

SENATE BILL 282

Introduced by B. Brown, et al.

| | |
|------|--------------------------------------|
| 2/05 | Introduced |
| 2/06 | Referred to State Administration |
| 2/06 | First Reading |
| 2/06 | Fiscal Note Requested |
| 2/07 | Fiscal Note Received |
| 2/12 | Fiscal Note Printed |
| 2/20 | Hearing |
| 2/21 | Committee Report--Bill Not Passed |
| 2/21 | Adverse Committee Report Adopted |

1 *Senate* BILL NO. *282*
 2 INTRODUCED BY *Bob Brown, Jazzy, Charles Yellowstone*
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING CAMPAIGN
 5 REPORTING; REQUIRING THE COMMISSIONER OF POLITICAL PRACTICES
 6 TO COMPILE AND PUBLISH CERTAIN INFORMATION; AUTHORIZING AN
 7 INDIVIDUAL TO BRING AN ACTION FOR VIOLATIONS OF THE CAMPAIGN
 8 CONTRIBUTION DISCLOSURE LAW; AND AMENDING SECTIONS 13-37-119
 9 AND 13-37-229, MCA."

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

12 **Section 1.** Section 13-37-119, MCA, is amended to read:

13 "13-37-119. Availability of information. (1) The
 14 commissioner shall make statements and other information
 15 filed with his office available for public inspection and
 16 copying during regular office hours and make copying
 17 facilities available free of charge or at a charge not to
 18 exceed actual cost.

19 (2) The commissioner shall preserve statements and
 20 other information filed with his office for a period of 10
 21 years from date of receipt.

22 (3) The commissioner shall, as soon as possible
 23 following each reporting period, prepare and publish a
 24 report listing the source of contributions to each candidate
 25 for statewide office and state district office, as defined

1 in 13-37-226. For each candidate, the report must list each
 2 contributor by name and contain the contributor's
 3 occupation, amount contributed, date of contribution, and
 4 the contributor's address.

5 (4) The commissioner shall prepare and publish
 6 summaries of the statements received and such other reports
 7 as he considers appropriate.

8 ~~(4)~~(5) The commissioner shall provide for wide public
 9 dissemination of summaries and reports."

10 **Section 2.** Section 13-37-229, MCA, is amended to read:

11 "13-37-229. Disclosure of contributions received --
 12 enforcement. (1) Each report required by this chapter shall
 13 disclose the following information:

14 ~~(1)~~(a) the amount of cash on hand at the beginning of
 15 the reporting period;

16 ~~(2)~~(b) the full name and mailing address (occupation
 17 and the principal place of business, if any) and the date
 18 the contribution was made, of each person who has made
 19 aggregate contributions (including the purchase of tickets
 20 and other items for events such as dinners, luncheons,
 21 rallies, and similar fundraising events), other than loans,
 22 to the candidate or political committee, of:

23 ~~(a)~~(i) \$75 or more if the candidate has filed for a
 24 state office to be filled by a statewide vote of all the
 25 electors of Montana or if the political committee was

1 specifically organized to support or oppose a particular
2 statewide candidate or issue; or

3 (b)(ii) \$35 or more for any other candidate or political
4 committee;

5 (3)(c) for each person identified under subsection
6 (2)(1)(b), the aggregate amount of contributions made by
7 that person within the reporting period and the total amount
8 of contributions made by that person;

9 (4)(d) the total sum of individual contributions made
10 to or for the political committee or candidate and not
11 reported under subsections (2)(1)(b) and (3)(1)(c) of this
12 section;

13 (5)(e) the name and address of each political committee
14 or candidate from which the reporting committee or candidate
15 received any transfer of funds, together with the amount and
16 dates of all transfers;

17 (6)(f) each loan from any person during the reporting
18 period, together with the full names and mailing addresses
19 (occupation and principal place of business, if any) of the
20 lender and endorsers, if any, and the date and amount of
21 each loan;

22 (7)(g) the amount and nature of debts and obligations
23 owed to a political committee or candidates, in the form
24 prescribed by the commissioner;

25 (8)(h) an itemized account of proceeds which total less

1 than \$75 under subsection (2)(a)(1)(b)(i) or \$35 under
2 subsection (2)(b)(1)(b)(ii) from a person from mass
3 collections made at fundraising events;

4 (9)(i) each contribution, rebate, refund, or other
5 receipt not otherwise listed under subsections (2)(1)(b)
6 through (8)(1)(h) of this section during the reporting
7 period;

8 (10)(j) the total sum of all receipts received by or
9 for the committee or candidate during the reporting period;
10 and

11 (11)(k) other information that may be required by the
12 commissioner to fully disclose the sources of funds used to
13 support or oppose candidates or issues.

14 (2) An individual may bring a citizen's action
15 authorized under this chapter in the name of the state if he
16 complies with the requirements of this subsection. The
17 individual shall notify the commissioner and the appropriate
18 county attorney, in writing, that there is reason to believe
19 that the provisions of this section have been violated. A
20 citizen's action may be filed if the county attorney fails
21 to commence an action under this chapter within 40 days
22 after notice and does not commence the action within 10 days
23 of the individual notifying him that a citizen's action will
24 be brought.

25 (3) If an individual prevails in the citizen's action,

1 he is entitled to be reimbursed by the state for costs and
2 attorney fees incurred in the action. If a citizen's action
3 is dismissed and the court determines that the action was
4 brought without reasonable cause, the court may order the
5 individual bringing the action to pay all costs and
6 reasonable attorney fees incurred by the defendant."

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB0282, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act revising campaign reporting; requiring the commissioner of political practices to compile and publish certain information; authorizing an individual to bring an action for violations of the campaign contribution disclosure law.

ASSUMPTIONS:

1. Six reports of candidate and committee contributions will be issued during an election year, as compared with one report per biennium under current practice.
2. An additional 1.00 FTE, Grade 8, will be required to check reports, enter data, and proof copy. Employee benefits are calculated at a rate of 22% for this FTE.
3. Remodeling of office space in the basement of the office of the Commissioner of Political Practices will be required.
4. One time costs for office furnishings and equipment will occur.
5. Current Law is represented by the executive budget recommendation for the Commissioner of Political Practices.
6. The potential liability of the state for reimbursement of costs incurred by individuals in bringing a citizen's action disclosure law violations is not subject to reasonable estimate.
7. Fees will be charged and collected for the printing and distribution expenses of the additional campaign finance reports and the revenue is assumed to be evenly distributed throughout both years of the 1993 biennium. Current and proposed revenue is based upon \$4,500 per report which is the estimated expense/revenue for the 1989 report.

FISCAL IMPACT:Commissioner of Political PracticesExpenditures:

| | FY '92 | | | FY '93 | | |
|--------------------|-------------|--------------|------------|-------------|--------------|------------|
| | Current Law | Proposed Law | Difference | Current Law | Proposed Law | Difference |
| F.T.E. | 3.00 | 4.00 | 1.00 | 4.00 | 3.00 | 1.00 |
| Personal Services | 86,600 | 105,350 | 18,750 | 85,800 | 105,400 | 19,600 |
| Operating Expenses | 25,450 | 27,170 | 1,720 | 27,500 | 29,250 | 1,750 |
| Equipment | 1,600 | 9,580 | 7,980 | 2,100 | 2,100 | 0 |
| Total | 113,650 | 142,100 | 28,450 | 115,400 | 136,750 | 21,350 |


Funding:

| | | | | | | |
|--------------|---------|---------|--------|---------|---------|--------|
| General Fund | 113,650 | 142,100 | 28,450 | 115,400 | 136,750 | 21,350 |
|--------------|---------|---------|--------|---------|---------|--------|

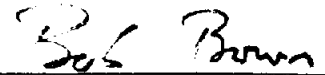
Revenues:

| | | | | | | |
|-------------------------------------|---|--------|--------|-------|--------|-------|
| Sales campaign finance reports (01) | 0 | 13,500 | 13,500 | 4,500 | 13,500 | 9,000 |
|-------------------------------------|---|--------|--------|-------|--------|-------|

General Fund impact (14,950) (12,350)


 ROD SUNDSTED, BUDGET DIRECTOR
 Office of Budget and Program Planning

2-11-91
 DATE


 ROBERT (BOB) BROWN, PRIMARY SPONSOR

2/12/91
 DATE

Fiscal Note for SB0282, as introduced

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