

1 HOUSE BILL NO. 701  
2 INTRODUCED BY E. STAFMAN

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4 A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING A LEGISLATOR FROM SPONSORING OR  
5 VOTING ON LEGISLATION IF THE LEGISLATOR OR AN IMMEDIATE FAMILY MEMBER OF THE  
6 LEGISLATOR OR A BUSINESS OWNED BY THE LEGISLATOR OR AN IMMEDIATE FAMILY MEMBER OF  
7 THE LEGISLATOR HAS A PECUNIARY INTEREST; PROVIDING AN EXCEPTION; AND AMENDING  
8 SECTION 2-2-112, MCA."

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

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12 **Section 1.** Section 2-2-112, MCA, is amended to read:

13 **"2-2-112. Ethical requirements for legislators.** (1) The requirements in this section are intended as  
14 rules for legislator conduct, and violations constitute a breach of the public trust of legislative office.

15 (2) A legislator has a responsibility to the legislator's constituents to participate in all matters as  
16 required in the rules of the legislature. A legislator concerned with the possibility of a conflict may briefly present  
17 the facts to the committee of that house that is assigned the determination of ethical issues. The committee  
18 shall advise the legislator as to whether the legislator should disclose the interest prior to voting on the issue  
19 pursuant to the provisions of subsection ~~(5)~~ (6). The legislator may, subject to legislative rule, vote on an issue  
20 on which the legislator has a conflict, after disclosing the interest.

21 (3) When a legislator is required to take official action on a legislative matter as to which the  
22 legislator has a conflict created by a personal or private interest that would directly give rise to an appearance  
23 of impropriety as to the legislator's influence, benefit, or detriment in regard to the legislative matter, the  
24 legislator shall disclose the interest creating the conflict prior to participating in the official action, as provided in  
25 subsections (2) and ~~(5)~~ (6) and the rules of the legislature. In making a decision, the legislator shall consider:

- 26 (a) whether the conflict impedes the legislator's independence of judgment;
- 27 (b) the effect of the legislator's participation on public confidence in the integrity of the legislature;
- 28 (c) whether the legislator's participation is likely to have any significant effect on the disposition of

1 the matter; and

2 (d) whether a pecuniary interest is involved or whether a potential occupational, personal, or family  
3 benefit could arise from the legislator's participation.

4 ~~(4) (a) A-Except as provided in subsection (4)(b), a legislator may not sponsor or cosponsor~~  
5 ~~legislation or vote on legislation that, if passed and approved, would result in:~~

6 ~~(a)(i) the legislator or an immediate family member of the legislator receiving a pecuniary interest of~~  
7 ~~\$5,000 or more; or~~

8 ~~(b)(ii) a business in which the legislator or an immediate family member of the legislator has an~~  
9 ~~ownership interest of 25% or more receiving a pecuniary interest of \$5,000 or more.~~

10 ~~(b) A legislator may sponsor or cosponsor legislation that, if passed and approved, would result in~~  
11 ~~a pecuniary interest that is generally applicable.~~

12 ~~(4)(5) A conflict situation does not arise from legislation or legislative duties affecting the membership~~  
13 ~~of a profession, occupation, or class.~~

14 ~~(5)(6) A legislator shall disclose an interest creating a conflict, as provided in the rules of the~~  
15 ~~legislature. A legislator who is a member of a profession, occupation, or class affected by legislation is not~~  
16 ~~required to disclose an interest unless the class contained in the legislation is so narrow that the vote will have~~  
17 ~~a direct and distinctive personal impact on the legislator. A legislator may seek a determination from the~~  
18 ~~appropriate committee provided for in 2-2-135."~~

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