

1 **** BILL NO. ****

2 INTRODUCED BY ****

3 BY REQUEST OF THE ****

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING COUNTY COMMISSIONERS TO INITIATE CIVIL
6 PROCEEDINGS, HIRE OUTSIDE COUNSEL, AND RECOVER COSTS; PROVIDING FOR REMOVAL FROM
7 OFFICE FOR VIOLATION OF A WRIT OF MANDAMUS; AND AMENDING SECTIONS 7-4-2110 AND 27-26-
8 206, MCA."

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

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12 **Section 1.** Section 7-4-2110, MCA, is amended to read:

13 **"7-4-2110. Supervision of county and other officers.** The board of county commissioners has
14 jurisdiction and power, under the limitations and restrictions that are prescribed by law, to:

15 (1) supervise the official conduct of all county officers and officers of all districts and other
16 subdivisions of the county charged with assessing, collecting, safekeeping, managing, or disbursing public
17 revenue;

18 (2) see that the officers faithfully perform their duties;

19 (3) direct prosecutions for delinquencies;

20 (4) initiate civil proceedings to seek civil remedies, including a writ of mandamus, to compel or enjoin
21 the performance of an act by a board member of a local government entity;

22 (5) hire outside counsel to litigate civil proceedings and recover reasonable attorneys' fees and costs
23 as determined by a court;

24 (6) when necessary, require the officers to renew their official bonds, make reports, and present their
25 books and accounts for inspection; and

26 ~~(5)(7)~~ require the officers to supervise staff in a manner that complies with personnel policies and
27 procedures adopted by the county governing body.

28 (8)(a) As used in this section, "local government entity has the meaning provided in 2-7-501, except

1 as provided in subsection (8)(b) of this section.

2 (b) The term does not include a county, consolidated city-county, incorporated city or town, or school
3 district."

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5 **Section 2.** Section 27-26-206, MCA, is amended to read:

6 **"27-26-206. Enforcement of writ -- penalty. (1)** When a peremptory mandate has been issued and
7 directed to any lower tribunal, corporation, board, or person, if it appear to the court or judge that any member
8 of the tribunal, corporation, board, or person upon whom the writ has been personally served has, without just
9 excuse, refused or neglected to obey the writ, the court may, upon motion, impose a fine not exceeding \$1,000.
10 In case of persistence in a refusal of obedience, the court may order the party to be imprisoned until the writ is
11 obeyed and may make any orders necessary and proper for the complete enforcement of the writ.

12 (2) When a party is an elected or appointed official and is found in contempt pursuant to 3-1-501 for
13 not complying with a writ of mandamus, the court may, upon motion, issue an order to remove the party from
14 public office."

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