

## HOUSE BILL NO. 406

INTRODUCED BY G. HERTZ, D. JONES, W. GALT, B. HARRIS, S. LAVIN, T. MANZELLA,  
D. MORTENSEN, V. RICCI, D. SKEES, S. STAFFANSON, B. TSCHIDA

A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING AN INDIVIDUAL WHO SERVED AS COMMISSIONER OF POLITICAL PRACTICES FROM WORKING IN CERTAIN CAPACITIES FOR THE OFFICE OF POLITICAL PRACTICES FOR A CERTAIN TIME PERIOD; AMENDING SECTION 13-37-108, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE."

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

**Section 1.** Section 13-37-108, MCA, is amended to read:

**"13-37-108. Commissioner of political practices -- restrictions.** (1) During the commissioner's term of office, the commissioner may not knowingly, as defined in 45-2-101:

~~(1)~~(a) hold another position of public trust or engage in any other occupation or business if the position of public trust or the other occupation or business interferes with or is inconsistent with the commissioner executing the duties of the commissioner's office;

~~(2)~~(b) engage in any other occupation or business during the business hours of the commissioner's office unless the commissioner is in a leave status from the office;

~~(3)~~(c) participate in any political activity or in a political campaign;

~~(4)~~(d) make a contribution to a candidate or political committee or for or against a ballot issue or engage in any activity that is primarily intended to support or oppose a candidate, political committee, or ballot issue;

~~(5)~~(e) attend an event that is held for the purpose of raising funds for or against a candidate, political committee, or ballot issue;

~~(6)~~(f) participate in a matter pertaining to the commissioner's office that:

~~(a)~~(i) is a conflict of interest or results in the appearance of a conflict of interest between public duty and private interest pursuant to Title 2, chapter 2; or

~~(b)~~(ii) involves a relative of the commissioner.

(2) For (A) EXCEPT AS PROVIDED IN SUBSECTION (2)(B), FOR 6 years after the date that an individual's term as commissioner ends or the date the individual was removed from office pursuant to 13-37-102(3) or 13-37-105,

1 the individual may not:

2 (a)(i) be hired as an employee of the office of the commissioner of political practices;

3 (b)(ii) contract with the office as a consultant, independent contractor, or deputy commissioner; or

4 (c)(iii) perform work for the office in an unpaid or volunteer capacity.

5 (B) THE COMMISSIONER MAY CONSULT WITH AN INDIVIDUAL WHO PREVIOUSLY SERVED AS A COMMISSIONER ONLY  
6 ABOUT A CASE OR COMPLAINT INVESTIGATED BY THAT INDIVIDUAL DURING THE INDIVIDUAL'S TERM OF OFFICE. THE  
7 INDIVIDUAL MAY ALSO TESTIFY IN ANY COURT PROCEEDINGS RELATED TO THE CASE OR COMPLAINT.

8 (C) A COMMISSIONER WHO CONSULTS WITH AN INDIVIDUAL WHO PREVIOUSLY SERVED AS A COMMISSIONER SHALL  
9 DOCUMENT EACH CONTACT WITH THE INDIVIDUAL IN WRITING AND PLACE THE DOCUMENTATION IN THE COMPLAINT OR  
10 INVESTIGATION FILES."

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12 NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval.

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14 NEW SECTION. Section 3. Retroactive applicability. [This act] applies retroactively, within the  
15 meaning of 1-2-109, to commissioners who held the office on or prior to December 31, 2016.

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