

HOUSE BILL NO. 140

INTRODUCED BY RANEY, B. BROWN, NATHE, COCCHIARELLA, BROOKE,
JERGESON, O'KEEFE, T. BECK, NISBET, COBB, GRADY, MENAHAN

IN THE HOUSE

JANUARY 10, 1991 INTRODUCED AND REFERRED TO COMMITTEE
ON LABOR & EMPLOYMENT RELATIONS.

JANUARY 11, 1991 FIRST READING.

JANUARY 23, 1991 COMMITTEE RECOMMEND BILL
DO PASS AS AMENDED. REPORT ADOPTED.

JANUARY 24, 1991 PRINTING REPORT.

JANUARY 26, 1991 SECOND READING, DO PASS.

JANUARY 28, 1991 ENGROSSING REPORT.

JANUARY 30, 1991 THIRD READING, PASSED.
AYES, 87; NOES, 12.

TRANSMITTED TO SENATE.

IN THE SENATE

JANUARY 31, 1991 INTRODUCED AND REFERRED TO COMMITTEE
ON STATE ADMINISTRATION.

FIRST READING.

FEBRUARY 8, 1991 COMMITTEE RECOMMEND BILL BE
CONCURRED IN. REPORT ADOPTED.

FEBRUARY 9, 1991 SECOND READING, CONCURRED IN.

FEBRUARY 11, 1991 THIRD READING, CONCURRED IN.
AYES, 43; NOES, 5.

RETURNED TO HOUSE.

IN THE HOUSE

FEBRUARY 12, 1991 RECEIVED FROM SENATE.

FEBRUARY 21, 1991 SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 House BILL NO. 140
 2 INTRODUCED BY Randy Bos Brown
 3 Constitutional Committee Jerguson Prof. Bob Mustet
 4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING A STATE
 5 OFFICER OR STATE EMPLOYEE SOLICITING OR ACCEPTING
 6 EMPLOYMENT, OR ENGAGING IN COMMUNICATIONS OR MEETINGS TO
 7 CONSIDER EMPLOYMENT, WITH A PERSON WHOM HE REGULATES TO
 8 NOTIFY HIS SUPERVISOR; AND AMENDING SECTION 2-2-121, MCA."

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

11 **Section 1.** Section 2-2-121, MCA, is amended to read:

12 "2-2-121. Rules of conduct for state officers and state
13 employees. (1) Proof of commission of any act enumerated in
14 this section is proof that the actor has breached his
15 fiduciary duty.

16 (2) A state officer or a state employee may not:

17 (a) use state time, facilities, or equipment for his
18 private business purposes;

19 (b) engage in a substantial financial transaction for
20 his private business purposes with a person whom he inspects
21 or supervises in the course of his official duties;

22 (c) assist any person for a fee or other compensation
23 in obtaining a contract, claim, license, or other economic
24 benefit from his agency;

25 (d) assist any person for a contingent fee in obtaining

1 a contract, claim, license, or other economic benefit from
2 any state agency; or

3 (e) perform an official act directly and substantially
4 affecting to its economic benefit a business or other
5 undertaking in which he either has a substantial financial
6 interest or is engaged as counsel, consultant,
7 representative, or agent; or

8 (f) solicit or accept employment, or engage in
9 communications or meetings to consider employment, with a
10 person whom he regulates in the course of his official
11 duties without first notifying his supervisor.

12 (3) A department head or a member of a quasi-judicial
13 or rulemaking board may perform an official act
14 notwithstanding subsection (2)(e) if his participation is
15 necessary to the administration of a statute and if he
16 complies with the voluntary disclosure procedures under
17 2-2-131.

18 (4) Subsection (2)(d) does not apply to a member of a
19 board, commission, council, or committee unless he is also a
20 full-time state employee."

-End-



APPROVED BY COMMITTEE
ON LABOR & EMPLOYMENT
RELATIONS

HOUSE BILL NO. 140

INTRODUCED BY RANEY, B. BROWN, NATHE, COCCHIARELLA, BROOKE,
JERGESON, O'KEEFE, G. BECK, NISBET, COBB, GRADY, MENAHAN

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING A STATE
OFFICER OR STATE EMPLOYEE SOLICITING OR ACCEPTING
EMPLOYMENT, OR ENGAGING IN ~~COMMUNICATIONS~~ NEGOTIATIONS OR
MEETINGS TO CONSIDER EMPLOYMENT, WITH A PERSON WHOM HE
REGULATES TO FIRST NOTIFY HIS SUPERVISOR AND DEPARTMENT
DIRECTOR IN WRITING; AND AMENDING SECTION 2-2-121, MCA."

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

Section 1. Section 2-2-121, MCA, is amended to read:

"2-2-121. Rules of conduct for state officers and state
employees. (1) Proof of commission of any act enumerated in
this section is proof that the actor has breached his
fiduciary duty.

(2) A state officer or a state employee may not:

(a) use state time, facilities, or equipment for his
private business purposes;

(b) engage in a substantial financial transaction for
his private business purposes with a person whom he inspects
or supervises in the course of his official duties;

(c) assist any person for a fee or other compensation
in obtaining a contract, claim, license, or other economic

benefit from his agency;

(d) assist any person for a contingent fee in obtaining
a contract, claim, license, or other economic benefit from
any state agency; or

(e) perform an official act directly and substantially
affecting to its economic benefit a business or other
undertaking in which he either has a substantial financial
interest or is engaged as counsel, consultant,
representative, or agent; or

(f) solicit or accept employment, or engage in
communications NEGOTIATIONS or meetings to consider
employment, with a person whom he regulates in the course of
his official duties without first notifying GIVING WRITTEN
NOTIFICATION TO his supervisor AND DEPARTMENT DIRECTOR.

(3) A department head or a member of a quasi-judicial
or rulemaking board may perform an official act
notwithstanding subsection (2)(e) if his participation is
necessary to the administration of a statute and if he
complies with the voluntary disclosure procedures under
2-2-131.

(4) Subsection (2)(d) does not apply to a member of a
board, commission, council, or committee unless he is also a
full-time state employee."

-End-

SECOND READING

HOUSE BILL NO. 140

INTRODUCED BY RANEY, B. BROWN, NATHE, COCCHIARELLA, PROOKE, JERGESON, O'KEEFE, G. BECK, NISBET, COBB, GRADY, MENAHAN

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING A STATE OFFICER OR STATE EMPLOYEE SOLICITING OR ACCEPTING EMPLOYMENT, OR ENGAGING IN COMMUNICATIONS NEGOTIATIONS OR MEETINGS TO CONSIDER EMPLOYMENT, WITH A PERSON WHOM HE REGULATES TO FIRST NOTIFY HIS SUPERVISOR AND DEPARTMENT DIRECTOR IN WRITING; AND AMENDING SECTION 2-2-121, MCA."

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(c) assist any person for a fee or other compensation in obtaining a contract, claim, license, or other economic

benefit from his agency;

(d) assist any person for a contingent fee in obtaining a contract, claim, license, or other economic benefit from any state agency; or

(e) perform an official act directly and substantially affecting to its economic benefit a business or other undertaking in which he either has a substantial financial interest or is engaged as counsel, consultant, representative, or agent; or

(f) solicit or accept employment, or engage in communications NEGOTIATIONS or meetings to consider employment, with a person whom he regulates in the course of his official duties without first notifying GIVING WRITTEN NOTIFICATION TO his supervisor AND DEPARTMENT DIRECTOR.

(3) A department head or a member of a quasi-judicial or rulemaking board may perform an official act notwithstanding subsection (2)(e) if his participation is necessary to the administration of a statute and if he complies with the voluntary disclosure procedures under 2-2-131.

(4) Subsection (2)(d) does not apply to a member of a board, commission, council, or committee unless he is also a full-time state employee."

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SECOND READING



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21 (4) Subsection (2)(d) does not apply to a member of a
22 board, commission, council, or committee unless he is also a
23 full-time state employee."

-End-

REFERENCE BILL