

BUSINESS & LABOR

EXHIBIT NO. 7  
DATE 1-18-11  
SB 158

- 2-2-142. Repealed.
- 2-2-143. Repealed.
- 2-2-144. Enforcement for local government.

Part 2 — Proscribed Acts Related to Contracts and Claims

- 2-2-201. Public officers, employees, and former employees not to have interest in contracts.
- 2-2-202. Public officers not to have interest in sales or purchases.
- 2-2-203. Voidable contracts.
- 2-2-204. Dealings in warrants and other claims prohibited.
- 2-2-205. Affidavit to be required by auditing officers.
- 2-2-206. Officers not to pay illegal warrant.
- 2-2-207. Settlements to be withheld on affidavit.

Part 3 — Nepotism

- 2-2-301. Nepotism defined.
- 2-2-302. Appointment of relative to office of trust or emolument unlawful — exceptions — publication of notice.
- 2-2-303. Agreements to appoint relative to office unlawful.
- 2-2-304. Penalty for violation of nepotism law.

Chapter Cross-References

- Elected official's business disclosure statement, 2-2-106.
- Arrest of public officer in certain civil actions involving officer's act or omission, 27-16-102.

Part 1  
Code of Ethics

Part Cross-References

- Impeachment, Art. V, sec. 13, Mont. Const.
- Judges — removal and discipline, Art. VII, sec. 11, Mont. Const.

**2-2-101. Statement of purpose.** The purpose of this part is to set forth a code of ethics prohibiting conflict between public duty and private interest as required by the constitution of Montana. This code recognizes distinctions between legislators, other officers and employees of state government, and officers and employees of local government and prescribes some standards of conduct common to all categories and some standards of conduct adapted to each category. The provisions of this part recognize that some actions are conflicts per se between public duty and private interest while other actions may or may not pose such conflicts depending upon the surrounding circumstances.

**History:** En. 59-1701 by Sec. 1, Ch. 569, L. 1977; R.C.M. 1947, 59-1701.

Cross-References

- Constitutional mandate to provide code of ethics, Art. XIII, sec. 4, Mont. Const.
- Code of fair campaign practices, 13-35-301.

**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.
  - (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.