

HOUSE BILL NO. 131

INTRODUCED BY BIXBY

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE MONTANA CODE OF ETHICS FOR THE PURPOSE OF ~~CLARIFYING A GIFT OF SUBSTANTIAL VALUE~~ REVISING THE DEFINITION OF "GIFT OF SUBSTANTIAL VALUE"; PROVIDING THAT A GIFT OF SUBSTANTIAL VALUE ~~DOES NOT INCLUDE A GIFT PUBLICLY PRESENTED IN RECOGNITION OF PUBLIC SERVICE, INCLUDING A GIFT GIVEN AS A TRADITIONAL OR CULTURAL PRACTICE OR AT A TRADITIONAL OR CULTURAL EVENT OR CEREMONY~~ MEANS A GIFT WITH A VALUE OF \$100 OR MORE; AMENDING SECTION 2-2-102, 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~~ \$100 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 ~~or gift~~ publicly presented in recognition of public service, ~~including a gift given as a traditional or cultural practice or at a traditional or cultural event or ceremony~~; or

1 (v) educational activity that:

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

3 (B) clearly serves the public good; and

4 (C) is not lavish or extravagant.

5 (4) "Local government" means a county, a consolidated government, an incorporated city or town, a
6 school district, or a special district.

7 (5) "Official act" or "official action" means a vote, decision, recommendation, approval, disapproval, or
8 other action, including inaction, that involves the use of discretionary authority.

9 (6) "Private interest" means an interest held by an individual that is:

10 (a) an ownership interest in a business;

11 (b) a creditor interest in an insolvent business;

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

13 (d) an ownership interest in real property;

14 (e) a loan or other debtor interest; or

15 (f) a directorship or officership in a business.

16 (7) "Public employee" means:

17 (a) any temporary or permanent employee of the state;

18 (b) any temporary or permanent employee of a local government;

19 (c) a member of a quasi-judicial board or commission or of a board, commission, or committee with
20 rulemaking authority; and

21 (d) a person under contract to the state.

22 (8) "Public officer" includes any state officer and any elected officer of a local government.

23 (9) "Special district" means a unit of local government, authorized by law to perform a single function
24 or a limited number of functions. The term includes but is not limited to conservation districts, water districts,
25 weed management districts, irrigation districts, fire districts, community college districts, hospital districts, sewer
26 districts, and transportation districts. The term also includes any district or other entity formed by interlocal
27 agreement.

28 (10) (a) "State agency" includes:

29 (i) the state;

30 (ii) the legislature and its committees;

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

2 (iv) the university system; and

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

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

5 (11) "State officer" includes all elected officers and directors of the executive branch of state government
6 as defined in 2-15-102."

7
8 ~~NEW SECTION. Section 2. Notification to tribal governments.~~ The secretary of state shall send a
9 copy of [this act] to each tribal government located on the seven Montana reservations and to the Little Shell
10 band of Chippewa.

11
12 NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval.

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