EXHIBIT 1 passed Edit & legal review
DATE 04/20/07
HB 462

Amendments to House Bill No. 462
Reference Copy

Requested by Senator Steve Gallus

For the House Free Conference Committee

Prepared by Sheri Heffelfinger
April 20, 2007 (3:00pm)

1. Title, page 1, line 9.
Strike: "SECTION"
Insert: "SECTIONS 2-2-104 AND"

2. Page 1, line 14.
Strike: "AND 2"
Insert: "through 3"

3. Page 1, line 18.
Strike: "AND 2"
Insert: "through 3"

4. Page 1, line 21.
Following: **"Constituent"**
Insert: **"services"**

5. Page 1, line 27.
Following: "~~(I)~~"
Insert: "(i)"

6. Page 1, line 28.
Following: "funds"
Insert: "and contributions authorized under [section 3]"

7. Page 2.
Following: line 7
Insert: "(ii) Except as provided in subsection (2)(a)(iii), a statewide official or legislator may accept contributions, subject to the limitations provided in [section 3], for deposit in a constituent services account only between the date on which the officeholder closes the officeholder's campaign account under 13-37-240 and the end of the officeholder's term of office or, if the officeholder runs for reelection or election to another office, the earlier of the date when the officeholder opens a campaign account or the date when the officeholder files a declaration for nomination pursuant to 13-10-201 or 13-14-112 or a declaration of intent pursuant to 13-10-211.

(iii) A legislator may not accept contributions for deposit in a constituent services account during a legislative session."

8. Page 3.
Following: line 4
Insert: "NEW SECTION. **Section 3. Contribution limits applicable to constituent services account.** (1) The holder of a constituent services account may accept contributions for deposit into the account only from an individual. A committee or corporation may not contribute to a constituent services account.

(2) During a term of office, aggregate contributions from one individual to a constituent services account:

(a) may not total the dollar amount established for a gift of substantial value in 2-2-102; and

(b) may not, when added to any campaign contributions by the individual to the campaign account for the officeholder's election for the current term, exceed the dollar amount established as the campaign contribution limit in 13-37-216."
Insert: "Section 4. Section 2-2-104, MCA, is amended to read:

"2-2-104. Rules of conduct for public officers, legislators, and public employees. (1) Proof of commission of any act enumerated in this section is proof that the actor has breached the actor's public duty. A public officer, legislator, or public employee may not:

(a) disclose or use confidential information acquired in the course of official duties in order to further substantially the individual's personal economic interests; or

(b) accept a gift of substantial value or a substantial economic benefit tantamount to a gift:

(i) that would tend improperly to influence a reasonable person in the person's position to depart from the faithful and impartial discharge of the person's public duties; or

(ii) that the person knows or that a reasonable person in that position should know under the circumstances is primarily for the purpose of rewarding the person for official action taken.

(2) An economic benefit tantamount to a gift includes without limitation a loan at a rate of interest substantially lower than the commercial rate then currently prevalent for similar loans and compensation received for private services rendered at a rate substantially exceeding the fair market value of the services. Campaign contributions or contributions to a constituent services account pursuant to [section 3] reported as required by statute are not gifts or economic benefits tantamount to gifts.

(3) (a) Except as provided in subsection (3)(b), a public officer, legislator, or public employee may not receive salaries from two separate public employment positions that overlap for the hours being compensated, unless:

(i) the public officer, legislator, or public employee reimburses the public entity from which the employee is absent for the salary paid for performing the function from which the

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(i) the public officer, legislator, or public employee reimburses the public entity from which the employee is absent for the salary paid for performing the function from which the

officer, legislator, or employee is absent; or

(ii) the public officer's, legislator's, or public employee's salary from one employer is reduced by the amount of salary received from the other public employer in order to avoid duplicate compensation for the overlapping hours.

(b) Subsection (3)(a) does not prohibit:

(i) a public officer, legislator, or public employee from receiving income from the use of accrued leave or compensatory time during the period of overlapping employment; or

(ii) a public school teacher from receiving payment from a college or university for the supervision of student teachers who are enrolled in a teacher education program at the college or university if the supervision is performed concurrently with the school teacher's duties for a public school district.

(c) In order to determine compliance with this subsection (3), a public officer, legislator, or public employee subject to this subsection (3) shall disclose the amounts received from the two separate public employment positions to the commissioner of political practices."

{*Internal References to 2-2-104: x20-25-109*}"

Renumber: subsequent sections

9. Page 5, line 7.
Strike: "AND 2"
Insert: "through 3"

10. Page 5, line 9.
Strike: "AND 2"
Insert: "through 3"

- END -

Explanation - Provides that contributions to constituent services accounts may only be from individuals, may only be accepted at certain times, and that aggregate contributions from one individual are capped at less than the amount set in the statute defining a "gift of substantial value" and, when added to any campaign contributions during the prior election cycle, does not exceed the amount set in the statute limiting campaign contributions.