

SENATE BILL NO. 302

INTRODUCED BY McCALLUM

IN THE SENATE

January 28, 1981	Introduced and referred to Committee on Local Government.  Fiscal note requested.
February 3, 1981	Fiscal note returned.
February 7, 1981	Committee recommend bill do pass. Report adopted.
February 9, 1981	Bill printed and placed on members' desks.
February 10, 1981	Second reading, do pass.
February 11, 1981	Correctly engrossed.
February 12, 1981	Third reading, passed. Ayes, 49; Noes, 0. Transmitted to House.

IN THE HOUSE

February 13, 1981	Introduced and referred to Committee on Judiciary.
March 19, 1981	Committee recommend bill be concurring in. Report adopted.
March 27, 1981	Second reading, concurred in.
March 30, 1981	On motion rules suspended and bill allowed to be transmitted on 71st legislative day. Motion adopted.
March 31, 1981	Third reading, concurred in. Ayes, 94; Noes, 2.

IN THE SENATE

April 1, 1981

Returned from House. Con-  
curred in. Sent to enrolling.

Reported correctly enrolled.

1 *Senate* BILL NO. *302*  
 2 INTRODUCED BY *Mr. Ballman*-----  
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW COUNTY  
 5 ATTORNEYS AND DEPUTY COUNTY ATTORNEYS TIME TO COMPLETE LEGAL  
 6 MATTERS REMAINING FROM PREVIOUS PRIVATE PRACTICE OF LAW;  
 7 AMENDING SECTION 7-4-2704, MCA."  
 8

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

10 Section 1. Section 7-4-2704, MCA, is amended to read:

11 "7-4-2704. Limitations on activities of county  
 12 attorneys and deputy county attorneys. (1) The county  
 13 attorney, except for his own services, must not present any  
 14 claim, account, or other demand for allowance against the  
 15 county or in any way advocate the relief asked on the claim  
 16 or demand made by another.

17 (2) In each county with a population in excess of  
 18 30,000, the county attorney is prohibited from engaging in  
 19 the private practice of law or sharing directly or  
 20 indirectly in the profits of any private practice of law,  
 21 except that he may represent himself and his immediate  
 22 family and except as provided in subsection (4).

23 (3) Any deputy county attorney in a county with a  
 24 population in excess of 30,000 who is paid 70% or more of  
 25 the county attorney's salary is prohibited from engaging in

1 the private practice of law or sharing directly or  
 2 indirectly in the profits of any private practice of law  
 3 except as to those matters in which he has a direct interest  
 4 and except as provided in subsection (4).

5 (4) Any elected or appointed county attorney and any  
 6 deputy county attorney shall, upon demonstration of need to  
 7 the board of county commissioners, be granted a period of  
 8 time, not to exceed 3 months from the date he takes office,  
 9 to complete any pending matters remaining from any previous  
 10 private practice of law. During such time the county  
 11 attorney and any appointed deputy are bound by the customary  
 12 rules of ethics applicable to attorneys at law."

-End-

INTRODUCED BILL

-2-

SB 302

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STATE OF MONTANA

REQUEST NO. 254-81

FISCAL NOTE

Form BD-15

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In compliance with a written request received 1-29, 19 81, there is hereby submitted a Fiscal Note for SB 302 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA).

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

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DESCRIPTION:

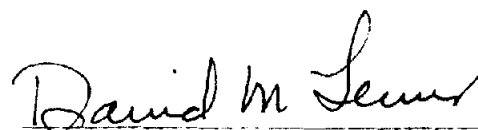
Senate Bill 302 is an act to allow county attorneys and deputy county attorneys time to complete legal matters remaining from previous private practice, amending section 7-4-2704, MCA.

ASSUMPTIONS:

Although the bill does not state, it is assumed the county attorney will continue to receive full salary during the three months.

FISCAL IMPACT:

There would be no fiscal impact.



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2-3-81

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Approved by Comm.  
on Local Government

*Senate* BILL NO. 308

INTRODUCED BY *M. Ballman*

A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW COUNTY ATTORNEYS AND DEPUTY COUNTY ATTORNEYS TIME TO COMPLETE LEGAL MATTERS REMAINING FROM PREVIOUS PRIVATE PRACTICE OF LAW; AMENDING SECTION 7-4-2704, MCA."

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

Section 1. Section 7-4-2704, MCA, is amended to read:

"7-4-2704. Limitations on activities of county attorneys and deputy county attorneys. (1) The county attorney, except for his own services, must not present any claim, account, or other demand for allowance against the county or in any way advocate the relief asked on the claim or demand made by another.

(2) In each county with a population in excess of 30,000, the county attorney is prohibited from engaging in the private practice of law or sharing directly or indirectly in the profits of any private practice of law, except that he may represent himself and his immediate family and except as provided in subsection (4).

(3) Any deputy county attorney in a county with a population in excess of 30,000 who is paid 70% or more of the county attorney's salary is prohibited from engaging in

the private practice of law or sharing directly or indirectly in the profits of any private practice of law except as to those matters in which he has a direct interest and except as provided in subsection (4).

(4) Any elected or appointed county attorney and any deputy county attorney shall, upon demonstration of need to the board of county commissioners, be granted a period of time, not to exceed 3 months from the date he takes office, to complete any pending matters remaining from any previous private practice of law. During such time the county attorney and any appointed deputy are bound by the customary rules of ethics applicable to attorneys at law."

-End-

SECOND READING

SB302

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