



AN ACT REVISING LAWS RELATED TO PUBLIC OFFICERS AND EMPLOYEES; ALLOWING PUBLIC OFFICERS AND EMPLOYEES TO REPORT CERTAIN MATTERS OF PUBLIC CONCERN; CREATING A CIVIL PENALTY FOR A PERSON THAT SUPPRESSES A PUBLIC EMPLOYEE FROM COMMUNICATING MATTERS OF PUBLIC CONCERN WITH A LEGISLATOR; AND PROVIDING PENALTIES.

WHEREAS, every public officer or employee has a right to speak to any legislator regarding state business about a matter of public concern; and

WHEREAS, every public employee discussing a matter of public concern has a right to do so without fear of reprisal.

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

Section 1. Obstruction of communication with legislator. (1) A person who exercises supervision, management, or control over a public employee may not intentionally take any action to impede a public employee from communicating in good faith with a legislator as defined in 5-7-102 about a matter of public concern.

(2) (a) A public employee injured by a violation of this section may bring a civil action in a court of competent jurisdiction against the person who intentionally impeded the public employee's communication with a legislator about a matter of public concern. Exhaustion of administrative remedies is not a prerequisite to filing an action under this section.

(b) A person who violates the provisions of this section is liable to the public employee for a civil penalty not to exceed \$5,000 for each violation plus damages, costs, and attorney fees.

(3) This section may not be construed to allow public disclosure of confidential information as that term is defined in 2-6-1002.

(4) For the purposes of this section, "public employee" means any temporary or permanent employee of a local government or of the state as defined by [section 2] or a person under contract to a local government

or to the state.

Section 2. Ability to report. (1) An officer or employee of a local government or of the state may report alleged misconduct, fraud, waste, or abuse to the appropriate governmental body, employer, or legislator.

(2) An officer or employee of a local government or of the state may not be penalized for violations of this section.

(3) For the purposes of this section, the following definitions apply:

(a) "Employee" includes any temporary or permanent employee or a person under contract to the state or a local government.

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

(c) "Officer" includes any elected or appointed official.

(d) "State" means the executive, judicial, and legislative branches of government.

Section 3. Codification instruction. (1) [Sections 1 and 2] are intended to be codified as an integral part of Title 2, chapter 2, and the provisions of Title 2, chapter 2, apply to [sections 1 and 2].

(2) [Sections 1 and 2] are intended to be codified as a new part in Title 2, chapter 2.

- END -

I hereby certify that the within bill,
HB 0202, originated in the House.

Speaker of the House

Signed this _____ day
of _____, 2017.

Chief Clerk of the House

President of the Senate

Signed this _____ day
of _____, 2017.

HOUSE BILL NO. 202
INTRODUCED BY K. WAGONER

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