

HOUSE BILL NO. 387

Introduced: 01/19/83

Referred to Committee on State Administration: 1/19/83

Hearing: 2/8/83

Report: 02/16/83, Do Pass, As Amended

2nd Reading: 02/17/83, Do Pass

3rd Reading: 02/21/83, Do Pass

Transmitted to Senate: 2/21/83

Referred to Committee on State Administration: 3/1/83

Hearing: 3/21/83

Report: 03/25/83, Be Not Concurred in, as Amended

Bill Killed: 03/25/83

1 House BILL NO. 387  
 2 INTRODUCED BY Vincent Eck  
 3  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT LIMITING AN  
 5 INDIVIDUAL'S CONTRIBUTIONS TO A POLITICAL COMMITTEE;  
 6 AMENDING SECTION 13-37-216, MCA."  
 7  
 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
 9 Section 1. Section 13-37-216, MCA, is amended to read:  
 10 "13-37-216. Limitations on contributions. (1)  
 11 Aggregate contributions for all elections in a campaign by  
 12 an individual, other than the candidate, to a candidate and  
 13 political committees organized on his behalf are limited as  
 14 follows:  
 15 (a) for candidates filed jointly for the office of  
 16 governor and lieutenant governor, not to exceed \$1,500;  
 17 (b) for a candidate to be elected for state office in  
 18 a statewide election, other than the candidates for governor  
 19 and lieutenant governor, not to exceed \$750;  
 20 (c) for a candidate for public service commissioner,  
 21 district court judge, or state senator, not to exceed \$400;  
 22 and  
 23 (d) for a candidate for any other public office, not  
 24 to exceed \$250.  
 25 (2) Aggregate contributions by an individual to any

1 political committee may not exceed \$500 in any calendar  
 2 year.  
 3 ~~(2)~~(3) For the purposes of this subsection, an  
 4 independent committee means a committee which is not  
 5 specifically organized on behalf of a particular candidate  
 6 or which is not controlled either directly or indirectly by  
 7 a candidate or candidate's committee and which does not act  
 8 jointly with a candidate or candidate's committee in  
 9 conjunction with the making of expenditures or accepting  
 10 contributions. For the purpose of limitation on  
 11 contributions, political party organizations are independent  
 12 committees. Aggregate contributions by an independent  
 13 committee to a candidate and political committees organized  
 14 on his behalf for all elections in a campaign are limited as  
 15 follows:  
 16 (a) for candidates filed jointly for the offices of  
 17 governor and lieutenant governor, not to exceed \$8,000;  
 18 (b) for a candidate to be elected for state office in  
 19 a statewide election, other than the candidates for governor  
 20 and lieutenant governor, not to exceed \$2,000;  
 21 (c) for a candidate for public service commissioner,  
 22 not to exceed \$1,000;  
 23 (d) for a candidate for the state senate, not to  
 24 exceed \$600;  
 25 (e) for a candidate for any other public office, not

1 to exceed \$300.  
2 ~~(3)(4)~~ The limitations imposed by this section do not  
3 apply to public funds contributed to a candidate under part  
4 3 of this chapter."

-End-

Approved by Committee  
on State Administration

1                   HOUSE BILL NO. 387  
2                   INTRODUCED BY VINCENT, ECK  
3  
4   A BILL FOR AN ACT ENTITLED: "AN ACT LIMITING AN  
5   INDIVIDUAL'S CONTRIBUTIONS TO A POLITICAL COMMITTEE;  
6   AMENDING SECTION 13-37-216, MCA."  
7  
8   BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
9       Section 1. Section 13-37-216, MCA, is amended to read:  
10       "13-37-216. Limitations on contributions. (1)  
11   Aggregate contributions for all elections in a campaign by  
12   an individual, other than the candidate, to a candidate and  
13   political committees organized on his behalf are limited as  
14   follows:  
15       (a) for candidates filed jointly for the office of  
16   governor and lieutenant governor, not to exceed \$1,500;  
17       (b) for a candidate to be elected for state office in  
18   a statewide election, other than the candidates for governor  
19   and lieutenant governor, not to exceed \$750;  
20       (c) for a candidate for public service commissioner,  
21   district court judge, or state senator, not to exceed \$400;  
22   and  
23       (d) for a candidate for any other public office, not  
24   to exceed \$250.  
25       ~~(2) Aggregate contributions by an individual to any~~

1   ~~political committee OTHER THAN A COMMITTEE PROVIDED FOR IN~~  
2   ~~SUBSECTION (1) may not exceed \$500 in any calendar year.~~  
3       ~~(2)(3)~~ For the purposes of this subsection, an  
4   independent committee means a committee which is not  
5   specifically organized on behalf of a particular candidate  
6   or which is not controlled either directly or indirectly by  
7   a candidate or candidate's committee and which does not act  
8   jointly with a candidate or candidate's committee in  
9   conjunction with the making of expenditures or accepting  
10   contributions. For the purpose of limitation on  
11   contributions, political party organizations are independent  
12   committees. Aggregate contributions by an independent  
13   committee to a candidate and political committees organized  
14   on his behalf for all elections in a campaign are limited as  
15   follows:  
16       (a) for candidates filed jointly for the offices of  
17   governor and lieutenant governor, not to exceed \$8,000;  
18       (b) for a candidate to be elected for state office in  
19   a statewide election, other than the candidates for governor  
20   and lieutenant governor, not to exceed \$2,000;  
21       (c) for a candidate for public service commissioner,  
22   not to exceed \$1,000;  
23       (d) for a candidate for the state senate, not to  
24   exceed \$600;  
25       (e) for a candidate for any other public office, not

1     to exceed \$300.  
2         ~~(3)(4)~~ The limitations imposed by this section do not  
3     apply to public funds contributed to a candidate under part  
4     3 of this chapter."

-End-

## HOUSE BILL NO. 387

INTRODUCED BY VINCENT, ECK

A BILL FOR AN ACT ENTITLED: "AN ACT LIMITING AN  
INDIVIDUAL'S CONTRIBUTIONS TO A POLITICAL COMMITTEE;  
AMENDING SECTION 13-37-216, MCA."

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

Section 1. Section 13-37-216, MCA, is amended to read:

"13-37-216. Limitations on contributions. (1)

Aggregate contributions for all elections in a campaign by  
an individual, other than the candidate, to a candidate and  
political committees organized on his behalf are limited as  
follows:

(a) for candidates filed jointly for the office of  
governor and lieutenant governor, not to exceed \$1,500;

(b) for a candidate to be elected for state office in  
a statewide election, other than the candidates for governor  
and lieutenant governor, not to exceed \$750;

(c) for a candidate for public service commissioner,  
district court judge, or state senator, not to exceed \$400;  
and

(d) for a candidate for any other public office, not  
to exceed \$250.

~~(2) Aggregate contributions by an individual to any~~

~~political committee OTHER THAN A COMMITTEE PROVIDED FOR IN  
SUBSECTION (1) may not exceed \$500 in any calendar year.~~

~~(2)(3) For the purposes of this subsection, an  
independent committee means a committee which is not  
specifically organized on behalf of a particular candidate,  
or which is not controlled either directly or indirectly by  
a candidate or candidate's committee and which does not act  
jointly with a candidate or candidate's committee in  
conjunction with the making of expenditures or accepting  
contributions. For the purpose of limitation on  
contributions, political party organizations are independent  
committees. Aggregate contributions by an independent  
committee to a candidate and political committees organized  
on his behalf for all elections in a campaign are limited as  
follows:~~

~~(a) for candidates filed jointly for the offices of  
governor and lieutenant governor, not to exceed \$8,000;~~

~~(b) for a candidate to be elected for state office in  
a statewide election, other than the candidates for governor  
and lieutenant governor, not to exceed \$2,000;~~

~~(c) for a candidate for public service commissioner,  
not to exceed \$1,000;~~

~~(d) for a candidate for the state senate, not to  
exceed \$600;~~

~~(e) for a candidate for any other public office, not~~

1 to exceed \$300.  
2 ~~(b)(1)~~ The limitations imposed by this section do not  
3 apply to public funds contributed to a candidate under part  
4 3 of this chapter."

-End-

## HOUSE BILL NO. 357

INTRODUCED BY DONALDSON,

HAZUREK, METCALF, ERNST

A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE LAWS RELATING TO IMMUNIZATION AND INDEMNIFICATION OF GOVERNMENTAL EMPLOYEES; AMENDING SECTION 2-9-305, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 2-9-305, MCA, is amended to read:

"2-9-305. Governmental entity to be joined as defendant -- immunizations defense and indemnification of employees. (1) It is the purpose of this section to provide for the immunizations defense and indemnification of public officers and employees civilly sued for their actions, other than intentional tort or felonious acts, taken within the course and scope of their employment.

(2) In an any noncriminal action for damages brought against any employee of a state, county, city, town, or other governmental entity for a negligent act, error, or omission, including alleged violations of civil rights pursuant to 42 U.S.C. 1983, or other actionable conduct of the employee committed while acting within the course and scope of his the employee's office or employment, the

governmental entity employer, except as provided in subsection (6) shall:

not be made a party defendant to the action and not defend the action on behalf of the employee and indemnify the employee.

(3) Recovery against a governmental entity under the provisions of parts 1 through 3 of this chapter shall constitute a complete bar to any action or recovery of damages by the claimant by reason of the same subject matter against the employee whose negligence or wrongful act, error or omission or other actionable conduct gave rise to the claim in any such action against a governmental entity, the employee whose conduct gave rise to the suit shall be immune from suit by reasons of the same subject matter if the governmental entity acknowledges or is bound by a judicial determination that the conduct upon which the claim is brought arises out of the course and scope of such employee's employment, unless the claim is based upon an intentional tort or felonious act of the employee. Upon receiving service of a summons and complaint in a noncriminal action against him, the employee shall give written notice to his supervisor requesting that a defense to the action be provided by the governmental entity employer. IF THE EMPLOYEE IS AN ELECTED STATE OFFICIAL OR OTHER EMPLOYEE HAVING NO SUPERVISOR, THE EMPLOYEE SHALL GIVE



1 NOTICE OF THE ACTION TO THE LEGAL OFFICER OR AGENCY OF THE  
 2 GOVERNMENTAL ENTITY DEFENDING THE ENTITY IN LEGAL ACTIONS OF  
 3 THAT TYPE. Except as provided in subsection (6), the  
 4 employer shall offer a defense to the action on behalf of  
 5 the employee. The defense may consist of a defense provided  
 6 directly by the employer. The employer shall notify the  
 7 employee within 15 days after receipt of notice, whether a  
 8 direct defense will be provided. If the employer refuses or  
 9 is unable to provide a direct defense, the defendant  
 10 employee may retain other counsel. Except as provided in  
 11 subsection (6), the employer shall pay all expenses relating  
 12 to the retained defense and pay any judgment for damages  
 13 entered in the action that may be otherwise payable under  
 14 this section.

15 (4) In any noncriminal action for damages in which a  
 16 governmental entity employee is a party defendant, the  
 17 employee shall be indemnified by the governmental entity  
 18 employer for any money judgments or legal expenses,  
 19 including attorney fees either incurred by the employee or  
 20 awarded to the claimant, or both, to which he the employee  
 21 may be subject as a result of the suit unless the EMPLOYEE'S  
 22 conduct upon which the claim is brought did not arise out of  
 23 the course and scope of his employment or is an intentional  
 24 tort or felonious act of the employee or falls within the  
 25 exclusions provided in subsection (6).

1 (5) Recovery against a governmental entity under the  
 2 provisions of parts 1 through 3 of this chapter constitutes  
 3 a complete bar to any action or recovery of damages by the  
 4 claimant, by reason of the same subject matter, against the  
 5 employee whose negligence or wrongful act, error, or  
 6 omission or other actionable conduct gave rise to the claim.  
 7 In any such action against a governmental entity, the  
 8 employee whose conduct gave rise to the suit is immune from  
 9 civil-suit LIABILITY by reasons of the same subject matter  
 10 if the governmental entity acknowledges or is bound by a  
 11 judicial determination that the conduct upon which the claim  
 12 is brought arises out of the course and scope of the  
 13 employee's employment, unless the claim constitutes an  
 14 exclusion provided in (B) THROUGH (D) OF subsection (6).

15 (6) In a noncriminal action for damages in which a  
 16 governmental entity employee is a party defendant, the  
 17 employee may not be defended or indemnified by the employer  
 18 for any money judgments or legal expenses, including  
 19 attorney fees, to which the employee may be subject as a  
 20 result of the suit if a judicial determination is made that:  
 21 (a) the conduct upon which the claim is based  
 22 CONSTITUTES OPPRESSION, FRAUD, OR MALICE, OR FOR ANY OTHER  
 23 REASON does not arise out of the course and scope of the  
 24 employee's employment;

25 (b) the conduct of the employee constitutes a criminal

1 offense as defined in Title 45, chapters 4 through 7; or

2 (C) THE EMPLOYEE COMPROMISED OR SETTLED THE CLAIM  
3 WITHOUT THE CONSENT OF THE GOVERNMENTAL ENTITY EMPLOYER; OR

4 (d) the employee failed or refused to cooperate  
5 reasonably in the defense of the case.

6 (7) IF NO JUDICIAL DETERMINATION HAS BEEN MADE  
7 APPLYING THE EXCLUSIONS PROVIDED IN SUBSECTION (6), THE  
8 GOVERNMENTAL ENTITY EMPLOYER MAY DETERMINE WHETHER THOSE  
9 EXCLUSIONS APPLY. HOWEVER, IF there is a dispute as to  
10 whether the exclusions of subsection (6) apply and the  
11 governmental entity employer concludes it should clarify its  
12 obligation to the employee arising under this section by  
13 commencing a declaratory judgment action or other legal  
14 action, the employer is obligated to provide a defense or  
15 assume the cost of the defense of the employee until a final  
16 judgment is rendered in such action holding that the  
17 employer had no obligation to defend the employee. THE  
18 GOVERNMENTAL ENTITY EMPLOYER HAS NO OBLIGATION TO PROVIDE A  
19 DEFENSE TO THE EMPLOYEE IN A DECLARATORY JUDGMENT ACTION OR  
20 OTHER LEGAL ACTION BROUGHT AGAINST THE EMPLOYEE BY THE  
21 EMPLOYER UNDER THIS SUBSECTION."

22 NEW SECTION. Section 2. Effective date. This act is  
23 effective July 1, 1983.

-End-