

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

3
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; AND AMENDING SECTION 2-2-112, MCA."

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

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

12 **"2-2-112. Ethical requirements for legislators.** (1) The requirements in this section are intended as
13 rules for legislator conduct, and violations constitute a breach of the public trust of legislative office.

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

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

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

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

3 ~~(4)~~ A legislator may not sponsor or cosponsor legislation or vote on legislation that, if passed and
4 approved, would result in:

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

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

9 ~~(4)(5)~~ A conflict situation does not arise from legislation or legislative duties affecting the membership
10 of a profession, occupation, or class.

11 ~~(5)(6)~~ A legislator shall disclose an interest creating a conflict, as provided in the rules of the
12 legislature. A legislator who is a member of a profession, occupation, or class affected by legislation is not
13 required to disclose an interest unless the class contained in the legislation is so narrow that the vote will have
14 a direct and distinctive personal impact on the legislator. A legislator may seek a determination from the
15 appropriate committee provided for in 2-2-135."

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