

SENATE BILL NO. 316

INTRODUCED BY J. ESSMANN

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A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING COUNTY ATTORNEYS TO REQUEST ASSISTANCE FROM THE ATTORNEY GENERAL'S OFFICE IN PROCEEDINGS INVOLVING DETERMINATIONS OF THE LEGAL STATUS OF ROAD RIGHT-OF-WAYS; AND AMENDING SECTION 7-14-2138, MCA."

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

**Section 1.** Section 7-14-2138, MCA, is amended to read:

**"7-14-2138. Prosecution by county attorney.** (1) The county attorney, upon complaint of the road supervisor, county surveyor, or any other person, shall prosecute all actions provided in parts 21 through 28 in the name of the state of Montana.

(2) The county attorney, upon approval of the governing body of the county, may request the assistance from the attorney general's office in actions involving determinations of the legal status of road right-of-ways.

~~(2)~~(3) All penalties, except those paid to a justice's court, ~~shall~~ must be paid into the general fund of the county."

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