

*McKee Dick Green
and John
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House BILL NO. 303

INTRODUCED BY

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A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE NONPARTISAN NATURE OF COUNTIES, MUNICIPALITIES, AND ALTERNATIVE FORMS OF LOCAL GOVERNMENT; PROVIDING THAT A PERSON WHO HOLDS A POSITION ON THE GOVERNING BODY OF A LOCAL GOVERNMENT MAY NOT BE APPOINTED TO OR SEEK ANOTHER OFFICE IN LOCAL GOVERNMENT; PROVIDING FOR CONTROL OF A CONFLICT OF INTEREST OF AN OFFICER OR EMPLOYEE OF A LOCAL GOVERNMENT; PROVIDING THAT AN OFFICER OR AN EMPLOYEE OF A COUNTY, A MUNICIPALITY, OR AN ALTERNATIVE FORM OF LOCAL GOVERNMENT WHO BECOMES A CANDIDATE FOR A PUBLIC OFFICE IN LOCAL GOVERNMENT IS REQUIRED TO FORFEIT THE OFFICE OR EMPLOYMENT; AND REPEALING SECTIONS 7-3-1254, 7-3-1255, 7-3-1256, AND 7-3-1257, MCA."

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

NEW SECTION. Section 1. Definitions. As used in [sections 1 through 5], the following definitions apply:

- (1) "Local government" means a municipality, county, or alternative form of government provided for in Title 7, chapter 3, parts 1 through 7 and 11 through 13.
- (2) "Officer" means a person holding an appointive office or position in a local government.

NEW SECTION. Section 2. Nonpartisan nature of government. (1) An officer of a local government may not:

- (a) directly or indirectly solicit or receive an assessment, subscription, or contribution for any political party or purpose whatever; or
- (b) act as an officer in a political organization, or serve as a member of a committee of a political organization, or circulate or seek signatures for a petition for a political organization.

(2) A person may not solicit or be in any manner concerned in soliciting an assessment, subscription, or contribution for a political party or purpose from an officer of local government.

(3) A person may not take part in preparing a political assessment, subscription, or contribution



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1 with the intent that it should be sent, presented to, or collected from an officer of local government, nor
2 shall a person knowingly send or present, directly or indirectly, a political assessment, subscription, or
3 contribution to or request its payment by an officer of local government.

4 (4) A person in the service of a local government may not:

5 (a) discharge, suspend, lay off, or in any manner change the official rank or compensation of
6 another person in the service of the local government or threaten to do so based on the other person's
7 withholding or neglecting to make a contribution of money, service, or an object of value for political
8 service; or

9 (b) use or promise to use influence or official authority to secure an appointment or prospective
10 appointment of another person to a position in the service of the local government as a reward or return
11 for personal or partisan political service.

12 (5) A person who, alone or in cooperation with one or more persons, purposely or knowingly
13 violates the provisions of this section shall upon conviction be punished by a fine of not less than \$50 or
14 more than \$500, by imprisonment for a term not exceeding 3 months, or by both. If the person is an officer
15 or employee of a local government, the person shall immediately forfeit the person's office or employment.
16

17 **NEW SECTION. Section 3. Member of local government governing body not to hold or seek other**
18 **local government office.** A person elected to the governing body of a local government may not, during the
19 term for which elected, be appointed to an office or position in the service of a local government. If a
20 member of the governing body becomes a candidate for another public office in local government, other
21 than as a member of the governing body, the person shall immediately forfeit the position as a member of
22 the governing body.
23

24 **NEW SECTION. Section 4. Officers or employees seeking other office -- forfeiture of office or**
25 **employment.** An officer or an employee of a local government who becomes a candidate for nomination
26 or election to another public office in local government shall immediately forfeit the office or employment
27 held under the local government.
28

29 **NEW SECTION. Section 5. Control of conflict of interest.** Except as provided in 2-2-201, an officer
30 or employee of a local government may not have a financial interest, direct or indirect, in a contract or be

1 financially interested, directly or indirectly, in the sale to or from a local government of land, materials,
2 supplies, or services except on behalf of the local government as an officer or employee. A willful violation
3 of this section constitutes malfeasance in office, and an officer or employee found guilty of malfeasance
4 shall forfeit the office or employment. A violation of this section with the knowledge, actual or implied, of
5 the person or corporation contracting with the local government renders the contract involved voidable by
6 the governing body.

7
8 **NEW SECTION. Section 6. Codification instruction.** [Sections 1 through 5] are intended to be
9 codified as an integral part of Title 7, chapter 4, part 1, and the provisions of Title 7, chapter 4, part 1,
10 apply to [sections 1 through 5].

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12 **NEW SECTION. Section 7. Repealer.** Sections 7-3-1254, 7-3-1255, 7-3-1256, and 7-3-1257,
13 MCA, are repealed.

14 -END-