

1 _____ BILL NO. _____

2 INTRODUCED BY _____
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATING TO AIRPORT
5 AUTHORITIES; REVISING POWERS OF REGIONAL AIRPORT AUTHORITIES AND THE QUALIFICATIONS
6 OF REGIONAL AIRPORT COMMISSIONERS; ADDING PUBLIC CORPORATION AUTHORITIES TO THE
7 DEFINITION OF "LOCAL GOVERNMENT" IN ETHICS LAWS; CLARIFYING A CONFLICT OF INTEREST FOR
8 CERTAIN ENTITIES; AND AMENDING SECTIONS 2-2-102, 2-2-105, 67-11-103, AND 67-11-104, MCA."

9

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

11

12 **Section 1.** Section 2-2-102, MCA, is amended to read:

13 **"2-2-102. Definitions.** As used in this part, the following definitions apply:

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

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

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

19 (b) The term does not include:

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

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

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

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

28 (v) educational activity that:

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

30 (B) clearly serves the public good; and



- 1 (C) is not lavish or extravagant.
- 2 (4) "Local government" means a county, a consolidated government, an incorporated city or town, a
3 school district, a public corporation authority, or a special district.
- 4 (5) "Official act" or "official action" means a vote, decision, recommendation, approval, disapproval, or
5 other action, including inaction, that involves the use of discretionary authority.
- 6 (6) "Private interest" means an interest held by an individual that is:
- 7 (a) an ownership interest in a business;
- 8 (b) a creditor interest in an insolvent business;
- 9 (c) an employment or prospective employment for which negotiations have begun;
- 10 (d) an ownership interest in real property;
- 11 (e) a loan or other debtor interest; or
- 12 (f) a directorship or officership in a business.
- 13 (7) "Public employee" means:
- 14 (a) any temporary or permanent employee of the state;
- 15 (b) any temporary or permanent employee of a local government;
- 16 (c) a member, commissioner or employee of a quasi-judicial board or commission or of a board,
17 commission, authority, or committee with rulemaking authority; and
- 18 (d) a person under contract to the state.
- 19 (8) "Public officer" includes any state officer and any elected officer of a local government.
- 20 (9) "Special district" means a unit of local government, authorized by law to perform a single function or
21 a limited number of functions. The term includes but is not limited to airport authorities, conservation districts,
22 water districts, weed management districts, irrigation districts, fire districts, community college districts, hospital
23 districts, sewer districts, and transportation districts. The term also includes any district or other entity formed by
24 interlocal agreement.
- 25 (10) (a) "State agency" includes:
- 26 (i) the state;
- 27 (ii) the legislature and its committees;
- 28 (iii) all executive departments, boards, commissions, committees, bureaus, and offices;
- 29 (iv) the university system; and
- 30 (v) all independent commissions and other establishments of the state government.

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

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

4

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

6 **"2-2-105. Ethical requirements for public officers and public employees.** (1) The requirements in
7 this section are intended as rules of conduct, and violations constitute a breach of the public trust and public duty
8 of office or employment in state or local government.

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

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

18 (4) When a public employee who is a member of a quasi-judicial board or commission or of a board,
19 commission, authority, or committee with rulemaking authority is required to take official action on a matter as
20 to which the public employee has a conflict created by a personal or private interest that would directly give rise
21 to an appearance of impropriety as to the public employee's influence, benefit, or detriment in regard to the
22 matter, the public employee shall disclose the interest creating the conflict prior to participating in the official
23 action even if the conflict is not a disqualifying event to continue membership on the board, commission, authority,
24 or committee under its rules or applicable law.

25 (5) A public officer or public employee may not perform an official act directly and substantially affecting
26 a business or other undertaking to its economic detriment when the officer or employee has a substantial
27 personal interest in a competing firm or undertaking."

28

29 **Section 3.** Section 67-11-103, MCA, is amended to read:

30 **"67-11-103. Regional airport authority.** (1) Two or more ~~municipalities~~ local governing bodies may by

1 joint resolution create a an autonomous public body, corporate and politic, to be known as a regional airport
 2 authority. The resolution creating a regional airport authority must create a board of not less than five
 3 commissioners; ~~the~~ The number to be appointed; and their term and compensation, if any, must be provided for
 4 in the resolution. Each regional airport authority shall organize, select officers for terms to be fixed by agreement,
 5 and adopt and amend from time to time rules for its own ~~procedure~~ commissioner qualifications and authority
 6 procedures consistent with 67-11-104. Any commissioner, once qualified, who ceases to possess any of the
 7 qualifications required shall forfeit the commissioner's office. Commissioners who have been appointed and
 8 qualified may be removed only on the basis of a disqualifying event under authority rules or for cause by the
 9 appointing local governing body.

10 (2) A regional airport authority may be increased to serve one or more additional municipalities if each
 11 additional municipality and each of the municipalities then included in the regional authority and the
 12 commissioners of the regional authority, respectively, adopt a joint resolution consenting to the increase. If a
 13 municipal airport authority for any municipality seeking to be included in the regional authority is then in existence,
 14 the commissioners of the municipal authority shall consent to the inclusion of the municipality in the regional
 15 authority. Upon the inclusion of any municipality in the regional authority, all rights, contracts, obligations, and
 16 property, real and personal, of the municipal authority must be in the name of and vest in the regional authority.

17 (3) A regional airport authority may be decreased as to the number of local governing bodies served if
 18 each of the ~~municipalities~~ local governing bodies then included in the regional authority and the commissioners
 19 of the regional authority consent to the decrease and make provisions for the retention or disposition of its assets
 20 and liabilities.

21 (4) A ~~municipality~~ local governing body may not adopt any resolution authorized by this section without
 22 a public hearing on the resolution. Notice of the hearing must be given at least 10 days prior to the hearing in a
 23 newspaper published in the ~~municipality~~ county or, if there is no newspaper published in the ~~municipality~~ county,
 24 in a newspaper having general circulation in the ~~municipality~~ county.

25 (5) For the purpose of this chapter, a regional airport authority has the same powers as all other political
 26 subdivisions in the adoption and enforcement of airport affected area regulations as provided for in this title."
 27

28 **Section 4.** Section 67-11-104, MCA, is amended to read:

29 **"67-11-104. Commissioners.** (1) The powers of each authority ~~shall~~ must be vested in the
 30 commissioners ~~thereof~~ of the authority. A majority of the commissioners of an authority ~~shall constitute~~ constitutes

1 a quorum for the purpose of conducting business of the authority and exercising its powers and for all other
2 purposes. Action may be taken by the authority upon a vote of not less than a majority of the commissioners
3 present.

4 (2) There ~~shall~~ must be elected a ~~chairman~~ presiding officer and ~~vice-chairman~~ vice-presiding officer
5 from among the commissioners. An authority may employ an executive director, secretary, technical experts, and
6 ~~such~~ other officers, agents, and employees, permanent and temporary, ~~as that~~ it may require and shall determine
7 their qualifications, duties, and compensation. An authority may delegate to one or more of its agents or
8 employees ~~such~~ powers or duties ~~as that~~ it may deem consider proper.

9 (3) A commissioner of an authority ~~shall be~~ is entitled to the necessary expense, including travel
10 expenses, as provided for in 2-18-501 through 2-18-503, incurred in the discharge of ~~his~~ duties. Each
11 commissioner shall hold office until ~~his~~ a successor has been appointed, as provided for in 67-11-103, and has
12 qualified in accordance with standards of qualification adopted by the authority. The certificates of the
13 appointment and reappointment of commissioners ~~shall~~ must be filed with the authority."

14 - END -