65th Legislature HB0208.03

1	HOUSE BILL NO. 208
2	INTRODUCED BY K. WAGONER, D. KARY
3	
4	A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO ETHICS AND STANDARDS OF
5	CONDUCT FOR PUBLIC OFFICIALS AND PUBLIC EMPLOYEES; PROVIDING THAT IT IS UNLAWFUL TO
6	RETALIATE AGAINST A PERSON WHO ALLEGES WASTE, FRAUD, OR ABUSE; AND PROVIDING #
7	PENALTY FOR CIVIL LIABILITY AND REMEDIES."
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9	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
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11	NEW SECTION. Section 1. Retaliation unlawful penalty CIVIL LIABILITY REMEDIES STATUTE OF
12	LIMITATIONS. (1) It is unlawful for a state agency, state officer, public officer, or public employee to retaliate
13	against, or to condone or threaten retaliation against, an individual who, IN GOOD FAITH, alleges waste, fraud, or
14	abuse.
15	(2) For purposes of this section, "retaliate" means to take any of the following actions against ar
16	individual because the individual, IN GOOD FAITH, alleged waste, fraud, or abuse:
17	(a) terminate employment;
18	(b) demote;
19	(c) deny overtime, benefits, or promotion;
20	(d) discipline;
21	(e) decline to hire or rehire;
22	(f) threaten or intimidate;
23	(g) reassign to a position that hurts future career prospects; or
24	(h) reduce pay, work hours, or benefits; OR
25	(I) TAKE ANOTHER ADVERSE PERSONNEL ACTION.
26	(3) An individual <del>convicted of a violation of this section shall be imprisoned for a term not to exceed 5</del>
27	years or fined an amount not to exceed \$20,000, or both. WHO VIOLATES A PROVISION OF THIS SECTION IS LIABLE IN
28	A CIVIL ACTION IN A COURT OF COMPETENT JURISDICTION.
29	(4) REMEDIES AVAILABLE TO AN AGGRIEVED INDIVIDUAL FOR A VIOLATION MAY INCLUDE:
30	(A) REINSTATEMENT TO A LOST POSITION;



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1	(B) COMPENSATION FOR LOST BENEFITS, INCLUDING SERVICE CREDIT;
2	(C) COMPENSATION FOR LOST WAGES:
3	(D) PAYMENT OF REASONABLE ATTORNEY FEES;
4	(E) PAYMENT OF COURT COSTS;
5	(F) INJUNCTIVE RELIEF; AND
6	(G) COMPENSATORY DAMAGES.
7	(4)(5) EXHAUSTION OF ADMINISTRATIVE REMEDIES IS NOT A PREREQUISITE TO FILING AN ACTION UNDER THIS
8	SECTION.
9	(5)(6) A LAWSUIT ALLEGING A VIOLATION OF THIS SECTION MUST BE BROUGHT WITHIN 2 YEARS OF THE ALLEGED
10	VIOLATION.
11	(6)(7) THE COMMISSIONER OF POLITICAL PRACTICES IS NOT REQUIRED OR AUTHORIZED TO ENFORCE THIS
12	SECTION.
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14	NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an
15	integral part of Title 2, chapter 2, part 1, and the provisions of Title 2, chapter 2, part 1, apply to [section 1].
16	- END -

