34-2115, act as counsel, without fee,

unless the legal action requested involves the county commissioners.

(3) When the county attorney determines that a conflict of interest exists between elected county officers within the county, the county attorney shall recuse the county attorney's office from the matter and the elected county officers involved may contract at each officer's discretion any attorney licensed in Montana for legal services related to the dispute using county funds."

NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval.

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