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House BILL NO. 334

INTRODUCED BY

Pack Jergeson McCann

A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING THE THREATENED USE OF A PUBLIC OFFICER'S, PUBLIC EMPLOYEE'S, OR LEGISLATOR'S POSITION FOR PERSONAL OR BUSINESS BENEFIT OR ADVANTAGE; AMENDING SECTIONS 2-2-102, 2-2-105, AND 2-2-111, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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) "Compensation" means any money or economic benefit conferred on or received by any person in return for services rendered or to be rendered by the person or another.

(3) (a) "Gift of substantial value" means a gift with a value of \$50 or more for an individual.

(b) The term does not include:

(i) a gift that is not used and that, within 30 days after receipt, is returned to the donor or delivered to a charitable organization or the state and that is not claimed as a charitable contribution for federal income tax purposes;

(ii) food and beverages consumed on the occasion when participation in a charitable, civic, or community event bears a relationship to the public officer's or public employee's office or employment or when the officer or employee is in attendance in an official capacity;

(iii) educational material directly related to official governmental duties;

(iv) an award publicly presented in recognition of public service; or

(v) educational activity that:

(A) does not place or appear to place the recipient under obligation;

(B) clearly serves the public good; and

(C) is not lavish or extravagant.

- 1 (4) "Official act" or "official action" means;
- 2 (a) a vote, decision, recommendation, approval, disapproval, or other action, including inaction, that
- 3 involves the use of discretionary authority; or
- 4 (b) the threatened use of the person's position for personal or business benefit or advantage.
- 5 (5) "Private interest" means an interest held by an individual that is:
- 6 (a) an ownership interest in a business;
- 7 (b) a creditor interest in an insolvent business;
- 8 (c) an employment or prospective employment for which negotiations have begun;
- 9 (d) an ownership interest in real property;
- 10 (e) a loan or other debtor interest; or
- 11 (f) a directorship or officership in a business.
- 12 (6) "Public employee" means:
- 13 (a) any temporary or permanent employee of the state or any subdivision of the state;
- 14 (b) a member of a quasi-judicial board or commission or of a board, commission, or committee with
- 15 rulemaking authority; and
- 16 (c) a person under contract to the state.
- 17 (7) "Public officer" includes any state officer. The term includes an elected officer of any
- 18 subdivision of the state.
- 19 (8) (a) "State agency" includes:
- 20 (i) the state;
- 21 (ii) the legislature and its committees;
- 22 (iii) all executive departments, boards, commissions, committees, bureaus, and offices;
- 23 (iv) the university system; and
- 24 (v) all independent commissions and other establishments of the state government.
- 25 (b) The term does not include the judicial branch.
- 26 (9) "State officer" includes all elected officers and directors of the executive branch of state
- 27 government as defined in 2-15-102."

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

"2-2-105. Ethical requirements for public officers and public employees. (1) The requirements in

1 this section are intended as rules of conduct, and violations constitute a breach of the public trust and
2 public duty of office or employment in state or local government.

3 (2) Except as provided in subsection (4), a public officer or public employee may not acquire an
4 interest in any business or undertaking that the public officer or public employee has reason to believe may
5 be directly and substantially affected to its economic benefit by official action to be taken by the public
6 officer's or public employee's agency.

7 (3) A public officer or public employee may not, within 12 months following the voluntary
8 termination of office or employment, obtain employment in which the public officer or public employee will
9 take direct advantage, unavailable to others, of matters with which the public officer or public employee
10 was directly involved during a term of office or during employment. These matters are rules, other than
11 rules of general application, that the public officer or public employee actively helped to formulate and
12 applications, claims, or contested cases in the consideration of which the public officer or public employee
13 was an active participant.

14 (4) When a public employee who is a member of a quasi-judicial board or commission or of a board,
15 commission, or committee with rulemaking authority is required to take official action on a matter as to
16 which the public employee has a conflict created by a personal or private interest that would directly give
17 rise to an appearance of impropriety as to the public employee's influence, benefit, or detriment in regard
18 to the matter, the public employee shall disclose the interest creating the conflict prior to participating in
19 the official action.

20 (5) A public officer or public employee may not perform an official act, as defined in 2-2-102(4)(a),
21 directly and substantially affecting a business or other undertaking to its economic detriment when the
22 public officer or public employee has a substantial personal interest in a competing firm or undertaking.
23 A public officer or public employee may not perform an official act as defined in 2-2-102(4)(b)."
24

25 **Section 3.** Section 2-2-111, MCA, is amended to read:

26 **"2-2-111. Rules of conduct for legislators.** Proof of commission of any act enumerated in this
27 section is proof that the legislator committing the act has breached the legislator's public duty. A legislator
28 may not:

29 (1) accept a fee, contingent fee, or any other compensation, except the official compensation
30 provided by statute, for promoting or opposing the passage of legislation;

1 (2) seek other employment for the legislator or solicit a contract for the legislator's services by the
2 use of the office;

3 (3) perform an official act, as defined in 2-2-102(4)(a), for the legislator's personal or business
4 benefit unless the official act impacts an entire membership, occupation, or class as described in
5 2-2-112(4);

6 (4) perform an official act as defined in 2-2-102(4)(b)."

7

8 **NEW SECTION. Section 4. Effective date.** [This act] is effective on passage and approval.

9

-END-

HOUSE BILL NO. 334

INTRODUCED BY PECK, JERGESON, MCCANN

A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING THE THREATENED USE OF A PUBLIC OFFICER'S, PUBLIC EMPLOYEE'S, OR LEGISLATOR'S POSITION FOR PERSONAL OR BUSINESS BENEFIT OR ADVANTAGE; AMENDING SECTIONS ~~2-2-102~~, 2-2-105, AND 2-2-111, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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) "Compensation" means any money or economic benefit conferred on or received by any person in return for services rendered or to be rendered by the person or another.~~

~~(3) (a) "Gift of substantial value" means a gift with a value of \$50 or more for an individual.~~

~~(b) The term does not include:~~

~~(i) a gift that is not used and that, within 30 days after receipt, is returned to the donor or delivered to a charitable organization or the state and that is not claimed as a charitable contribution for federal income tax purposes;~~

~~(ii) food and beverages consumed on the occasion when participation in a charitable, civic, or community event bears a relationship to the public officer's or public employee's office or employment or when the officer or employee is in attendance in an official capacity;~~

~~(iii) educational material directly related to official governmental duties;~~

~~(iv) an award publicly presented in recognition of public service; or~~

~~(v) educational activity that:~~

~~(A) does not place or appear to place the recipient under obligation;~~

~~(B) clearly serves the public good; and~~

~~(C) is not lavish or extravagant.~~

- 1 ~~(4) "Official act" or "official action" means;~~
2 ~~(a) a vote, decision, recommendation, approval, disapproval, or other action, including inaction, that~~
3 ~~involves the use of discretionary authority; or~~
4 ~~(b) the threatened use of the person's position for personal or business benefit or advantage.~~
5 ~~(5) "Private interest" means an interest held by an individual that is:~~
6 ~~(a) an ownership interest in a business;~~
7 ~~(b) a creditor interest in an insolvent business;~~
8 ~~(c) an employment or prospective employment for which negotiations have begun;~~
9 ~~(d) an ownership interest in real property;~~
10 ~~(e) a loan or other debtor interest; or~~
11 ~~(f) a directorship or officership in a business.~~
12 ~~(6) "Public employee" means:~~
13 ~~(a) any temporary or permanent employee of the state or any subdivision of the state;~~
14 ~~(b) a member of a quasi-judicial board or commission or of a board, commission, or committee with~~
15 ~~rulemaking authority; and~~
16 ~~(c) a person under contract to the state.~~
17 ~~(7) "Public officer" includes any state officer. The term includes an elected officer of any~~
18 ~~subdivision of the state.~~
19 ~~(8) (a) "State agency" includes:~~
20 ~~(i) the state;~~
21 ~~(ii) the legislature and its committees;~~
22 ~~(iii) all executive departments, boards, commissions, committees, bureaus, and offices;~~
23 ~~(iv) the university system; and~~
24 ~~(v) all independent commissions and other establishments of the state government.~~
25 ~~(b) The term does not include the judicial branch.~~
26 ~~(9) "State officer" includes all elected officers and directors of the executive branch of state~~
27 ~~government as defined in 2-15-102."~~

28

29 **Section 1.** Section 2-2-105, MCA, is amended to read:30 **"2-2-105. Ethical requirements for public officers and public employees.** (1) The requirements in

1 this section are intended as rules of conduct, and violations constitute a breach of the public trust and
2 public duty of office or employment in state or local government.

3 (2) Except as provided in subsection (4), a public officer or public employee may not acquire an
4 interest in any business or undertaking that the public officer or public employee has reason to believe may
5 be directly and substantially affected to its economic benefit by official action to be taken by the public
6 officer's or public employee's agency.

7 (3) A public officer or public employee may not, within 12 months following the voluntary
8 termination of office or employment, obtain employment in which the public officer or public employee will
9 take direct advantage, unavailable to others, of matters with which the public officer or public employee
10 was directly involved during a term of office or during employment. These matters are rules, other than
11 rules of general application, that the public officer or public employee actively helped to formulate and
12 applications, claims, or contested cases in the consideration of which the public officer or public employee
13 was an active participant.

14 (4) When a public employee who is a member of a quasi-judicial board or commission or of a board,
15 commission, or committee with rulemaking authority is required to take official action on a matter as to
16 which the public employee has a conflict created by a personal or private interest that would directly give
17 rise to an appearance of impropriety as to the public employee's influence, benefit, or detriment in regard
18 to the matter, the public employee shall disclose the interest creating the conflict prior to participating in
19 the official action.

20 (5) A public officer or public employee may not perform an official act, ~~as defined in 2-2-102(4)(a),~~
21 directly and substantially affecting a business or other undertaking to its economic detriment when the
22 public officer or public employee has a substantial personal interest in a competing firm or undertaking.
23 A public officer or public employee may not perform an official act as defined in 2-2-102(4)(b) THREATEN
24 THE USE OF THE PERSON'S POSITION FOR PERSONAL OR BUSINESS BENEFIT OR ADVANTAGE."

25

26 **Section 2.** Section 2-2-111, MCA, is amended to read:

27 **"2-2-111. Rules of conduct for legislators.** Proof of commission of any act enumerated in this
28 section is proof that the legislator committing the act has breached the legislator's public duty. A legislator
29 may not:

30 (1) accept a fee, contingent fee, or any other compensation, except the official compensation

1 provided by statute, for promoting or opposing the passage of legislation;

2 (2) seek other employment for the legislator or solicit a contract for the legislator's services by the
3 use of the office;

4 ~~(3) perform an official act, as defined in 2-2-102(4)(a), for the legislator's personal or business~~
5 ~~benefit unless the official act impacts an entire membership, occupation, or class as described in~~
6 ~~2-2-112(4);~~

7 ~~(4) perform an official act as defined in 2-2-102(4)(b) THREATEN THE USE OF THE PERSON'S~~
8 ~~POSITION FOR PERSONAL OR BUSINESS BENEFIT OR ADVANTAGE."~~

9

10 NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval.

11

-END-

1 HOUSE BILL NO. 334

2 INTRODUCED BY PECK, JERGESON, MCCANN

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING THE THREATENED USE OF A PUBLIC OFFICER'S,
5 PUBLIC EMPLOYEE'S, OR LEGISLATOR'S POSITION FOR PERSONAL OR BUSINESS BENEFIT OR
6 ADVANTAGE; AMENDING SECTIONS ~~2-2-102~~, 2-2-105, AND 2-2-111, MCA; AND PROVIDING AN
7 IMMEDIATE EFFECTIVE DATE."

8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10
11 ~~Section 1. Section 2-2-102, MCA, is amended to read:~~

12 ~~"2-2-102. Definitions. As used in this part, the following definitions apply:~~

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

15 ~~(2) "Compensation" means any money or economic benefit conferred on or received by any person~~
16 ~~in return for services rendered or to be rendered by the person or another.~~

17 ~~(3) (a) "Gift of substantial value" means a gift with a value of \$50 or more for an individual.~~

18 ~~(b) The term does not include:~~

19 ~~(i) a gift that is not used and that, within 30 days after receipt, is returned to the donor or delivered~~
20 ~~to a charitable organization or the state and that is not claimed as a charitable contribution for federal~~
21 ~~income tax purposes;~~

22 ~~(ii) food and beverages consumed on the occasion when participation in a charitable, civic, or~~
23 ~~community event bears a relationship to the public officer's or public employee's office or employment or~~
24 ~~when the officer or employee is in attendance in an official capacity;~~

25 ~~(iii) educational material directly related to official governmental duties;~~

26 ~~(iv) an award publicly presented in recognition of public service; or~~

27 ~~(v) educational activity that:~~

28 ~~(A) does not place or appear to place the recipient under obligation;~~

29 ~~(B) clearly serves the public good; and~~

30 ~~(C) is not lavish or extravagant.~~

1 ~~(4) "Official act" or "official action" means:~~

2 ~~(a) a vote, decision, recommendation, approval, disapproval, or other action, including inaction, that~~
 3 ~~involves the use of discretionary authority; or~~

4 ~~(b) the threatened use of the person's position for personal or business benefit or advantage.~~

5 ~~(5) "Private interest" means an interest held by an individual that is:~~

6 ~~(a) an ownership interest in a business;~~

7 ~~(b) a creditor interest in an insolvent business;~~

8 ~~(c) an employment or prospective employment for which negotiations have begun;~~

9 ~~(d) an ownership interest in real property;~~

10 ~~(e) a loan or other debtor interest; or~~

11 ~~(f) a directorship or officership in a business.~~

12 ~~(6) "Public employee" means:~~

13 ~~(a) any temporary or permanent employee of the state or any subdivision of the state;~~

14 ~~(b) a member of a quasi-judicial board or commission or of a board, commission, or committee with~~
 15 ~~rulemaking authority; and~~

16 ~~(c) a person under contract to the state.~~

17 ~~(7) "Public officer" includes any state officer. The term includes an elected officer of any~~
 18 ~~subdivision of the state.~~

19 ~~(8) (a) "State agency" includes:~~

20 ~~(i) the state;~~

21 ~~(ii) the legislature and its committees;~~

22 ~~(iii) all executive departments, boards, commissions, committees, bureaus, and offices;~~

23 ~~(iv) the university system; and~~

24 ~~(v) all independent commissions and other establishments of the state government.~~

25 ~~(b) The term does not include the judicial branch.~~

26 ~~(9) "State officer" includes all elected officers and directors of the executive branch of state~~
 27 ~~government as defined in 2-15-102."~~

28

29 **Section 1.** Section 2-2-105, MCA, is amended to read:

30 **"2-2-105. Ethical requirements for public officers and public employees.** (1) The requirements in

1 this section are intended as rules of conduct, and violations constitute a breach of the public trust and
2 public duty of office or employment in state or local government.

3 (2) Except as provided in subsection (4), a public officer or public employee may not acquire an
4 interest in any business or undertaking that the public officer or public employee has reason to believe may
5 be directly and substantially affected to its economic benefit by official action to be taken by the public
6 officer's or public employee's agency.

7 (3) A public officer or public employee may not, within 12 months following the voluntary
8 termination of office or employment, obtain employment in which the public officer or public employee will
9 take direct advantage, unavailable to others, of matters with which the public officer or public employee
10 was directly involved during a term of office or during employment. These matters are rules, other than
11 rules of general application, that the public officer or public employee actively helped to formulate and
12 applications, claims, or contested cases in the consideration of which the public officer or public employee
13 was an active participant.

14 (4) When a public employee who is a member of a quasi-judicial board or commission or of a board,
15 commission, or committee with rulemaking authority is required to take official action on a matter as to
16 which the public employee has a conflict created by a personal or private interest that would directly give
17 rise to an appearance of impropriety as to the public employee's influence, benefit, or detriment in regard
18 to the matter, the public employee shall disclose the interest creating the conflict prior to participating in
19 the official action.

20 (5) A public officer or public employee may not perform an official act, ~~as defined in 2-2-102(4)(a),~~
21 directly and substantially affecting a business or other undertaking to its economic detriment when the
22 public officer or public employee has a substantial personal interest in a competing firm or undertaking.
23 ~~A public officer or public employee may not perform an official act as defined in 2-2-102(4)(b).~~ **THREATEN**
24 **THE USE OF THE PERSON'S POSITION FOR PERSONAL OR BUSINESS BENEFIT OR ADVANTAGE.**"

25

26 **Section 2.** Section 2-2-111, MCA, is amended to read:

27 **"2-2-111. Rules of conduct for legislators.** Proof of commission of any act enumerated in this
28 section is proof that the legislator committing the act has breached the legislator's public duty. A legislator
29 may not:

30 (1) accept a fee, contingent fee, or any other compensation, except the official compensation

1 provided by statute, for promoting or opposing the passage of legislation;

2 (2) seek other employment for the legislator or solicit a contract for the legislator's services by the
3 use of the office;

4 ~~(3) perform an official act, as defined in 2-2-102(4)(a), for the legislator's personal or business~~
5 ~~benefit unless the official act impacts an entire membership, occupation, or class as described in~~
6 ~~2-2-112(4);~~

7 ~~(4) perform an official act as defined in 2-2-102(4)(b) THREATEN THE USE OF THE PERSON'S~~
8 ~~POSITION FOR PERSONAL OR BUSINESS BENEFIT OR ADVANTAGE."~~

9

10 NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval.

11

-END-

1 HOUSE BILL NO. 334

2 INTRODUCED BY PECK, JERGESON, MCCANN

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING THE THREATENED USE OF A PUBLIC OFFICER'S,
5 PUBLIC EMPLOYEE'S, OR LEGISLATOR'S POSITION FOR PERSONAL OR BUSINESS BENEFIT OR
6 ADVANTAGE; AMENDING SECTIONS ~~2-2-102~~, 2-2-105, AND 2-2-111, MCA; AND PROVIDING AN
7 IMMEDIATE EFFECTIVE DATE."

8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10
11 ~~Section 1. Section 2-2-102, MCA, is amended to read:~~

12 ~~"2-2-102. Definitions. As used in this part, the following definitions apply:~~

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

15 ~~(2) "Compensation" means any money or economic benefit conferred on or received by any person~~
16 ~~in return for services rendered or to be rendered by the person or another.~~

17 ~~(3) (a) "Gift of substantial value" means a gift with a value of \$50 or more for an individual.~~

18 ~~(b) The term does not include:~~

19 ~~(i) a gift that is not used and that, within 30 days after receipt, is returned to the donor or delivered~~
20 ~~to a charitable organization or the state and that is not claimed as a charitable contribution for federal~~
21 ~~income tax purposes;~~

22 ~~(iii) food and beverages consumed on the occasion when participation in a charitable, civic, or~~
23 ~~community event bears a relationship to the public officer's or public employee's office or employment or~~
24 ~~when the officer or employee is in attendance in an official capacity;~~

25 ~~(iii) educational material directly related to official governmental duties;~~

26 ~~(iv) an award publicly presented in recognition of public service; or~~

27 ~~(v) educational activity that:~~

28 ~~(A) does not place or appear to place the recipient under obligation;~~

29 ~~(B) clearly serves the public good; and~~

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- 1 ~~(4) "Official act" or "official action" means:~~
- 2 ~~(a) a vote, decision, recommendation, approval, disapproval, or other action, including inaction, that~~
- 3 ~~involves the use of discretionary authority; or~~
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- 5 ~~(5) "Private interest" means an interest held by an individual that is:~~
- 6 ~~(a) an ownership interest in a business;~~
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- 8 ~~(c) an employment or prospective employment for which negotiations have begun;~~
- 9 ~~(d) an ownership interest in real property;~~
- 10 ~~(e) a loan or other debtor interest; or~~
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- 12 ~~(6) "Public employee" means:~~
- 13 ~~(a) any temporary or permanent employee of the state or any subdivision of the state;~~
- 14 ~~(b) a member of a quasi-judicial board or commission or of a board, commission, or committee with~~
- 15 ~~rulemaking authority; and~~
- 16 ~~(c) a person under contract to the state.~~
- 17 ~~(7) "Public officer" includes any state officer. The term includes an elected officer of any~~
- 18 ~~subdivision of the state.~~
- 19 ~~(8) (a) "State agency" includes:~~
- 20 ~~(i) the state;~~
- 21 ~~(ii) the legislature and its committees;~~
- 22 ~~(iii) all executive departments, boards, commissions, committees, bureaus, and offices;~~
- 23 ~~(iv) the university system; and~~
- 24 ~~(v) all independent commissions and other establishments of the state government.~~
- 25 ~~(b) The term does not include the judicial branch.~~
- 26 ~~(9) "State officer" includes all elected officers and directors of the executive branch of state~~
- 27 ~~government as defined in 2-15-102."~~

28

29 **Section 1. Section 2-2-105, MCA, is amended to read:**30 **"2-2-105. Ethical requirements for public officers and public employees. (1) The requirements in**

1 this section are intended as rules of conduct, and violations constitute a breach of the public trust and
2 public duty of office or employment in state or local government.

3 (2) Except as provided in subsection (4), a public officer or public employee may not acquire an
4 interest in any business or undertaking that the public officer or public employee has reason to believe may
5 be directly and substantially affected to its economic benefit by official action to be taken by the public
6 officer's or public employee's agency.

7 (3) A public officer or public employee may not, within 12 months following the voluntary
8 termination of office or employment, obtain employment in which the public officer or public employee will
9 take direct advantage, unavailable to others, of matters with which the public officer or public employee
10 was directly involved during a term of office or during employment. These matters are rules, other than
11 rules of general application, that the public officer or public employee actively helped to formulate and
12 applications, claims, or contested cases in the consideration of which the public officer or public employee
13 was an active participant.

14 (4) When a public employee who is a member of a quasi-judicial board or commission or of a board,
15 commission, or committee with rulemaking authority is required to take official action on a matter as to
16 which the public employee has a conflict created by a personal or private interest that would directly give
17 rise to an appearance of impropriety as to the public employee's influence, benefit, or detriment in regard
18 to the matter, the public employee shall disclose the interest creating the conflict prior to participating in
19 the official action.

20 (5) A public officer or public employee may not perform an official act, ~~as defined in 2-2-102(4)(a),~~
21 directly and substantially affecting a business or other undertaking to its economic detriment when the
22 public officer or public employee has a substantial personal interest in a competing firm or undertaking.
23 ~~A public officer or public employee may not perform an official act as defined in 2-2-102(4)(b)~~ **THREATEN**
24 **THE USE OF THE PERSON'S POSITION FOR PERSONAL OR BUSINESS BENEFIT OR ADVANTAGE.**

25
26 **Section 2.** Section 2-2-111, MCA, is amended to read:

27 **"2-2-111. Rules of conduct for legislators.** Proof of commission of any act enumerated in this
28 section is proof that the legislator committing the act has breached the legislator's public duty. A legislator
29 may not:

30 (1) accept a fee, contingent fee, or any other compensation, except the official compensation

1 provided by statute, for promoting or opposing the passage of legislation;

2 (2) seek other employment for the legislator or solicit a contract for the legislator's services by the
3 use of the office;

4 ~~(3) perform an official act, as defined in 2-2-102(4)(a), for the legislator's personal or business~~
5 ~~benefit unless the official act impacts an entire membership, occupation, or class as described in~~
6 ~~2-2-112(4);~~

7 ~~(4) perform an official act as defined in 2-2-102(4)(b)~~ **THREATEN THE USE OF THE PERSON'S**
8 **POSITION FOR PERSONAL OR BUSINESS BENEFIT OR ADVANTAGE."**

9

10 **NEW SECTION. Section 3. Effective date.** [This act] is effective on passage and approval.

11

-END-