

1 HOUSE BILL NO. 157

2 INTRODUCED BY BARNHART

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING THE VOLUNTEER CARD PROGRAM;
5 ENCOURAGING COMMUNITY VOLUNTEER ORGANIZATIONS AND THE OFFICE OF COMMUNITY SERVICE
6 TO COORDINATE IN ESTABLISHING LOCAL VOLUNTEER CARD PROGRAMS; PROVIDING FOR THE
7 PLACEMENT OF VOLUNTEER CARDS AT DRIVER'S LICENSE STATIONS, JOB SERVICE OFFICES, AND
8 OTHER APPROPRIATE PUBLIC LOCATIONS; AND AMENDING SECTIONS 2-2-121 AND 90-14-103, MCA."

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

11

12 **Section 1.** Section 2-2-121, MCA, is amended to read:13 **"2-2-121. Rules of conduct for public officers and public employees.** (1) Proof of commission of
14 any act enumerated in subsection (2) is proof that the actor has breached a public duty.

15 (2) A public officer or a public employee may not:

16 (a) use public time, facilities, equipment, supplies, personnel, or funds for the officer's or
17 employee's private business purposes;18 (b) engage in a substantial financial transaction for the officer's or employee's private business
19 purposes with a person whom the officer or employee inspects or supervises in the course of official duties;20 (c) assist any person for a fee or other compensation in obtaining a contract, claim, license, or
21 other economic benefit from the officer's or employee's agency;22 (d) assist any person for a contingent fee in obtaining a contract, claim, license, or other economic
23 benefit from any agency;24 (e) perform an official act directly and substantially affecting to its economic benefit a business or
25 other undertaking in which the officer or employee either has a substantial financial interest or is engaged
26 as counsel, consultant, representative, or agent; or27 (f) solicit or accept employment, or engage in negotiations or meetings to consider employment,
28 with a person whom the officer or employee regulates in the course of official duties without first giving
29 written notification to the officer's or employee's supervisor and department director.

30 (3) A public officer or public employee may not use public time, facilities, equipment, supplies,

1 personnel, or funds for any campaign activity persuading or affecting a political decision unless the use is:

2 (a) authorized by law; or

3 (b) properly incidental to another activity required or authorized by law, such as the function of an
4 elected public official, the official's staff, or the legislative staff in the normal course of duties.

5 (4) A state employee may not participate in a proceeding when an organization of which the
6 employee is an officer or director is:

7 (a) involved in a proceeding before the employing agency that is within the scope of the
8 employee's job duties; or

9 (b) attempting to influence a local, state, or federal proceeding in which the employee represents
10 the state.

11 (5) A state officer or state employee may not engage in any activity, including lobbying, as defined
12 in 5-7-102, on behalf of an organization of which the officer or employee is a member while performing the
13 officer's or employee's job duties. The provisions of this subsection do not prohibit an officer or employee
14 from performing charitable fundraising activities if approved by the employee's supervisor or authorized by
15 law.

16 (6) A department head or a member of a quasi-judicial or rulemaking board may perform an official
17 act notwithstanding the provisions of subsection (2)(e) if participation is necessary to the administration
18 of a statute and if the person complies with the disclosure procedures under 2-2-131.

19 (7) Subsection (2)(d) does not apply to a member of a board, commission, council, or committee
20 unless the member is also a full-time public employee.

21 (8) A person who purposely or knowingly violates this section is guilty of a misdemeanor and upon
22 conviction shall be punished by a fine of not less than \$50 or more than \$1,000, by imprisonment in the
23 county jail for not more than 6 months, or by both. A civil proceeding under 2-2-136 or 2-2-144 does not
24 preclude an action under this subsection.

25 (9) Placement of volunteer cards at driver's license stations, job service offices, and other
26 appropriate public locations, as provided in [section 2], is not a violation of this section."

27
28 **NEW SECTION. Section 2. Volunteer card program.** (1) Community volunteer organizations are
29 encouraged to coordinate with the office of community service in establishing local volunteer card
30 programs. Participating local organizations may print and distribute volunteer cards. The cards may be

1 placed at driver's license stations, job service offices, and other appropriate public locations. Information
2 requested on the cards may include:

- 3 (a) the type of work in which the volunteer is interested;
- 4 (b) the organization or agency that the volunteer wishes to assist;
- 5 (c) hours available; and
- 6 (d) any other information that will assist the local organizations in placing the volunteer.

7 (2) Participating community volunteer organizations may collect the cards and coordinate placement
8 of the volunteers.

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10 **Section 3.** Section 90-14-103, MCA, is amended to read:

11 **"90-14-103. Office of community service.** (1) There is an office of community service, which is
12 headed by a coordinator and established in the office of the governor.

13 (2) The purpose of this office is to:

14 (a) renew the ethic of civic responsibility in the state;

15 (b) encourage the citizens of the state, regardless of age or income, to engage in full-time or
16 part-time service to the state;

17 (c) call young people to serve in projects that will benefit the state and improve their life chances
18 through the acquisition of literacy, job skills, and interpersonal skills;

19 (d) build on the existing organizational framework of state and local governmental entities to
20 expand full-time and part-time service opportunities in a wide variety of programs for all citizens, particularly
21 youth and older Montanans;

22 (e) involve participants in activities that would not otherwise be performed by employed workers;

23 and

24 (f) establish corps to accomplish labor-intensive improvements to public or low-income properties
25 or to provide services for the benefit of the state, its communities, and its people through service contracts
26 that specify the work to be performed by the corps; and

27 (g) assist community volunteer organizations in coordinating the design, printing, and placement
28 of volunteer cards in appropriate locations.

29 (3) The coordinator must be appointed by the governor, after consultation with the advisory
30 council. The coordinator serves at the pleasure of the governor.

1 (4) The coordinator shall, with the advice of the advisory council, assist the governor in the
2 planning, coordination, operation, and evaluation of programs within state government or under grants,
3 donations, bequests, or other resources received by and administered through state government for
4 Montana community services.

5 (5) The coordinator is responsible for the submission of applications for federal grants and for
6 funding from any other sources for the creation or operation of corps and volunteer projects. The
7 coordinator shall ensure accountability for all resources received.

8 (6) The coordinator, together with the advisory council, shall integrate and develop state plans for
9 all services provided under this part, including but not limited to the office of public instruction's serve
10 America program, the Montana university system innovative projects, the Montana conservation corps
11 established in 23-1-301, the department of military affairs' corps involvement, the volunteer card program,
12 and other community and volunteer service programs."

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14 **NEW SECTION. Section 4. Codification instruction.** [Section 2] is intended to be codified as an
15 integral part of Title 90, chapter 14, part 1, and the provisions of Title 90, chapter 14, part 1, apply to
16 [section 2].

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