

HOUSE BILL NO. 702
INTRODUCED BY R. MAEDJE

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A BOARD OF COUNTY COMMISSIONERS TO HIRE AN ATTORNEY FOR FEDERAL LANDS PROCEEDINGS WHOSE SOLE DUTY IS TO FILE OR INTERVENE IN FEDERAL ADMINISTRATIVE PROCEEDINGS AND FEDERAL COURT PROCEEDINGS IN ORDER TO PROTECT THE PUBLIC'S RIGHT TO USE AND ACCESS FEDERAL LANDS AND ROADS."

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

NEW SECTION. Section 1. Board of county commissioners attorney for federal lands proceedings. (1) A board of county commissioners may hire an attorney for federal lands proceedings whose sole duty is to file or intervene in federal administrative proceedings and federal court proceedings in order to protect the public's right to use and access federal lands and roads on federal lands within the county for logging, obtaining firewood, grazing, mining, recreation, sports, and other purposes. The attorney's position is attached to the board of county commissioners and not the county attorney. The attorney's duties are limited to those stated in this section, and the attorney may not take actions that may prohibit, reduce, or limit public uses and access. The attorney shall seek sanctions under Rule 11 of the Federal Rules of Civil Procedure when the attorney has reason to believe that sanctions are justified. The attorney's salary must be equal to that of the county attorney. If funding is available under subsection (2), the board may also hire and set the salary of a legal secretary to assist the attorney.

(2) If a board of county commissioners hires an attorney under subsection (1), the county treasurer shall create an account into which any person or any private or governmental entity may deposit donations or other funds to be used solely to pay the salary and expenses of the attorney and a legal secretary if one is hired. The county may contribute to the fund.

NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 7, chapter 4, and the provisions of Title 7, chapter 4, apply to [section 1].

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