

Amendments to House Bill No. 383
1st Reading Copy

Requested by Representative David Wanzenried

For the House State Administration Committee

Prepared by Sheri Heffelfinger
February 4, 2005 (7:41am)

1. Title, page 1, line 13.

Following: "OFFICE;"

Insert: "ADDING LOBBYING TO THE RESTRICTIONS; REVISING THE
DEFINITION OF "PUBLIC EMPLOYEE";"

2. Title, page 1, line 13.

Following: "SECTIONS"

Insert: "2-2-102,"

3. Title, page 1, line 13.

Following: "2-2-105"

Insert: ", "

4. Page 1.

Following: line 15

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) "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.

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

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

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

(a) an ownership interest in a business;

(b) a creditor interest in an insolvent business;

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

(d) an ownership interest in real property;

(e) a loan or other debtor interest; or

(f) a directorship or officership in a business.

(7) "Public employee" means:

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

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

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

(d) a person under contract to the state; and

(e) a person occupying a position as a personal staff member appointed by an elected official enumerated in Article VI, section 1, of the Montana constitution or by the public service commission as a whole.

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

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

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

(i) the state;

(ii) the legislature and its committees;

(iii) all executive departments, boards, commissions, committees, bureaus, and offices;
(iv) the university system; and
(v) all independent commissions and other establishments of the state government.

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

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

{*Internal References to 2-2-102:*

x5-11-203}"

Renumber: subsequent sections

5. Page 1, line 25.

Following: "not"

Insert: "act as a lobbyist, as defined in 5-7-102, or"

6. Page 3, line 7.

Following: "not"

Insert: "act as a lobbyist, as defined in 5-7-102, or"

- END -