

EXHIBIT 4  
DATE 1-12-05  
SB 111

Amendments to Senate Bill No. 111  
1st Reading Copy

Requested by Senator Dan McGee

For the Senate Judiciary Committee

Prepared by Valencia Lane  
January 11, 2005 (7:33am)

1. Title, line 4 through line 9.

**Following:** the second "A" on line 4

**Strike:** remainder of line 4 through "FEE" on line 9

**Insert:** "LICENSED PROFESSIONAL MAY DISCUSS, ADVISE UPON, AND  
INTERPRET THE LAW AS IT RELATES TO THE PERSON'S PROFESSION"

2. Page 1, line 21 through line 27.

**Strike:** subsection (2) through subsection (3) in their entirety

**Insert:** "(2) A person licensed under Title 37 who, within the  
course and scope of the person's professional license,  
discusses, advises upon, or interprets the law as it relates  
to the person's profession does not engage in the practice  
of law."

- END -

(SEE OVER)

SENATE JUDICIARY

Exhibit No. 4

Date 1-12-05

Bill No. SB 111

## 1 SENATE BILL NO. 111

2 INTRODUCED BY B. KEENAN, J. O'NEIL, J. SONJU, V. JACKSON

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT A ~~CERTIFIED PUBLIC ACCOUNTANT,~~  
5 ~~LEGISLATOR, LAND SURVEYOR, PEACE OFFICER, BANKER, STOCK BROKER, TITLE INSURANCE OR~~  
6 ~~OTHER INSURANCE PROFESSIONAL, REAL ESTATE BROKER, PARALEGAL, PSYCHIATRIST,~~  
7 ~~PSYCHOLOGIST, SOCIAL WORKER, COUNSELOR, MEDIATOR, OR ANY OTHER PERSON DOES NOT~~  
8 ~~ENGAGE IN THE PRACTICE OF LAW BY DISCUSSING THE LAW WITH ANY PERSON FREE OF CHARGE~~  
9 ~~OR FOR A FEE; AND AMENDING SECTION 37-61-201, MCA."~~

10 LICENSED PROFESSIONAL MAY DISCUSS, ADVISE UPON, AND  
11 INTERPRET THE LAW AS IT RELATES TO THE PERSON'S PROFESSION  
12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13 **Section 1.** Section 37-61-201, MCA, is amended to read:

14 **"37-61-201. Who considered to be practicing law. (1)** ~~Any A~~ person who shall hold himself out or  
15 ~~advertise purports to be or advertises~~ as an attorney or counselor at law or who shall appear in any ~~appears in~~  
16 ~~a~~ court of record or before a judicial body, referee, commissioner, or other officer appointed to determine any  
17 question of law or fact by a court or ~~who shall engage~~ engages in the business and duties and ~~perform such~~  
18 ~~performs~~ acts, matters, and things ~~as are~~ usually done or performed by an attorney at law in the practice of his  
19 ~~an attorney's~~ profession for the purposes of parts 1 through 3 of this chapter ~~shall be deemed practicing~~ engages  
20 in the practice of law.

21 ~~(2) A certified public accountant, legislator, land surveyor, peace officer, banker, stock broker, title~~  
22 ~~insurance or other insurance professional, real estate broker, paralegal, psychiatrist, psychologist, social worker,~~  
23 ~~counselor, mediator, or any other person does not engage in the practice of law by discussing the law with any~~  
24 ~~person free of charge or for a fee.~~

25 ~~(3) This section does not absolve a legislator from the prohibition in 2-2-111 from accepting a fee,~~  
26 ~~contingent fee, or other compensation for promoting or opposing legislation or for speaking to a state agency~~  
27 ~~or a political subdivision."~~

28 (2) A person licensed under Title 37 who, within the course and scope of the person's professional license, discusses, advises upon, or interprets the law as it relates to the person's profession does not engage in the practice of law."