

HOUSE BILL 227

Introduced by Toole, et al.

1/19	Introduced
1/19	Referred to State Administration
1/19	First Reading
1/19	Fiscal Note Requested
1/25	Fiscal Note Received
1/28	Fiscal Note Printed
1/29	Hearing
2/17	Committee Report--Bill Passed as Amended
2/18	Revised Fiscal Note Requested
2/19	Revised Fiscal Note Received
2/20	Revised Fiscal Note Printed
2/22	Taken from 2nd Reading and Rereferred to Appropriations
3/03	Revised Fiscal Note Requested by Sponsor
3/03	Sponsor-Requested Fiscal Note Received
3/03	Sponsor-Requested Fiscal Note Printed
3/03	Tabled in Committee

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Howe BILL NO. 227

INTRODUCED BY *Howard R. Lawrence**John D. Doherty* *Stacy B. Blumhert* *Harding* *Kidas*

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE DISCLOSURE OF CONFLICT OF INTEREST AND FINANCIAL REPORTING REQUIREMENTS FOR PUBLIC OFFICIALS; REQUIRING DISCLOSURE OF A CONFLICT OF INTEREST; TRANSFERRING AUTHORITY FOR THE ENFORCEMENT OF ETHICS LAWS FROM THE SECRETARY OF STATE TO THE COMMISSIONER OF POLITICAL PRACTICES; AUTHORIZING THE COMMISSIONER OF POLITICAL PRACTICES TO CONDUCT EDUCATIONAL PROGRAMS AND ISSUE ADVISORY OPINIONS; REQUIRING THAT FINANCIAL REPORTING BE EXPANDED IN ORDER TO ALLOW THE COMMISSIONER OF POLITICAL PRACTICES TO DETERMINE WHETHER A CONFLICT OF INTEREST EXISTS; AND AMENDING SECTIONS 2-2-102, 2-2-103, 2-2-104, 2-2-105, 2-2-121, 2-2-125, 2-2-131, 2-2-132, 2-2-201, 5-7-103, 5-7-213, AND 5-11-203, MCA."

STATEMENT OF INTENT

A statement of intent is required for this bill because [section 11] grants rulemaking authority to the commissioner of political practices to require the disclosure of financial information. The commissioner may require the disclosure of financial information not listed in [section 11] only if the commissioner decides that the information is necessary for determining if an elected official has a

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conflict of interest.

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

Section 1. Section 2-2-102, MCA, is amended to read:

"2-2-102. Definitions. As used in this part, the following definitions apply:

(1) "Business" includes a corporation, partnership, sole proprietorship, trust or foundation, or any other individual or organization carrying on a business, whether or not operated for profit.

(2) "Commissioner" means the commissioner of political practices as established in 2-15-411.

(3) "Compensation" means any money, a thing of value, or an economic benefit conferred on or received by any person in return for services rendered or to be rendered by himself the person or another.

(4) "Employee" means any a temporary or permanent employee of the state or any a subdivision thereof of the state or a member of the judiciary, including a member of a board, commission, or committee except a legislator and an employee under contract to the state.

(5) "Financial interest" means an interest held by an individual, his or by the individual's spouse, or minor children which that is:

(a) an ownership interest in a business;

1 (b) a creditor interest in an insolvent business;
 2 (c) an employment or prospective employment for which
 3 negotiations have begun;
 4 (d) an ownership interest in real or personal property;
 5 (e) a loan or other debtor interest; or
 6 (f) a directorship or officership in a business.
 7 ~~(5)~~(6) "Official act" or "official action" means a
 8 vote, decision, recommendation, approval, disapproval, or
 9 other action, including inaction, which that involves the
 10 use of discretionary authority.
 11 ~~(6)~~(7) "Public officer" includes any a state officer
 12 ~~except a legislator or member of the judiciary or any an~~
 13 ~~elected officer of any a subdivision of the state. The term~~
 14 ~~does not include a legislator or a member of the judiciary.~~
 15 ~~(7)~~(8) "State agency" includes the state; the
 16 legislature and its committees; all executive departments,
 17 boards, commissions, committees, bureaus, and offices; the
 18 university system; and all independent commissions and other
 19 establishments of the state government except the courts.
 20 ~~(8)~~(9) "State officer" includes all elected officers
 21 and directors of the executive branch of state government as
 22 defined in 2-15-102."

23 **Section 2.** Section 2-2-103, MCA, is amended to read:

24 "2-2-103. Public trust. (1) The holding of public
 25 office or employment is a public trust, created by the

1 confidence which that the electorate reposes in the
 2 integrity of public officers, legislators, and employees. A
 3 public officer, legislator, or employee shall carry out ~~his~~
 4 the individual's duties for the benefit of the people of the
 5 state.

6 (2) A public officer, legislator, or employee whose
 7 conduct departs from ~~his~~ the individual's fiduciary duty is
 8 liable to the people of the state as a trustee of property,
 9 ~~and is liable to a beneficiary under 72-34-1057.~~ ~~and--shall~~
 10 ~~suffer--such--other-liabilities-as~~ The individual is subject
 11 to the liability that a private fiduciary would suffer for
 12 an abuse of his trust. The county attorney of the county
 13 where the trust is violated, the commissioner, or a private
 14 citizen may bring appropriate judicial proceedings on behalf
 15 of the people. ~~Any-moneys~~ Money collected in ~~such-actions~~
 16 ~~shall an action must~~ be paid to the general fund of the
 17 aggrieved agency.

18 (3) ~~The-following-sections-set~~ This part sets forth:

19 (a) various rules of conduct, the transgression of any
 20 of which is ~~as-such~~, a violation of fiduciary duty; and

21 (b) various ethical principles, the transgression of
 22 any of which is ~~not--as--such~~, a violation of fiduciary
 23 duty."

24 **Section 3.** Section 2-2-104, MCA, is amended to read:

25 "2-2-104. Rules of conduct for all public officers,

1 legislators, and employees. (1) Proof of commission of any
2 an act enumerated in this section is proof that the actor
3 has breached his a fiduciary duty. A public officer,
4 legislator, or employee may not:

5 (a) disclose or use confidential information acquired
6 in the course of his official duties in order to further
7 substantially his the individual's personal economic
8 interests; or

9 (b) accept a gift of ~~substantial value~~ more than \$50 or
10 a substantial economic benefit tantamount to a gift:

11 (i) ~~which that~~ which would tend improperly to influence a
12 reasonable person in his that position to depart from the
13 faithful and impartial discharge of his public duties; or

14 (ii) ~~which-he that the individual knows or which that~~ which a
15 reasonable person in his that position should know under the
16 circumstances is primarily for the purpose of rewarding him
17 the individual for official action he-has taken.

18 (2) An economic benefit tantamount to a gift includes
19 without limitation a loan at a rate of interest
20 substantially lower than the commercial rate then currently
21 prevalent for similar loans and compensation received for
22 private services rendered at a rate substantially exceeding
23 the fair market value of such the services. Campaign
24 contributions reported as required by statute are not gifts
25 or economic benefits tantamount to gifts.

1 (3) A public officer or employee may not, within 2
2 years following the termination of employment, represent a
3 private interest before the agency that employed the former
4 officer or employee on matters in which the former officer
5 or employee was personally and substantially involved during
6 public employment."

7 **Section 4.** Section 2-2-105, MCA, is amended to read:

8 "2-2-105. Ethical principles for public officers and
9 employees. (1) The principles in this section are intended
10 as guides to conduct and do not constitute violations as
11 such of the public trust of office or employment in state or
12 local government.

13 (2) A public officer or employee should not acquire an
14 interest in any business or undertaking ~~which--he that the~~ which
15 individual has reason to believe may be directly and
16 substantially affected to its economic benefit by official
17 action to be taken by his the individual's agency.

18 (3) A Subject to 2-2-104(3), a public officer or
19 employee should not, within the months following the
20 voluntary termination of his the individual's office or
21 employment, obtain employment in which he the individual
22 will take direct advantage, unavailable to others, of
23 matters with which he the individual was directly involved
24 during his the individual's term or employment. These
25 matters are rules, other than rules of general application,

1 which--he that the individual actively helped to formulate
2 and applications, claims, or contested cases in the
3 consideration of which he the individual was an active
4 participant.

5 (4) A public officer or employee should not perform an
6 official act directly and substantially affecting a business
7 or other undertaking to its economic detriment when he the
8 individual has a substantial financial interest in a
9 competing firm or undertaking.

10 (5) A public officer or employee who violates the
11 provisions of subsection (2) or (4) may be reprimanded or
12 suspended."

13 **Section 5.** Section 2-2-121, MCA, is amended to read:

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

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

19 (a) use state time, facilities, or equipment for his
20 the individual's private business purposes;

21 (b) engage in a substantial financial transaction for
22 his the individual's private business purposes with a person
23 whom he the individual inspects or supervises in the course
24 of his official duties;

25 (c) assist any a person for a fee or other compensation

1 in obtaining a contract, claim, license, or other economic
2 benefit from his the individual's agency;

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

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

11 (f) solicit or accept employment, or engage in
12 negotiations or meetings to consider employment, with a
13 person whom he the individual regulates in the course of his
14 official duties without first giving written notification to
15 his the individual's supervisor and department director.

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

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

25 **Section 6.** Section 2-2-125, MCA, is amended to read:

"2-2-125. Rules of conduct for local government officers and employees. (1) Proof of commission of any act enumerated in this section is proof that the actor has breached his a fiduciary duty.

(2) An officer or employee of local government may not:

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

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

(3) A member of the governing body of a local government may perform an official act notwithstanding this section when his participation is necessary to obtain a quorum or otherwise enable the body to act, if he the individual complies with the voluntary disclosure procedures under 2-2-131."

Section 7. Section 2-2-131, MCA, is amended to read:

"2-2-131. Voluntary Conflict disclosure. A public officer or employee may shall, prior to acting in a manner which that may impinge on his a fiduciary duty, disclose the nature of his the individual's private interest which that

creates the conflict. He A public officer or employee shall make the disclosure in writing to the secretary-of-state commissioner, listing the amount of his the individual's financial interest, if any, the purpose and duration of his services rendered, if any, and the compensation received for the services or such other information as is necessary to describe his the interest. If he the officer or employee then performs the official act involved, he the individual shall state for the record the fact and summary nature of the interest disclosed at the time of performing the act."

Section 8. Section 2-2-132, MCA, is amended to read:

"2-2-132. Powers of the secretary-of-state commissioner -- investigation -- hearing. (1) The secretary--of--state commissioner may:

{1}(a) issue advisory opinions with such deletions as are necessary to protect the identity of the requesting party or the party about whom the opinion is written;

{2}(b) keep and permit reasonable public access to voluntary disclosure statements;

{3}(c) make rules for the conduct of his affairs under this part;

(d) conduct educational programs and publish a practical guide to assist public officers and employees in understanding the ethical principles and conflict of interest disclosure requirements of this part.

1 (2) Upon the filing of a complaint alleging a violation
 2 of 2-2-104 or 2-2-121, the commissioner shall investigate
 3 the complaint. If the commissioner determines that there are
 4 grounds for the complaint, the commissioner may refer the
 5 matter to the county attorney having jurisdiction of the
 6 matter or may conduct a contested case hearing. If the
 7 commissioner determines that a violation of 2-2-104 or
 8 2-2-121 has occurred, the commissioner may issue a public
 9 reprimand or impose a civil penalty not to exceed \$500 on
 10 the violator. Civil penalties collected under this
 11 subsection must be deposited in the general fund."

12 **Section 9.** Section 2-2-201, MCA, is amended to read:

13 "2-2-201. Public officers, employees, and former
 14 employees not to have interest in contracts. Members of the
 15 legislature, or state, county, city, town, or township
 16 officers or ~~any--deputy-or-employee-thereof-must~~ employees
 17 may not be interested in any a contract made by them in
 18 their official capacity or by any body, agency, or board of
 19 which they are members or employees. A Subject to
 20 2-2-104(3), a former employee may not, within 6 months
 21 following the termination of his employment, contract or be
 22 employed by an employer who contracts with the state or any
 23 of its subdivisions involving matters with which he the
 24 employee was directly involved during his public employment.
 25 In this section the term:

1 (1) "be interested in" does not include holding a
 2 minority interest in a corporation;

3 (2) "contract" does not include:

4 (a) contracts awarded to the lowest responsible bidder
 5 or proposer based on competitive bidding procedures;

6 (b) merchandise sold to the highest bidder at public
 7 auctions;

8 (c) investments or deposits in financial institutions
 9 which that are in the business of loaning or receiving
 10 money;

11 (d) a contract with an interested party if, because of
 12 geographic restrictions, a local government could not
 13 otherwise reasonably afford itself of the subject of the
 14 contract. It ~~shall--be~~ is presumed that a local government
 15 could not otherwise reasonably afford itself of the subject
 16 of a contract if the additional cost to the local government
 17 is greater than 10% of a contract with an interested party
 18 or if the contract is for services that must be performed
 19 within a limited time period and no other contractor can
 20 provide those services within that time period.

21 (3) "former employee" does not include a person whose
 22 employment with the state was involuntarily terminated due
 23 to a reduction in force or other involuntary termination not
 24 involving violation of the provisions of this chapter."

25 **Section 10.** Section 5-7-103, MCA, is amended to read:

"5-7-103. Licenses -- fees -- eligibility. (1) (a) Any Except as provided in subsection (1)(b), an adult of good moral character who is otherwise qualified under this chapter may be licensed as a lobbyist. The commissioner shall provide a license application form. The application form may be obtained in the office of the commissioner and filed therein in the office. Upon approval of the application and receipt of the license fee of \$10 by the commissioner, a license shall must be issued which that entitles the licensee to practice lobbying on behalf of one or more enumerated principals. Each license shall-expire expires on December 31 of each even-numbered year or may be terminated at the request of the lobbyist.

(b) A state officer, as defined in 2-2-102, may not within 2 years of leaving office be licensed as a lobbyist.

(2) (a) Except as provided in subsection (2)(b), an application may not be disapproved without affording the applicant a hearing. The hearing must be held and the decision entered within 10 days of the date of the filing of the application.

(b) An application may not be approved if a principal has failed to file reports required under 5-7-208.

(3) The fines and license fees collected under this chapter shall must be deposited in the state treasury."

Section 11. Section 5-7-213, MCA, is amended to read:

"5-7-213. Disclosure by elected public officials. (1) (a) Prior to December 15 of each even-numbered year, each elected public official or official-elect [other than a legislator] shall file with the commissioner a business disclosure statement on a form provided by the commissioner under penalty for false swearing, as provided in 45-7-202. The statement shall must provide the following information:

(i) the name, address, and type of business of such individual the public official or official-elect and each member of such--individual's the public official's or official-elect's immediate family; and

(ii) the financial data required by subsection (3).

(b) For this---purpose purposes of this section, "immediate family" includes means the individual's spouse and minor children only.

(2) No---such---individual A public official or official-elect [other than a legislator] may not assume or continue to exercise the powers and duties of the office to which that individual has been elected or appointed until such the statement has been filed.

(3) The commissioner may by rule prescribe the financial data required to be reported. The financial data must enable the commissioner to advise a public official [other than a legislator] concerning a conflict of interest. Financial data required to be reported must include:

(a) the name and address of, nature of association with, share of equity in, and amount of income, if greater than \$1,000, from each business with which the official is associated;

(b) the identity of all securities and other investments with a fair market value greater than \$1,000;

(c) the names and addresses of each creditor to whom more than \$1,000 is owed, other than a mortgage on a primary residence, and the original amount, amount outstanding, terms of repayment, and general nature of security pledged for repayment of the underlying obligation;

(d) the name, address, source, and value of any reimbursement for expenses aggregating more than \$100 in a calendar year if the source of reimbursement is a registered lobbyist;

(e) the name and address of the donor and the fair market value of any gifts aggregating more than \$50 in the calendar year if the donor is a registered lobbyist;

(f) the description and amount of assessed value of all real property in this state in which a financial interest is held and that has an assessed value of more than \$1,000 and the name of the purchaser of any real property transferred during the reporting period;

(g) the name and address of the source and the fair market value of any honoraria aggregating more than \$50; and

(h) the name and address of any creditor who has forgiven a debt of over \$1,000 and the amount forgiven.

~~(3)~~(4) The commissioner shall make such business disclosure statements available to any individual upon request."

Section 12. Section 5-11-203, MCA, is amended to read:

"5-11-203. Distribution of senate and house journals and session laws. (1) Immediately after the senate and house journals and the session laws are bound, the legislative council shall distribute them.

(2) The council shall distribute the house and senate journals as follows:

(a) to each county clerk, one copy of each for the use of the county;

(b) to the Montana state library, 20 copies of each for the use of the library and distribution to depository libraries, of which two copies will be deposited with the state historical library for security purposes;

(c) to the state law librarian, two copies of each for the use of the library and such additional copies as may be necessary for the purposes of exchange;

(d) to the library of congress and each public officer as defined in 2-2-102, two copies of each; and

(e) to each member of the legislature, the secretary of the senate, and the chief clerk of the house of

representatives from the session at which the journals were adopted, one copy of each.

(3) The council shall distribute the session laws as follows:

(a) to each cabinet level department of the executive branch of the United States, one copy each; to any agency, commission, conference, or corporation established by the United States government or any other subdivision thereof upon request and approval by the legislative council, one copy;

(b) to the library of congress, eight copies;

(c) to the state library, two copies;

(d) to the state historical library, two copies;

(e) to the state law librarian, four copies for the use of the library and such additional copies as may be required for exchange with libraries and institutions maintained by other states and territories and public libraries;

(f) to the library of each custodial institution, one copy;

(g) to each Montana member of congress, each United States district judge in Montana, each of the judges of the state supreme and district courts, and each of the state officers as defined in 2-2-102(8), one copy;

(h) to any agency, board, commission, or office of the state other than a state officer and to any other

subdivision of the state upon request and approval by the legislative council, one copy;

(i) to each member of the legislature, the secretary of the senate, and the chief clerk of the house of representatives from the session at which the laws were adopted, one copy;

(j) to each of the community college districts of the state, as defined in 20-15-101, and each unit of the Montana university system, one copy;

(k) to each county clerk, three copies for the use of the county; and

(l) to each county attorney and to each clerk of a district court, one copy."

NEW SECTION. Section 13. Coordination instruction. If [this act] and ___ Bill No. ___ [LC 470] are both passed and approved, the bracketed language inserted in 5-7-213 by [this act] is void. If ___ Bill No. ___ [LC 470] is not passed and approved, the code commissioner shall replace the brackets with commas.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0227, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION: An act generally revising the disclosure of conflict of interest and financial reporting requirements for public officials.

ASSUMPTIONS: Secretary of State's Office

1. Functions transferred to the Commissioner of Political Practices are not currently being performed by the Secretary of State's Office due to a district court ruling specifically prohibiting the Secretary of State from administering the ethics laws.

2. No funds are currently appropriated or expended by the Secretary of State's Office in this regard.

Commissioner of Political Practices

3. An additional 3.00 FTE will be required to meet the ethics enforcement workload created under the bill. These FTE are estimated to include: grade 14 executive assistant, grade 12 administrative assistant, and a grade 10 secretary.

4. An outreach educational function will require printing, travel, and development expenses.

5. Administrative rulemaking will be necessary with attendant expenses for filing fees, rule hearings, transcripts, legal services, and printing.

6. New financial disclosure forms for public officials will require development and printing expenses.

7. Remodeling of office space in the current office will require one-time expenses in FY94 to accomodate additional staff.

8. Office furniture and equipment for the additional staff will be purchased in FY94.

9. The commissioner may impose civil penalties not to exceed \$500 for each violator under this bill. The impact on revenue is not subject to reasonable estimate.

FISCAL IMPACT: Commissioner of Political Practices:

	FY94			FY95		
	Current Law	Proposed Law	Difference	Current Law	Proposed Law	Difference
<u>Expenditures:</u>						
FTE	3.25	6.25	3.00	3.25	6.25	3.00
Personal Services	97,697	178,897	81,200	98,021	179,221	81,200
Operating Costs	31,315	52,815	21,500	29,135	40,885	11,750
Equipment	1,525	13,040	11,515	1,564	1,564	0
Debt Service	232	232	0	0	0	0
Total	130,769	244,984	114,215	128,720	221,670	92,950
<u>Funding:</u>						
General Fund	130,769	244,984	114,215	128,720	221,670	92,950

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION: The two-year restrictions on post-termination employment options and lobbying activities may impact recruitment and retention of public officers and employees. The effect and fiscal impact is not subject to reasonable estimation.

Dave Lewis 1.25.93

DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

HOWARD TOOLE, PRIMARY SPONSOR DATE

Fiscal Note for HB0227, as introduced

HB 227

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0227, second reading.

DESCRIPTION OF PROPOSED LEGISLATION: An act generally revising the disclosure of conflict of interest and financial reporting requirements for public officials.

ASSUMPTIONS: Secretary of State's Office

1. Functions transferred to the Commissioner of Political Practices are not currently being performed by the Secretary of State's Office due to a district court ruling specifically prohibiting the Secretary of State from administering the ethics laws.

2. No funds are currently appropriated or expended by the Secretary of State's Office in this regard.

Commissioner of Political Practices

3. An additional 3.00 FTE will be required to meet the ethics enforcement workload created under the bill. These FTE are estimated to include: grade 14 executive assistant, grade 12 administrative assistant, and a grade 10 secretary.

4. Preparation and publishing of an interpretive guide covering ethics and conflict of interest requirements will require printing and development expenses. Required investigations may involve some travel and legal expenses.

5. Administrative rulemaking will be necessary with attendant expenses for filing fees, rule hearings, transcripts, legal services, and printing.

6. New financial disclosure forms for public officials will require development and printing expenses.

7. Remodeling of office space in the current office will require one-time expenses in FY94 to accomodate additional staff.

8. Office furniture and equipment for the additional staff will be purchased in FY94.

9. The commissioner may impose civil penalties not to exceed \$500 for each violator under this bill. The impact on revenue is not subject to reasonable estimate.

FISCAL IMPACT: Commissioner of Political Practices:

	FY94			FY95		
	Current Law	Proposed Law	Difference	Current Law	Proposed Law	Difference
Expenditures:						
FTE	3.25	6.25	3.00	3.25	6.25	3.00
Personal Services	97,697	178,897	81,200	98,021	179,221	81,200
Operating Costs	31,315	47,815	16,500	29,135	38,885	9,750
Equipment	1,525	13,040	11,515	1,564	1,564	0
Debt Service	232	232	0	0	0	0
Total	130,769	239,984	109,215	128,720	219,670	90,950
Funding:						
General Fund	130,769	239,984	109,215	128,720	219,670	90,950

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION: The two-year restrictions on post-termination employment options and lobbying activities may impact recruitment and retention of public officers and employees. The effect and fiscal impact is not subject to reasonable estimation.

Dave Lewis 2-19-93
DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

2/20/93
HOWARD TOOLE, PRIMARY SPONSOR DATE

Fiscal Note for HB0227, second reading

HB 227 - #2

APPROVED BY COMMITTEE
ON STATE ADMINISTRATION

HOUSE BILL NO. 227

INTRODUCED BY TOOLE, WANZENRIED, SWANSON, KADAS, HARPER,
DOHERTY, TUNBY, BARNHART, HARDING, ELLIOTT

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE
DISCLOSURE OF CONFLICT OF INTEREST AND FINANCIAL REPORTING
REQUIREMENTS FOR PUBLIC--OFFICIALS STATE OFFICERS AND
LEGISLATORS; REQUIRING DISCLOSURE OF A CONFLICT OF INTEREST;
TRANSFERRING AUTHORITY FOR THE ENFORCEMENT OF ETHICS LAWS
FROM THE SECRETARY OF STATE TO THE COMMISSIONER OF POLITICAL
PRACTICES; ~~AUTHORIZING--THE---COMMISSIONER---OF---POLITICAL~~
~~PRACTICES--TO--CONDUCT--EDUCATIONAL--PROGRAMS--AND--ISSUE--ADVISORY~~
~~OPINIONS;~~ REQUIRING THAT FINANCIAL REPORTING BE EXPANDED IN
CERTAIN CIRCUMSTANCES IN ORDER TO ALLOW THE COMMISSIONER OF
POLITICAL PRACTICES TO DETERMINE WHETHER A CONFLICT OF
INTEREST EXISTS; AND AMENDING SECTIONS 2-2-102, 2-2-103,
2-2-104, ---2-2-105, 2-2-121, 2-2-125, 2-2-131, 2-2-132,
2-2-201, 5-7-103, 5-7-213, AND 5-11-203, MCA."

STATEMENT OF INTENT

A statement of intent is required for this bill because
~~{section--11}~~ 5-7-213 grants rulemaking authority to the
commissioner of political practices to require the
disclosure of financial information. The commissioner may
require the disclosure of financial information not listed

in ~~{section--11}~~ 5-7-213 only if the commissioner decides
that the information is necessary for determining if an
elected official has a conflict of interest.

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

(Refer to Introduced Bill)

Strike everything after the enacting clause and insert:

Section 1. Section 2-2-102, MCA, is amended to read:

"2-2-102. Definitions. As used in this part, the
following definitions apply:

(1) "Business" includes a corporation, partnership,
sole proprietorship, trust or foundation, or any other
individual or organization carrying on a business, whether
or not operated for profit.

(2) "Commissioner" means the commissioner of political
practices as established in 2-15-411.

~~(2)~~(3) "Compensation" means any money, a thing of
value, or an economic benefit conferred on or received by
any person in return for services rendered or to be rendered
by himself the person or another.

~~(3)~~(4) "Employee" means any a temporary or permanent
employee of the state or any a subdivision thereof of the
state or a member of the judiciary, including a member of a
board, commission, or committee except a legislator and an
employee under contract to the state.

1 ~~4~~(5) "Financial interest" means an interest held by
2 an individual, ~~his~~ or by the individual's spouse, or minor
3 children ~~which~~ that is:

- 4 (a) an ownership interest in a business;
- 5 (b) a creditor interest in an insolvent business;
- 6 (c) an employment or prospective employment for which
- 7 negotiations have begun;
- 8 (d) an ownership interest in real or personal property;
- 9 (e) a loan or other debtor interest; or
- 10 (f) a directorship or officership in a business.

11 ~~5~~(6) "Official act" or "official action" means a
12 vote, decision, recommendation, approval, disapproval, or
13 other action, including inaction, ~~which~~ that involves the
14 use of discretionary authority.

15 ~~6~~(7) "Public officer" includes any a state officer
16 ~~except--a--legislator--or--member-of-the-judiciary~~ or any an
17 elected officer of any a subdivision of the state. The term
18 does not include a legislator or a member of the judiciary.

19 ~~7~~(8) "State agency" includes the state; the
20 legislature and its committees; all executive departments,
21 boards, commissions, committees, bureaus, and offices; the
22 university system; and all independent commissions and other
23 establishments of the state government except the courts.

24 ~~8~~(9) "State officer" includes all elected officers
25 and directors of the executive branch of state government as

1 defined in 2-15-102."

2 **Section 2.** Section 2-2-103, MCA, is amended to read:

3 "2-2-103. Public trust. (1) The holding of public
4 office or employment is a public trust, created by the
5 confidence ~~which~~ that the electorate reposes in the
6 integrity of public officers, legislators, and employees. A
7 public officer, legislator, or employee shall carry out ~~his~~
8 the individual's duties for the benefit of the people of the
9 state.

10 (2) A public officer, legislator, or employee whose
11 conduct departs from ~~his~~ the individual's fiduciary duty is
12 liable to the people of the state as a trustee of property,
13 and is liable to a beneficiary under 72-34-105, and shall
14 ~~suffer-such-other-liabilities-as~~ The individual is subject
15 to the liability that a private fiduciary would suffer for
16 an abuse of his trust. The county attorney of the county
17 where the trust is violated or the commissioner may bring
18 appropriate judicial proceedings on behalf of the people.
19 ~~Any--moneys~~ Money collected in ~~such-actions-shall~~ an action
20 must be paid to the general fund of the aggrieved agency.

21 (3) ~~The-following-sections-set~~ This part sets forth:

22 (a) various rules of conduct, the transgression of any
23 of which is ~~as-such~~, a violation of fiduciary duty; and

24 (b) various ethical principles, the transgression of
25 any of which is ~~not--as--such~~, a violation of fiduciary

1 duty."

2 **Section 3.** Section 2-2-121, MCA, is amended to read:

3 "2-2-121. Rules of conduct for state officers and state
4 employees. (1) Proof of commission of any an act enumerated
5 in this section is proof that the actor has breached his a
6 fiduciary duty.

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

8 (a) use state time, facilities, or equipment for his
9 the individual's private business purposes;

10 (b) engage in a substantial financial transaction for
11 his the individual's private business purposes with a person
12 whom he the individual inspects or supervises in the course
13 of his official duties;

14 (c) assist any a person for a fee or other compensation
15 in obtaining a contract, claim, license, or other economic
16 benefit from his the individual's agency;

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

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

25 (f) solicit or accept employment, or engage in

1 negotiations or meetings to consider employment, with a
2 person whom he the individual regulates in the course of his
3 official duties without first giving written notification to
4 his the individual's supervisor and department director.

5 (3) A state officer may not, within 2 years following
6 termination of employment, represent, whether as an attorney
7 or other advocate, a private interest before the agency that
8 employed the former official on particular cases or matters
9 in which the former official was personally and
10 substantially involved during state employment.

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

17 ~~(4)~~(5) Subsection (2)(d) does not apply to a member of
18 a board, commission, council, or committee unless he the
19 member is also a full-time state employee.

20 (6) A state officer or employee who violates the
21 provisions of subsection (2) may be reprimanded or
22 suspended."

23 **Section 4.** Section 2-2-131, MCA, is amended to read:

24 "2-2-131. Voluntary disclosure. A public officer or
25 employee may, prior to acting in a manner which that may

impinge on his a fiduciary duty, disclose the nature of his the private interest which that creates the conflict. He The public officer or employee shall make the disclosure in writing to the secretary-of-state commissioner, listing the amount of his the financial interest, if any, the purpose and duration of his services rendered, if any, and the compensation received for the services or such other information as is necessary to describe his the interest. If he the public officer or employee then performs the official act involved, he the individual shall state for the record the fact and summary nature of the interest disclosed at the time of performing the act."

Section 5. Section 2-2-132, MCA, is amended to read:

"2-2-132. Powers of the secretary-of-state commissioner -- investigation -- hearing. (1) The secretary-of-state commissioner may:

(1)(a) issue advisory opinions with such deletions as are necessary to protect the identity of the requesting party or the party about whom the opinion is written;

(2)(b) keep and permit reasonable public access to voluntary disclosure statements;

(3)(c) make rules for the conduct of his affairs under this part;

(d) publish a practical guide to assist public officers, state officials, and employees in understanding

the ethical principles and conflict of interest disclosure requirements of this part.

(2) Upon the filing of a complaint alleging a violation of 2-2-104 or 2-2-121, the commissioner shall investigate the complaint. If the commissioner determines that there are grounds for the complaint, the commissioner may refer the matter to the county attorney having jurisdiction of the matter or may conduct a contested case hearing. If the commissioner determines that a violation of 2-2-104 or 2-2-121 has occurred, the commissioner may issue a public reprimand or impose a civil penalty not to exceed \$500 on the violator. Civil penalties collected under this subsection must be deposited in the general fund."

Section 6. Section 5-7-213, MCA, is amended to read:

"5-7-213. Disclosure by elected public officials. (1) Prior to December 15 of each even-numbered year, each elected public official or official-elect shall file with the commissioner a business disclosure statement on a form provided by the commissioner under penalty for false swearing, as provided in 45-7-202. The statement shall must provide the following information: the name, address, and type of business of such the individual and each member of such the individual's immediate family. For this-purpose purposes of this section, "immediate family" includes means the individual's spouse and minor children only.

(2) ~~No---such---individual~~ A public official or official-elect may not assume or continue to exercise the powers and duties of the office to which that individual has been elected or appointed until such the statement has been filed.

(3) The commissioner shall require a public official or official-elect to report additional financial data, which the commissioner may prescribe by rule, if the commissioner has reasonable grounds to believe that there is a violation of a provision of 2-2-103, 2-2-104, 2-2-121, 2-2-125, or 2-2-131. The financial data required may include but is not limited to information on income, securities and other investments, debts and creditors, and gifts or favors.

(4) The commissioner shall make such business disclosure statements available to any individual upon request."

Section 7. Section 5-11-203, MCA, is amended to read:

"5-11-203. Distribution of senate and house journals and session laws. (1) Immediately after the senate and house journals and the session laws are bound, the legislative council shall distribute them.

(2) The council shall distribute the house and senate journals as follows:

(a) to each county clerk, one copy of each for the use of the county;

(b) to the Montana state library, 20 copies of each for the use of the library and distribution to depository libraries, of which two copies will be deposited with the state historical library for security purposes;

(c) to the state law librarian, two copies of each for the use of the library and such additional copies as may be necessary for the purposes of exchange;

(d) to the library of congress and each public officer as defined in 2-2-102, two copies of each; and

(e) to each member of the legislature, the secretary of the senate, and the chief clerk of the house of representatives from the session at which the journals were adopted, one copy of each.

(3) The council shall distribute the session laws as follows:

(a) to each cabinet level department of the executive branch of the United States, one copy each; to any agency, commission, conference, or corporation established by the United States government or any other subdivision thereof upon request and approval by the legislative council, one copy;

(b) to the library of congress, eight copies;

(c) to the state library, two copies;

(d) to the state historical library, two copies;

(e) to the state law librarian, four copies for the use

1 of the library and such additional copies as may be required
2 for exchange with libraries and institutions maintained by
3 other states and territories and public libraries;

4 (f) to the library of each custodial institution, one
5 copy;

6 (g) to each Montana member of congress, each United
7 States district judge in Montana, each of the judges of the
8 state supreme and district courts, and each of the state
9 officers as defined in 2-2-102(8), one copy;

10 (h) to any agency, board, commission, or office of the
11 state other than a state officer and to any other
12 subdivision of the state upon request and approval by the
13 legislative council, one copy;

14 (i) to each member of the legislature, the secretary of
15 the senate, and the chief clerk of the house of
16 representatives from the session at which the laws were
17 adopted, one copy;

18 (j) to each of the community college districts of the
19 state, as defined in 20-15-101, and each unit of the Montana
20 university system, one copy;

21 (k) to each county clerk, three copies for the use of
22 the county; and

23 (l) to each county attorney and to each clerk of a
24 district court, one copy."

-End-

HOUSE BILL NO. 227

INTRODUCED BY TOOLE, WANZENRIED, SWANSON, KADAS, HARPER,
DOHERTY, TUNBY, BARNHART, HARDING, ELLIOTT

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE
DISCLOSURE OF CONFLICT OF INTEREST AND FINANCIAL REPORTING
REQUIREMENTS FOR ~~PUBLIC--OFFICIALS~~ STATE OFFICERS AND
LEGISLATORS; REQUIRING DISCLOSURE OF A CONFLICT OF INTEREST;
TRANSFERRING AUTHORITY FOR THE ENFORCEMENT OF ETHICS LAWS
FROM THE SECRETARY OF STATE TO THE COMMISSIONER OF POLITICAL
PRACTICES; ~~AUTHORIZING--THE---COMMISSIONER---OF---POLITICAL~~
~~PRACTICES--TO--CONDUCT--EDUCATIONAL--PROGRAMS--AND--ISSUE--ADVISORY~~
~~OPINIONS;~~ REQUIRING THAT FINANCIAL REPORTING BE EXPANDED IN
CERTAIN CIRCUMSTANCES IN ORDER TO ALLOW THE COMMISSIONER OF
POLITICAL PRACTICES TO DETERMINE WHETHER A CONFLICT OF
INTEREST EXISTS; AND AMENDING SECTIONS 2-2-102, 2-2-103,
2-2-104, ---2-2-105, 2-2-121, 2-2-125, 2-2-131, 2-2-132,
2-2-201, 5-7-103, 5-7-213, AND 5-11-203, MCA."

STATEMENT OF INTENT

A statement of intent is required for this bill because
~~{section--11}~~ 5-7-213 grants rulemaking authority to the
commissioner of political practices to require the
disclosure of financial information. The commissioner may
require the disclosure of financial information not listed

in ~~{section--11}~~ 5-7-213 only if the commissioner decides
that the information is necessary for determining if an
elected official has a conflict of interest.

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

(Refer to Introduced Bill)

Strike everything after the enacting clause and insert:

Section 1. Section 2-2-102, MCA, is amended to read:

"2-2-102. Definitions. As used in this part, the
following definitions apply:

(1) "Business" includes a corporation, partnership,
sole proprietorship, trust or foundation, or any other
individual or organization carrying on a business, whether
or not operated for profit.

(2) "Commissioner" means the commissioner of political
practices as established in 2-15-411.

~~(2)~~(3) "Compensation" means any money, a thing of
value, or an economic benefit conferred on or received by
any person in return for services rendered or to be rendered
by himself the person or another.

~~(3)~~(4) "Employee" means any a temporary or permanent
employee of the state or any a subdivision thereof of the
state or a member of the judiciary, including a member of a
board, commission, or committee except a legislator and an
employee under contract to the state.

1 †4†(5) "Financial interest" means an interest held by
2 an individual--his or by the individual's spouse, or minor
3 children which that is:

- 4 (a) an ownership interest in a business;
- 5 (b) a creditor interest in an insolvent business;
- 6 (c) an employment or prospective employment for which
- 7 negotiations have begun;
- 8 (d) an ownership interest in real or personal property;
- 9 (e) a loan or other debtor interest; or
- 10 (f) a directorship or officership in a business.

11 †5†(6) "Official act" or "official action" means a
12 vote, decision, recommendation, approval, disapproval, or
13 other action, including inaction, which that involves the
14 use of discretionary authority.

15 †6†(7) "Public officer" includes any a state officer
16 except--a--legislator--or--member-of-the-judiciary or any an
17 elected officer of any a subdivision of the state. The term
18 does not include a legislator or a member of the judiciary.

19 †7†(8) "State agency" includes the state; the
20 legislature and its committees; all executive departments,
21 boards, commissions, committees, bureaus, and offices; the
22 university system; and all independent commissions and other
23 establishments of the state government except the courts.

24 †8†(9) "State officer" includes all elected officers
25 and directors of the executive branch of state government as

1 defined in 2-15-102."

2 **Section 2.** Section 2-2-103, MCA, is amended to read:

3 "2-2-103. Public trust. (1) The holding of public
4 office or employment is a public trust, created by the
5 confidence which that the electorate reposes in the
6 integrity of public officers, legislators, and employees. A
7 public officer, legislator, or employee shall carry out his
8 the individual's duties for the benefit of the people of the
9 state.

10 (2) A public officer, legislator, or employee whose
11 conduct departs from his the individual's fiduciary duty is
12 liable to the people of the state as a trustee of property,
13 and is liable to a beneficiary under 72-34-105, and shall
14 suffer such other liabilities as The individual is subject
15 to the liability that a private fiduciary would suffer for
16 an abuse of his trust. The county attorney of the county
17 where the trust is violated or the commissioner may bring
18 appropriate judicial proceedings on behalf of the people.
19 Any--moneys Money collected in such actions shall an action
20 must be paid to the general fund of the aggrieved agency.

21 (3) ~~The following sections set~~ This part sets forth:

- 22 (a) various rules of conduct, the transgression of any
- 23 of which is, ~~as such,~~ a violation of fiduciary duty; and
- 24 (b) various ethical principles, the transgression of
- 25 any of which is not, ~~as such,~~ a violation of fiduciary

duty."

Section 3. 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 an act enumerated in this section is proof that the actor has breached his a fiduciary duty.

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

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

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

(c) assist any a person for a fee or other compensation in obtaining a contract, claim, license, or other economic benefit from his the individual's agency;

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

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

(f) solicit or accept employment, or engage in

negotiations or meetings to consider employment, with a person whom he the individual regulates in the course of his official duties without first giving written notification to his the individual's supervisor and department director.

(3) A state officer may not, within 2 years following termination of employment, represent, whether as an attorney or other advocate, a private interest before the agency that employed the former official on particular cases or matters in which the former official was personally and substantially involved during state employment.

(4) 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 the individual complies with the voluntary disclosure procedures under 2-2-131.

~~(4)~~(5) Subsection (2)(d) does not apply to a member of a board, commission, council, or committee unless he the member is also a full-time state employee.

(6) A state officer--or employee who violates the provisions of subsection (2) may be reprimanded or suspended BY THE EMPLOYEE'S SUPERVISOR. A STATE OFFICIAL, OTHER THAN AN ELECTED OFFICIAL, WHO COMMITS A VIOLATION OF SUBSECTION (2) MAY BE REPRIMANDED OR SUSPENDED BY THE GOVERNOR. AN ELECTED STATE OFFICIAL WHO VIOLATES THE PROVISIONS OF

1 SUBSECTION (2) IS SUBJECT TO THE PUNISHMENT ALLOWED BY LAW."

2 **Section 4.** Section 2-2-131, MCA, is amended to read:

3 "2-2-131. Voluntary disclosure. A public officer or
4 employee may, prior to acting in a manner which that may
5 impinge on his a fiduciary duty, disclose the nature of his
6 the private interest which that creates the conflict. He The
7 public officer or employee shall make the disclosure in
8 writing to the secretary-of-state commissioner, listing the
9 amount of his the financial interest, if any, the purpose
10 and duration of his services rendered, if any, and the
11 compensation received for the services or such other
12 information as is necessary to describe his the interest. If
13 he the public officer or employee then performs the official
14 act involved, he the individual shall state for the record
15 the fact and summary nature of the interest disclosed at the
16 time of performing the act."

17 **Section 5.** Section 2-2-132, MCA, is amended to read:

18 "2-2-132. Powers of the secretary-of-state commissioner
19 -- investigation -- hearing. (1) The secretary-of-state
20 commissioner may:

21 (1)(a) issue advisory opinions with such deletions as
22 are necessary to protect the identity of the requesting
23 party or the party about whom the opinion is written;

24 (2)(b) keep and permit reasonable public access to
25 voluntary disclosure statements;

1 (3)(c) make rules for the conduct of his affairs under
2 this part;

3 (d) publish a practical guide to assist public
4 officers, state officials, and employees in understanding
5 the ethical principles and conflict of interest disclosure
6 requirements of this part.

7 (2) Upon the filing of a complaint alleging a violation
8 BY A STATE OFFICER of 2-2-104 or 2-2-121, the commissioner
9 shall investigate the complaint. If the commissioner
10 determines that there are grounds for the complaint, the
11 commissioner may refer the matter to the county attorney
12 having jurisdiction of the matter or may conduct a contested
13 case hearing. If the commissioner determines that a
14 violation BY A STATE OFFICER of 2-2-104 or 2-2-121 has
15 occurred, the commissioner may issue a public reprimand or
16 impose a civil penalty not to exceed \$500 on the violator.
17 Civil penalties collected under this subsection must be
18 deposited in the general fund."

19 **Section 6.** Section 5-7-213, MCA, is amended to read:

20 "5-7-213. Disclosure by elected public officials. (1)
21 Prior to December 15 of each even-numbered year, each
22 elected public official or official-elect shall file with
23 the commissioner a business disclosure statement on a form
24 provided by the commissioner under penalty for false
25 swearing, as provided in 45-7-202. The statement shall must

provide the following information: the name, address, and type of business of such the individual and each member of such the individual's immediate family. For ~~this--purpose~~ purposes of this section, "immediate family" ~~includes~~ means the individual's spouse and minor children only.

(2) ~~No---such---individual~~ A public official or official-elect may not assume or continue to exercise the powers and duties of the office to which that individual has been elected or appointed until such the statement has been filed.

(3) ~~The commissioner shall require a public official or official-elect to report additional financial data which the commissioner may prescribe by rule, if the commissioner has reasonable grounds to believe that there is a violation of a provision of 2-2-103, 2-2-104, 2-2-121, 2-2-125, or 2-2-131. The financial data required may include but is not limited to information on income, securities and other investments, debts and creditors, and gifts or favors~~ UPON THE FILING OF A COMPLAINT IN THE OFFICE OF THE COMMISSIONER, IF THE COMMISSIONER DETERMINES THERE ARE REASONABLE GROUNDS TO BELIEVE THAT THERE HAS BEEN A VIOLATION BY A PUBLIC OFFICIAL OR OFFICIAL-ELECT OF 2-2-103, 2-2-104, 2-2-121, OR 2-2-131, THE COMMISSIONER MAY, IN ACCORDANCE WITH RULES THE COMMISSIONER SHALL PRESCRIBE, REQUIRE THE PUBLIC OFFICIAL OR OFFICIAL-ELECT TO PROVIDE ADDITIONAL FINANCIAL DATA RELATED

TO THE ALLEGED VIOLATION. THE FINANCIAL DATA MAY INCLUDE BUT IS NOT LIMITED TO INFORMATION ON INCOME, SECURITIES AND OTHER INVESTMENTS, DEBTS AND CREDITORS, AND GIFTS OR FAVORS.

(4) The commissioner shall make such business disclosure statements available to any individual upon request."

Section 7. Section 5-11-203, MCA, is amended to read:

"5-11-203. Distribution of senate and house journals and session laws. (1) Immediately after the senate and house journals and the session laws are bound, the legislative council shall distribute them.

(2) The council shall distribute the house and senate journals as follows:

(a) to each county clerk, one copy of each for the use of the county;

(b) to the Montana state library, 20 copies of each for the use of the library and distribution to depository libraries, of which two copies will be deposited with the state historical library for security purposes;

(c) to the state law librarian, two copies of each for the use of the library and such additional copies as may be necessary for the purposes of exchange;

(d) to the library of congress and each public officer as defined in 2-2-102, two copies of each; and

(e) to each member of the legislature, the secretary of

1 the senate, and the chief clerk of the house of
2 representatives from the session at which the journals were
3 adopted, one copy of each.

4 (3) The council shall distribute the session laws as
5 follows:

6 (a) to each cabinet level department of the executive
7 branch of the United States, one copy each; to any agency,
8 commission, conference, or corporation established by the
9 United States government or any other subdivision thereof
10 upon request and approval by the legislative council, one
11 copy;

12 (b) to the library of congress, eight copies;

13 (c) to the state library, two copies;

14 (d) to the state historical library, two copies;

15 (e) to the state law librarian, four copies for the use
16 of the library and such additional copies as may be required
17 for exchange with libraries and institutions maintained by
18 other states and territories and public libraries;

19 (f) to the library of each custodial institution, one
20 copy;

21 (g) to each Montana member of congress, each United
22 States district judge in Montana, each of the judges of the
23 state supreme and district courts, and each of the state
24 officers as defined in 2-2-102+87, one copy;

25 (h) to any agency, board, commission, or office of the

1 state other than a state officer and to any other
2 subdivision of the state upon request and approval by the
3 legislative council, one copy;

4 (i) to each member of the legislature, the secretary of
5 the senate, and the chief clerk of the house of
6 representatives from the session at which the laws were
7 adopted, one copy;

8 (j) to each of the community college districts of the
9 state, as defined in 20-15-101, and each unit of the Montana
10 university system, one copy;

11 (k) to each county clerk, three copies for the use of
12 the county; and

13 (l) to each county attorney and to each clerk of a
14 district court, one copy."

-End-