



Montana Legislative Services Division

Legal Services Office

March 9, 2020

TO: Legislative Council

FR: Todd Everts, Legal Services Director
Jaret Coles, Legislative Attorney

RE: Legislative Council's Request for Legislative Options Regarding Legislative Acts

At the December 10, 2019, Council meeting, the Council directed legal staff to provide legislative options to clarify the Legislature's authority over legislators if a legislative act is involved. In response to the Council's request, legal staff drafted the attached provisional bill draft (PD 0002) that addresses the following:

- (1) Clarifying the Legislature's and the Commissioner of Political Practices' authority over legislators if a legislative act is involved.
- (2) Defining the term "legislative act" in the Code of Ethics.
- (3) Clarifying that legislators attending educational or training activities constitutes a legislative act.
- (4) Clarifying and defining the term "lavish or extravagant" relating to the educational activity exception in the Code of Ethics.
- (5) Revising and clarifying the duties of the Legislature's Ethics Committees.
- (6) Authorizing the Ethics Committees to meet during the interim.

Legal staff will present the options contained in PD0002 during the Council's March 23rd meeting.