

HOUSE BILL 428

Introduced by Hannah, et al.

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| 1/25 | Introduced |
| 1/26 | Referred to State Administration |
| 1/31 | Fiscal Note Requested |
| 2/02 | Hearing |
| 2/06 | Fiscal Note Received |
| 2/07 | Committee Report--Bill Not Passed |
| 2/08 | Adverse Committee Report Adopted |
| 2/08 | Fiscal Note Printed |

1 *House* BILL NO. *428*
2 INTRODUCED BY *House* *Senator Mullin*
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE
5 LAWS RELATING TO CAMPAIGN PRACTICES; ABOLISHING THE OFFICE
6 OF COMMISSIONER OF POLITICAL PRACTICES AND TRANSFERRING ITS
7 FUNCTIONS TO THE SECRETARY OF STATE OR, IN CERTAIN CASES, TO
8 THE ATTORNEY GENERAL; REQUIRING FULL DISCLOSURE OF CAMPAIGN
9 RECEIPTS AND EXPENDITURES; ELIMINATING CERTAIN CAMPAIGN
10 CONTRIBUTION LIMITATIONS; CHANGING DATES THAT REPORTS ARE
11 REQUIRED; AMENDING SECTIONS 5-7-102, 5-7-103, 5-7-111,
12 5-7-201, 5-7-202, 5-7-207, 5-7-208, 5-7-212, 5-7-213,
13 5-7-305, 7-4-2611, 13-35-225, 13-35-302, 13-37-111,
14 13-37-113 THROUGH 13-37-121, 13-37-123, 13-37-124, 13-37-126
15 THROUGH 13-37-129, 13-37-201, 13-37-206, 13-37-208, AND
16 13-37-225 THROUGH 13-37-231, MCA; AND REPEALING SECTIONS
17 2-15-411, 13-37-101 THROUGH 13-37-106, 13-37-112, AND
18 13-37-215 THROUGH 13-37-218, MCA."

19
20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

21 NEW SECTION. Section 1. Office of commissioner of
22 political practices abolished -- functions transferred to
23 secretary of state -- short form amendment. The office of
24 commissioner of political practices is abolished and its
25 functions transferred to the office of the secretary of

1 state. Unless inconsistent with [this act], any reference in
2 the MCA, including laws passed by the 51st legislature, to
3 the "commissioner of political practices" or "commissioner"
4 (of political practices) is changed to the "secretary of
5 state".

6 **Section 2.** Section 5-7-102, MCA, is amended to read:

7 **"5-7-102. Definitions.** The following definitions apply
8 in this chapter:

9 (1) "Individual" means a human being.

10 (2) "Person" means an individual, corporation,
11 association, firm, partnership, state or local government or
12 subdivision thereof, or other organization or group of
13 persons.

14 (3) "Public official" means any individual, elected or
15 appointed, acting in his official capacity for the state
16 government, but does not include those acting in a judicial
17 or quasi-judicial capacity or performing ministerial acts.

18 (4) "Lobbying" includes:

19 (a) the practice of promoting or opposing the
20 introduction or enactment of legislation before the
21 legislature or the members thereof by any person other than
22 a member of the legislature or a public official acting in
23 his official capacity; and

24 (b) the practice of promoting or opposing official
25 action by any public official in the event the person

1 engaged in such practice expends \$1,000 per calendar year or
2 more exclusive of personal travel and living expenses.

3 (5) (a) "Lobbyist" means any person who engages in the
4 practice of lobbying for hire.

5 (b) "Lobbyist" does not include:

6 (i) any individual citizen acting solely on his own
7 behalf; or

8 (ii) any individual working for the same principal as a
9 licensed lobbyist, such individual having no personal
10 contact involving lobbying with any public official on
11 behalf of his principal.

12 (c) Nothing in this section deprives any citizen not
13 lobbying for hire of the constitutional right to communicate
14 with public officials.

15 (6) "Lobbying for hire" includes activities of any
16 officers, agents, attorneys, or employees of any principal
17 who are paid, reimbursed, or retained by such principal and
18 whose duties include lobbying. When an individual is
19 reimbursed only for his personal living and travel expenses,
20 which together do not exceed \$1,000 per calendar year, that
21 individual shall not be considered to be lobbying for hire.

22 (7) "Unprofessional conduct" means:

23 (a) a violation of any of the provisions of this
24 chapter;

25 (b) instigating action by any public official for the

1 purpose of obtaining employment in opposition thereto;

2 (c) attempting to influence the action of any public
3 official on any measure pending or to be proposed by:

4 (i) promise of financial support; or

5 (ii) making public any unsubstantiated charges of
6 improper conduct on the part of any other lobbyist, any
7 principal, or any legislator;

8 (d) attempting to knowingly deceive any public
9 official with regard to the pertinent facts of an official
10 matter or attempt to knowingly misrepresent pertinent facts
11 of an official matter to any public official.

12 (8) "Principal" means any person who makes payments in
13 excess of \$1,000 per calendar year to engage a lobbyist.

14 (9) "Docket" means the register and reports of
15 lobbyists and principals maintained by the commissioner
16 secretary of state pursuant to 5-7-201.

17 (10) "Payment" means distribution, transfer, loan,
18 advance, deposit, gift, or other rendering made or to be
19 made of money, property, or anything of value.

20 (11) "Payment to influence official action" means any
21 of the following types of payment:

22 (a) direct or indirect payment to a lobbyist by a
23 principal, as salary, fee, compensation, or reimbursement
24 for expenses, excluding personal living expenses;

25 (b) payment in support of or assistance to a lobbyist

1 or lobbying activities, including, but not limited to, the
2 direct payment of expenses incurred at the request or
3 suggestion of the lobbyist.

4 (12) "Business" means:

5 (a) any holding or interest whose fair market value is
6 greater than \$1,000, in any corporation, partnership, sole
7 proprietorship, firm, enterprise, franchise, association,
8 self-employed individual, holding company, joint stock
9 company, receivership, trust, or other entity or property
10 held in anticipation of profit, but does not include
11 nonprofit organizations; and

12 (b) present or past employment from which benefits,
13 including retirement allowances, are received.

14 ~~{13}-"Commissioner"-means-the-commissioner-of-political~~
15 ~~practices-~~

16 ~~{14}~~(13) "Elected official" means a public official
17 holding a state office filled by a statewide vote of all the
18 electors of Montana or a state district office, including,
19 but not limited to legislators, public service
20 commissioners, and district court judges. The term
21 "official-elect" shall also apply only to such offices."

22 **Section 3.** Section 5-7-103, MCA, is amended to read:

23 "5-7-103. Licenses -- fees -- eligibility. (1) Any
24 adult of good moral character who is a citizen of the United
25 States and who is otherwise qualified under this chapter may

1 be licensed as a lobbyist. The ~~commissioner~~ secretary of
2 state shall provide a license application form. The
3 application form may be obtained in the office of the
4 ~~commissioner~~ secretary of state and filed therein. Upon
5 approval of the application and receipt of the license fee
6 of \$10 by the ~~commissioner~~ secretary of state, a license
7 shall be issued which entitles the licensee to practice
8 lobbying on behalf of one or more enumerated principals.
9 Each license shall expire on December 31 of each
10 even-numbered year or may be terminated at the request of
11 the lobbyist.

12 (2) No application may be disapproved without
13 affording the applicant a hearing. The hearing shall be held
14 and the decision entered within 10 days of the date of the
15 filing of the application.

16 (3) The fines and license fees collected under this
17 chapter shall be deposited in the state treasury."

18 **Section 4.** Section 5-7-111, MCA, is amended to read:

19 "5-7-111. ~~Commissioner~~ Secretary of state to make
20 rules. (1) The ~~commissioner~~ secretary of state shall
21 promulgate and publish rules necessary to carry out the
22 provisions of this chapter in conformance with the Montana
23 Administrative Procedure Act and, in particular, shall
24 provide rules necessary to allocate salary, expenses, and
25 any other payments between lobbying activities and other

activities not connected with lobbying for any person whose activities are not solely limited to lobbying.

(2) Such rules shall be designed to effect and promote the purposes of this chapter, express or implied. Such rules shall be as simple and easily complied with as possible."

Section 5. Section 5-7-201, MCA, is amended to read:

"5-7-201. Docket -- contents. The commissioner secretary of state shall make available to the public the information required by this chapter, including but not limited to the name and business address of each lobbyist, the name and business address of his principal, and the subject or subjects to which the employment relates or a statement that the employment relates to all matters in which the principal has an interest. The docket entry for each principal shall also indicate the principal's required reports of payments to influence official action by a public official."

Section 6. Section 5-7-202, MCA, is amended to read:

"5-7-202. Docket -- public record. Such docket shall be a public record and open to the inspection of any individual upon demand at any time during the regular business hours of the office of the commissioner secretary of state."

Section 7. Section 5-7-207, MCA, is amended to read:

"5-7-207. Report to legislature. Beginning with the

first Tuesday following the beginning of any regular or special session of the legislature and on the first Tuesday of every month thereafter during which the legislature is in session, the commissioner secretary of state shall from his records report to each member of each house of the legislature the names of lobbyists registered under this chapter, not previously reported, the names of the principals whom they represent as lobbyists, and the subjects of legislation in which each principal is interested."

Section 8. Section 5-7-208, MCA, is amended to read:

"5-7-208. Principals to file accountings. (1) A principal subject to this chapter shall file with the commissioner secretary of state an accounting of payments made for the purpose of lobbying.

(2) If such payments are made solely to influence legislative action, such accounting shall be made:

(a) before February 16th of any year the legislature is in session and shall include all payments made in that calendar year prior to February 1;

(b) before the 16th day of the calendar month following any calendar month in which the principal spent \$5,000 or more and shall include all payments made during the prior calendar month; and

(c) within 60 days following adjournment of such

1 session and shall include all payments made during such
2 session, except as has previously been reported.

3 (3) If such payments are made to influence any other
4 official action by a public official or made to influence
5 such other action and legislative action, such accounting
6 shall be made:

7 (a) before February 16th of the calendar year
8 following such payments and shall include all payments made
9 during the prior calendar year; and

10 (b) before the 16th day of the calendar month
11 following any calendar month in which the principal spent
12 \$5,000 or more and shall include all payments made during
13 the prior calendar month.

14 (4) If no such payments are made during the reporting
15 periods provided in subsections (2)(a), (2)(c), and (3)(a)
16 above, the principal shall file a report stating such.

17 (5) Each accounting filed under this section shall:

18 (a) list all payments for lobbying in each of the
19 following categories:

- 20 (i) printing;
- 21 (ii) advertising, including production costs;
- 22 (iii) postage;
- 23 (iv) travel expenses;
- 24 (v) salaries and fees, including allowances, rewards,
25 and contingency fees;

1 (vi) entertainment, including all foods and
2 refreshments;

3 (vii) telephone and telegraph; and

4 (viii) other office expenses;

5 (b) itemize, identifying the payee and the
6 beneficiary:

7 (i) each separate payment conferring \$25 or more
8 benefit to any public official when the payment was made for
9 the purpose of lobbying; and

10 (ii) each separate payment conferring \$100 or more
11 benefit to more than one public official, regardless of
12 individual benefit when the payment was made for the purpose
13 of lobbying, except that in regard to a dinner or other
14 function to which all senators or all representatives have
15 been invited, the beneficiary may be listed as all members
16 of that group without listing separately each person who
17 attended;

18 (c) list each contribution and membership fee which
19 amounts to \$250 or more when aggregated over the period of 1
20 calendar year paid to the principal for the purpose of
21 lobbying, with the full address of each payer and the issue
22 area, if any, for which such payment was earmarked;

23 (d) list each official action which the principal or
24 his agents exerted a major effort to support, oppose, or
25 modify, together with a statement of the principal's

position for or against such action; and

(e) be kept by the commissioner secretary of state for a period of 10 years."

Section 9. Section 5-7-212, MCA, is amended to read:

"5-7-212. Audit of final accounting statements. (1)

The commissioner secretary of state shall examine and may audit the accountings filed under 5-7-208 and shall investigate any irregularities and report any apparent violations of this chapter to the attorneys having authority to prosecute. The lobbyist is required to provide and the principal is required to obtain and keep for a period of 7 years from the date of filing all records supporting the accountings filed under 5-7-208.

(2) All such records shall be open to inspection on request of the commissioner secretary of state or an attorney having authority to prosecute violations of this chapter. The commissioner secretary of state and such attorneys are given the power to:

(a) subpoena and compel attendance;

(b) issue enforceable civil investigative demands;

(c) take evidence; and

(d) require the production of any books, correspondence, memoranda, bank account statements, or other records which are relevant or material for the purpose of conducting any investigation pursuant to the provisions of

this chapter."

Section 10. Section 5-7-213, MCA, is amended to read:

"5-7-213. Disclosure by elected officials. (1) Prior Except as provided in subsection (2), prior to December 15 of each even-numbered year, each elected official or official-elect shall file with the commissioner secretary of state a business disclosure statement on a form provided by the commissioner secretary of state. The statement shall provide the following information: the name, address, and type of business of such individual and each member of such individual's immediate family. For this purpose "immediate family" includes the individual's spouse and minor children only.

(2) No such individual may assume or continue to exercise the powers and duties of the office to which that individual has been elected or appointed until such statement has been filed.

(3) The secretary of state shall file the statement required by subsection (1) with the attorney general.

~~(3)~~(4) The commissioner secretary of state and attorney general shall make such business disclosure statements available to any individual upon request."

Section 11. Section 5-7-305, MCA, is amended to read:

"5-7-305. Penalties and enforcement. (1) Any person violating the provisions of this chapter shall be deemed

1 guilty of a misdemeanor and upon conviction thereof shall be
2 punished by imprisonment in the county jail not more than 6
3 months or by a fine not exceeding \$200, or both.

4 (2) Any person who violates any of the provisions of
5 this chapter shall be subject to civil penalties of not less
6 than \$250 and not more than \$7,500 according to the
7 discretion of the district court, as court of original
8 jurisdiction. A lobbyist who violates any of the provisions
9 of this chapter shall have his license suspended or revoked
10 according to the discretion of the court. Any public
11 official holding elective office adjudged in violation of
12 the provisions of this act is additionally subject to recall
13 under Montana Recall Act, 2-16-601, et seq., and such
14 violation shall constitute an additional basis for recall to
15 those mentioned in 2-16-603(3).

16 (3) The attorney general, commissioner secretary of
17 state, or the county attorney of the county in which the
18 violation takes place may bring criminal or civil actions in
19 the name of the state for any appropriate criminal or civil
20 remedy.

21 (4) If a prosecution is undertaken by the commissioner
22 secretary of state or any county attorney, all costs
23 associated with the prosecution shall be paid by the state
24 of Montana.

25 (5) (a) Any individual who has notified the

1 commissioner secretary of state, the attorney general, and
2 the appropriate county attorney in writing that there is
3 reason to believe that some portion of this chapter is being
4 violated may himself bring in the name of the state an
5 action (hereinafter referred to as a citizen's action)
6 authorized under this chapter if:

7 (i) the attorney general and the appropriate county
8 attorney have failed to commence an action hereunder within
9 40 days after such notice; and

10 (ii) said attorneys then fail to commence an action
11 within 10 days after a written notice delivered to them
12 advising them that a citizen's action will be brought if
13 they do not bring an action.

14 (b) Each notification shall toll the statute of
15 limitations applicable until the expiration of the waiting
16 period.

17 (c) If the individual who brings the citizen's action
18 prevails, he shall be entitled to be reimbursed by the state
19 of Montana for costs and attorney's fees incurred; provided
20 that in the case of a citizen's action which is dismissed
21 and which the court also finds was brought without
22 reasonable cause, the court may order the individual
23 commencing the action to pay all costs of trial and
24 reasonable attorney's fees incurred by the defendant.

25 (6) No civil action may be brought under this section

more than 7 years after the occurrence of the facts which give rise to the action.

(7) All civil penalties imposed pursuant to this section shall be deposited in the state general fund.

(8) A hearing under this chapter shall be held by the court unless the defendant-licensee demands a jury trial. The trial shall be held as soon as possible but at least 20 days after the filing of the charges and shall take precedence over all other matters pending before the court.

(9) If the court finds for the plaintiff, judgment shall be rendered revoking or suspending the license and the clerk of court shall file a certified copy of the judgment with the commissioner secretary of state."

Section 12. Section 7-4-2611, MCA, is amended to read:

"7-4-2611. Role and duties of county clerk. (1) The county clerk of any county is also clerk of the county commissioners and ex officio recorder. Any duty imposed by law upon such officer, either as county clerk, clerk of the county commissioners, or recorder, shall be performed by the county clerk, and any official act performed or certified by the county clerk shall be as valid and effectual as if performed and certified to by him as clerk of the county commissioners or as recorder.

(2) The county clerk must:

(a) take charge of and safely keep or dispose of

according to law all books, papers, maps, and records which may be filed or deposited in his office;

(b) record all the proceedings of the board;

(c) make full entries of all its resolutions and decisions on all questions concerning the raising of money for and the allowance of accounts against the county;

(d) record the vote of each member on any question upon which there is a division or at the request of any member present;

(e) sign all orders made and warrants issued by order of the board for the payment of money and certify the same to the county treasurer;

(f) record the reports of the county treasurer of the receipts and disbursements of the county;

(g) preserve and file all accounts acted upon by the board;

(h) preserve and file all petitions and applications for franchises and record the action of the board thereon;

(i) record all orders levying taxes;

(j) designate upon every account allowed by the board the amount allowed and deliver to any person who may demand it a certified copy of any record in his office or any account on file therein;

(k) as often as a new township is organized or the boundaries of any township are altered, immediately make out

and transmit to the secretary of state a certified statement of the names and boundaries and the boundaries of any township altered;

(1) keep such other records and books and perform such other duties as are prescribed by law or by rule or order of the board.

(3) A county clerk and recorder shall file, code, and cross-index all campaign reports and statements filed as prescribed by the ~~commissioner--of--political--practices~~ secretary of state.

(4) A county clerk and recorder shall make statements and other information filed under the provisions of Title 13, chapters 35, 36, and 37, in his office available for public inspection and copying during regular office hours and make copying facilities available free of charge or at a charge not to exceed actual cost."

Section 13. Section 13-35-225, MCA, is amended to read:

"13-35-225. Election materials not to be anonymous.

(1) Whenever any person makes an expenditure for the purpose of financing communications advocating the success or defeat of a candidate, political party, or ballot issue through any broadcasting station, newspaper, magazine, outdoor advertising facility, direct mailing, poster, handbill, bumper sticker, or other form of general political

advertising, such communication shall clearly and conspicuously state the name and address of the printer, if printed commercially, and the name and address of the person who made or financed the expenditure for the communication; including, in the case of a political committee, the name and address of the treasurer.

(2) If any document or other article of advertising is too small for the requirements of subsection (1) to be conveniently included, the person financing the communication shall file a copy of the article with the ~~commissioner~~ secretary of state, together with the required information, prior to its public distribution.

(3) If information required in subsection (1) is inadvertently omitted or not printed, upon discovering the omission, the person financing the communication shall file notification of the omission with the ~~commissioner~~ secretary of state within 5 days and make every reasonable effort to bring the material into compliance with subsection (1)."

Section 14. Section 13-35-302, MCA, is amended to read:

"13-35-302. Candidates to be given opportunity to subscribe to campaign practices code -- publicity. (1) The ~~commissioner-of-campaign-practices~~ secretary of state shall prepare a form which contains the code of fair campaign practices provided for in 13-35-301 and a place for a

1 candidate to sign the form and to indicate that the
2 candidate endorses, subscribes to, and pledges to abide by
3 the code.

4 (2) Each candidate required to file statements or
5 reports with the commissioner secretary of state shall be
6 sent a copy of this form. Signing the form is voluntary, and
7 a failure or refusal to sign is not a violation of the
8 election laws. A form shall be sent for each election as
9 soon as feasible. The signed form shall be returned to the
10 commissioner secretary of state.

11 (3) The commissioner secretary of state shall supply
12 ~~the--secretary-of-state~~, the county registrars, and the city
13 and town clerks with forms. Any candidate not required to
14 file with the commissioner secretary of state but wishing to
15 subscribe to the code may obtain the form from the
16 commissioner, the secretary of state, a county registrar, or
17 a city or town clerk and may sign the form and deliver it to
18 the commissioner secretary of state."

19 **Section 15.** Section 13-37-111, MCA, is amended to
20 read:

21 "13-37-111. Investigative powers and duties. (1) The
22 ~~commissioner-of-political-practices-shall-be-responsible-for~~
23 ~~investigating~~ Except as provided in subsection (5), the
24 secretary of state shall investigate all of the alleged
25 violations of the election laws contained in chapters 35,

1 36, or 37 of this title and shall in conjunction with the
2 county attorneys be responsible for enforcing these election
3 laws.

4 (2) The commissioner secretary of state may
5 investigate all statements filed pursuant to the provisions
6 of chapters 35, 36, or 37 of this title and shall also
7 investigate alleged failures to file any statement or the
8 alleged falsification of any statement filed pursuant to the
9 provisions of chapters 35, 36, or 37 of this title. Upon the
10 submission of a written complaint by any individual, the
11 commissioner secretary of state shall also investigate any
12 other alleged violation of the provisions of chapters 35,
13 36, or 37 of this title or any rule adopted pursuant
14 thereto.

15 (3) The commissioner secretary of state may inspect
16 any records, accounts, or books that must be kept pursuant
17 to the provisions of chapters 35, 36, or 37 of this title
18 which are held by any political committee or candidate, so
19 long as such inspection is made during reasonable office
20 hours.

21 (4) The commissioner secretary of state may administer
22 oaths and affirmations, subpoena witnesses, compel their
23 attendance, take evidence, and require the production of any
24 books, papers, correspondence, memoranda, bank account
25 statements of a political committee or candidate, or other

1 records which are relevant or material for the purpose of
2 conducting any investigation pursuant to the provisions of
3 chapters 35, 36, or 37 of this title.

4 (5) The attorney general shall exercise the
5 investigative powers and duties described in subsections (1)
6 through (4) if the secretary of state or a candidate for the
7 office of secretary of state is the subject of the
8 investigation."

9 **Section 16.** Section 13-37-113, MCA, is amended to
10 read:

11 "13-37-113. Hiring of attorneys -- prosecutions. (1)
12 The commissioner secretary of state may hire or retain
13 attorneys who are properly licensed to practice before the
14 supreme court of the state of Montana to prosecute
15 violations of chapters 35, 36, or 37 of this title. Any
16 properly licensed attorney so retained or hired shall
17 exercise the powers of a special attorney general, and he
18 may prosecute, subject to the control and supervision of the
19 commissioner secretary of state and the provisions of
20 13-37-124 and 13-37-125, any criminal or civil action
21 arising out of a violation of any provision of chapters 35,
22 36, or 37 of this title. All prosecutions shall be brought
23 in the state district court for the county in which a
24 violation has occurred or in the district court for Lewis
25 and Clark County. The authority to prosecute as prescribed

1 by this section includes the authority to:

2 ~~(1)~~(a) institute proceedings for the arrest of persons
3 charged with or reasonably suspected of criminal violations
4 of chapters 35, 36, or 37 of this title;

5 ~~(2)~~(b) attend and give advice to a grand jury when
6 cases involving criminal violations of chapters 35, 36, or
7 37 of this title are presented;

8 ~~(3)~~(c) draw and file indictments, informations, and
9 criminal complaints;

10 ~~(4)~~(d) prosecute all actions for the recovery of
11 debts, fines, penalties, or forfeitures accruing to the
12 state or county from persons convicted of violating chapters
13 35, 36, or 37 of this title; and

14 ~~(5)~~(e) do any other act necessary to successfully
15 prosecute a violation of any provision of chapters 35, 36,
16 or 37 of this title.

17 (2) The attorney general shall exercise the
18 prosecutorial powers and duties described in subsections
19 (1)(a) through (1)(e) if the secretary of state or a
20 candidate for the office of secretary of state is the
21 subject of the investigation."

22 **Section 17.** Section 13-37-114, MCA, is amended to
23 read:

24 "13-37-114. Rules. The commissioner secretary of state
25 shall promulgate and publish rules to carry out the

provisions of chapters 35, 36, or 37 of this title and shall promulgate such rules in conformance with the Montana Administrative Procedure Act."

Section 18. Section 13-37-115, MCA, is amended to read:

"13-37-115. Orders of noncompliance. The commissioner secretary of state may issue orders of noncompliance as prescribed by 13-37-121. The attorney general may issue orders of noncompliance as prescribed in 13-37-121 if the subject of the order is the secretary of state or a candidate for the office of secretary of state."

Section 19. Section 13-37-116, MCA, is amended to read:

"13-37-116. Exercise of powers. The commissioner secretary of state may exercise all of the powers conferred upon him by law in any jurisdiction or political subdivision of the state."

Section 20. Section 13-37-117, MCA, is amended to read:

"13-37-117. Commissioner Secretary of state to provide forms and manuals. (1) The commissioner secretary of state shall prescribe forms for statements and other information required to be filed pursuant to chapters 35, 36, or 37 of this title and furnish forms and appropriate information to persons required to file statements and information.

(2) The commissioner secretary of state shall prepare and publish a manual prescribing a uniform system for accounts for use by persons required to file statements pursuant to chapters 35, 36, or 37 of this title.

(3) The commissioner secretary of state shall prescribe the manner in which the county clerk and recorders shall receive, file, collate, and maintain reports filed with them under chapters 35, 36, or 37 of this title."

Section 21. Section 13-37-118, MCA, is amended to read:

"13-37-118. Information voluntarily supplied. The commissioner secretary of state and attorney general shall accept and file any information voluntarily supplied that exceeds the requirements of chapters 35, 36, or 37 of this title."

Section 22. Section 13-37-119, MCA, is amended to read:

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

(2) The commissioner secretary of state shall preserve statements and other information filed with his office for a

1 period of 10 years from date of receipt.

2 (3) The commissioner secretary of state shall prepare
3 and publish summaries of the statements received and such
4 other reports as he considers appropriate.

5 (4) The commissioner secretary of state shall provide
6 for wide public dissemination of summaries and reports.

7 (5) The attorney general shall follow the provisions
8 of subsections (1) through (4) regarding information filed
9 by the secretary of state or a candidate for the office of
10 secretary of state."

11 **Section 23.** Section 13-37-120, MCA, is amended to
12 read:

13 "13-37-120. Reports. (1) The commissioner secretary of
14 state shall at the close of each fiscal year report to the
15 legislature ~~and--the--governor~~ concerning the action he has
16 taken, ~~including the names, salaries, and duties of all~~
17 ~~individuals in his employ~~ and the money he has disbursed.
18 The commissioner secretary of state shall also make further
19 reports on the matters within his jurisdiction that the
20 legislature may prescribe and shall also make
21 recommendations for further legislation that may appear
22 desirable.

23 (2) The attorney general shall at the close of each
24 fiscal year report to the legislature concerning action he
25 has taken under the provisions of this title, if any."

1 **Section 24.** Section 13-37-121, MCA, is amended to
2 read:

3 "13-37-121. Inspection of statements and reports --
4 issuance of orders of noncompliance. (1) Each statement and
5 report filed with the commissioner secretary of state or
6 attorney general during an election or within 60 days
7 thereafter shall be inspected within 10 days after it is
8 filed. If a person has not satisfied the provisions of this
9 chapter, the commissioner secretary of state or attorney
10 general shall immediately notify the person of the
11 noncompliance. Such an order of noncompliance shall be
12 issued when:

13 (a) upon examination of the official ballot, it
14 appears that the person has failed to file a statement or
15 report as required by this chapter or that a statement or
16 report filed by a person does not conform to law; or

17 (b) it is determined that a statement or report filed
18 with the commissioner secretary of state or attorney general
19 does not conform to the requirements of this chapter or that
20 a person has failed to file a statement or report required
21 by law.

22 (2) If an order of noncompliance is issued during a
23 campaign period or within 60 days after an election, a
24 candidate or political committee shall submit the necessary
25 information within 5 days after receiving the notice of

1 noncompliance. Upon a failure to submit the required
 2 information within the time specified, the appropriate
 3 county attorney, the attorney general, or the commissioner
 4 secretary of state may initiate a civil or criminal action
 5 pursuant to the procedures outlined in 13-37-124 and
 6 13-37-125.

7 (3) If an order of noncompliance is issued during any
 8 period other than that described in subsection (2), a
 9 candidate or political committee shall submit the necessary
 10 information within 10 days after receiving the notice of
 11 noncompliance. Upon a failure to submit the required
 12 information within the time specified, the appropriate
 13 county attorney, the attorney general, or the commissioner
 14 secretary of state shall initiate a civil or criminal action
 15 pursuant to the procedures outlined in 13-37-124 and
 16 13-37-125."

17 **Section 25.** Section 13-37-123, MCA, is amended to
 18 read:

19 "13-37-123. Examination of reports after election.
 20 Within 120 days after the date of each election, the
 21 commissioner secretary of state and attorney general shall
 22 each examine and compare each statement or report filed with
 23 the--commissioner his office pursuant to the provisions of
 24 this chapter to determine whether the statement or report
 25 conforms to the provisions of the law. The examination

1 shall include a comparison of all reports and statements
 2 received ~~by the commissioner~~ pursuant to the requirements of
 3 this chapter. The commissioner secretary of state and
 4 attorney general may investigate the source and authenticity
 5 of any contribution or expenditure listed in any report or
 6 statement filed pursuant to this chapter or the alleged
 7 failure to report any contribution or expenditure required
 8 to be reported pursuant to this chapter."

9 **Section 26.** Section 13-37-124, MCA, is amended to
 10 read:

11 "13-37-124. Consultation and cooperation with county
 12 attorney. (1) Whenever the commissioner secretary of state
 13 or attorney general determines that there appears to be
 14 sufficient evidence to justify a civil or criminal
 15 prosecution under chapters 35, 36, or 37 of this title, he
 16 shall notify the county attorney of the county in which the
 17 alleged violation occurred and shall arrange to transmit to
 18 the county attorney all information relevant to the alleged
 19 violation. If the county attorney fails to initiate the
 20 appropriate civil or criminal action within 30 days after he
 21 receives notification of the alleged violation, the
 22 commissioner secretary of state or attorney general may then
 23 initiate the appropriate legal action.

24 (2) A county attorney may, at any time prior to the
 25 expiration of the 30-day time period specified in subsection

(1), waive his right to prosecute and thereby authorize the commissioner secretary of state or attorney general to initiate the appropriate civil or criminal action.

(3) The provisions of subsection (1) do not apply to a situation in which the alleged violation has been committed by the county attorney of a county. In this instance, the commissioner secretary of state is authorized to directly prosecute any alleged violation of chapters 35, 36, or 37 of this title.

(4) If a prosecution is undertaken by the commissioner secretary of state, all court costs associated with the prosecution shall be paid by the state of Montana, and all fines and forfeitures imposed pursuant to a prosecution by the commissioner secretary of state, except those paid to or imposed by a justice's court, shall be deposited in the state general fund."

Section 27. Section 13-37-126, MCA, is amended to read:

"13-37-126. Names not to be printed on ballot. (1) The name of a candidate may not be printed on the official ballot for an election if the candidate or a political treasurer for a candidate fails to file any statement or report as required by this chapter.

(2) A vacancy on an official ballot under this section may be filled in the manner provided by law, but not by the

name of the same candidate.

(3) In carrying out the mandate of this section, the commissioner secretary of state or attorney general must, by a written statement, notify ~~the secretary of state or~~ the election administrator that a candidate or a candidate's treasurer has not complied with the provisions of this chapter, as described in subsection (1), and that a candidate's name should not be printed on the official ballot."

Section 28. Section 13-37-127, MCA, is amended to read:

"13-37-127. Withholding of certificates of nomination or election. (1) A certificate of election shall not be granted to any candidate until he or his political treasurer has filed the reports and statements that must be filed pursuant to the provisions of this chapter. No candidate for an elective office may assume the powers and duties of that office until he has received a certificate of election as provided by law. A certificate of election shall only be issued by the public official responsible for issuing a certificate or commission of election.

(2) In carrying out the mandate of this section, the commissioner secretary of state or attorney general must, by written statement, notify the public official responsible for issuing a certificate of nomination or election that a

1 candidate or his treasurer has complied with the provisions
2 of this chapter as described in subsection (1) and that a
3 certificate of nomination or election may be issued."

4 **Section 29.** Section 13-37-128, MCA, is amended to
5 read:

6 "13-37-128. Cause of action created. (1) Except as
7 provided in 13-37-306, any person who intentionally or
8 negligently violates any of the reporting provisions of this
9 chapter, shall be liable in a civil action brought by the
10 commissioner secretary of state, the attorney general, or a
11 county attorney pursuant to the provisions outlined in
12 13-37-124 and 13-37-125 for an amount up to \$500 or three
13 times the amount of the unlawful contributions or
14 expenditures, whichever is greater.

15 (2) Any person who makes or receives a contribution or
16 expenditure in violation of 13-35-225, 13-35-227, 13-35-228,
17 or this chapter, is liable in a civil action brought by the
18 commissioner secretary of state, the attorney general, or a
19 county attorney pursuant to the provisions outlined in
20 13-37-124 and 13-37-125 for an amount up to \$500 or three
21 times the amount of the unlawful contribution or
22 expenditure, whichever is greater."

23 **Section 30.** Section 13-37-129, MCA, is amended to
24 read:

25 "13-37-129. Liability and disposition of fines. In

1 determining the amount of liability under 13-37-128, the
2 court may take into account the seriousness of a violation
3 and the degree of culpability of the defendant. If a
4 judgment is entered against the defendant or defendants in
5 an action brought by a county attorney in a court other than
6 a justice's court, the county shall receive 50% of the
7 amount recovered. The remaining 50% shall be deposited in
8 the general fund of the state. In an action brought by the
9 commissioner secretary of state or attorney general in a
10 court other than a justice's court, the entire amount
11 recovered shall be paid to the general fund of the state."

12 **Section 31.** Section 13-37-201, MCA, is amended to
13 read:

14 "13-37-201. Campaign treasurer. Except as provided in
15 13-37-206, each candidate and each political committee shall
16 appoint one campaign treasurer and certify the full name and
17 complete address of the campaign treasurer pursuant to this
18 section. A candidate shall file the certification within 5
19 days after becoming a candidate. A political committee shall
20 file the certification, which shall include an
21 organizational statement and set forth the name and address
22 of all other officers, if any, within 5 days after it makes
23 an expenditure or authorizes another person to make an
24 expenditure on its behalf, whichever occurs first. The
25 certification of a candidate or political committee shall be

1 filed with the ~~commissioner~~ secretary of state and the
2 appropriate county clerk and recorder as specified for the
3 filing of reports in 13-37-225."

4 **Section 32.** Section 13-37-206, MCA, is amended to
5 read:

6 "13-37-206. Exception for certain school districts.
7 The provisions of this part, ~~except 13-37-217~~, do not apply
8 to candidates for the office of trustee of a school
9 district, their political committees, and political
10 committees organized to support or oppose a school district
11 issue when the school district is:

12 (1) a first-class district located in a county having
13 a population of less than 15,000;

14 (2) a second- or third-class district; or

15 (3) a county high school district having a student
16 enrollment of less than 2,000."

17 **Section 33.** Section 13-37-208, MCA, is amended to
18 read:

19 "13-37-208. Treasurer to keep records. (1) The
20 campaign treasurer of each candidate and each political
21 committee shall keep detailed accounts (current within not
22 more than 10 days after the date of receiving a contribution
23 or making an expenditure, except that accounts shall be
24 current as of the ~~5th day before the~~ date of filing of a
25 report as specified in 13-37-226) of all contributions

1 received and all expenditures made by or on behalf of the
2 candidate or political committee that are required to be set
3 forth in a report filed under this chapter.

4 (2) Accounts of a deputy campaign treasurer shall be
5 transferred to the treasurer of a candidate or political
6 committee before the candidate or political committee
7 finally closes its books or when the position of a deputy
8 campaign treasurer becomes vacant and no successor is
9 appointed.

10 (3) Accounts kept by a campaign treasurer of a
11 candidate or political committee shall be preserved by the
12 campaign treasurer for a period coinciding with the term of
13 office for which the person was a candidate or for a period
14 of 4 years, whichever is longer."

15 **Section 34.** Section 13-37-225, MCA, is amended to
16 read:

17 "13-37-225. Reports of contributions and expenditures
18 required. (1) Except as provided in 13-37-206, each
19 candidate and political committee shall file periodic
20 reports of contributions and expenditures made by or on the
21 behalf of a candidate or political committee. ~~All~~ Except as
22 required in subsection (3), all reports required by this
23 chapter shall be filed with the ~~commissioner~~ secretary of
24 state and with the county clerk and recorder of the county
25 in which a candidate is a resident or the political

committee has its headquarters. However, where residency within a district, county, city, or town is not a prerequisite for being a candidate, copies of all reports shall be filed with the county clerk and recorder of the county in which the election is to be held or, if the election is to be held in more than one county, with the clerk and recorder in the county that the commissioner secretary of state specifies.

(2) In lieu of all contribution and expenditure reports required by this chapter, the commissioner secretary of state shall accept copies of the reports filed by candidates for congress and president of the United States and their political committees pursuant to the requirements of federal law.

(3) Candidates for the office of secretary of state and political committees making contributions and expenditures on behalf of a candidate for the office of secretary of state shall file with the attorney general all reports required by this chapter."

Section 35. Section 13-37-226, MCA, is amended to read:

"13-37-226. Time for filing reports. (1) Candidates for a state office filled by a statewide vote of all the electors of Montana and political committees which are specifically organized to support or oppose a particular

statewide candidate or issue shall file reports:

(a) on the 10th day of March and September in each year that an election is to be held and on the 15th and 5th days next preceding the date on which an election is held and within 24 hours after receiving a contribution of \$500 or more if received between the 10th day before and the day of the election;

(b) not more than 20 days after the date of the election; and

(c) on the 10th day of March and September of each year following an election until the candidate or political committee files a closing report as specified in 13-37-226(3).

(2) Candidates for a state district office, including but not limited to candidates for the legislature, public service commission, or district court judge, and political committees which are specifically organized to support or oppose a particular state district candidate or issue shall file reports:

(a) on the 10th day next preceding the date on which an election is held and within 24 hours after receiving a contribution of \$100 or more if received between the 15th day before and the day of the election;

(b) not more than 20 days after the date of the election; and

~~{c}--whenever--a--candidate--or--political--committee--files
his--or--its--closing--report--as--specified--in--13-37-228{3};~~

~~{3}--Candidates--for--any--other--public--office--and
political--committees--which--are--specifically--organized--to
support--or--oppose--a--particular--local--issue--shall--be--required
to--file--the--reports--specified--in--subsection--{2}--only--if--the
total--amount--of--contributions--received--or--the--total--amount
of--funds--expended--for--all--elections--in--a--campaign,--excluding
the--filing--fee--paid--by--the--candidate,--exceeds--\$500;--except
as--provided--in--13-37-206;~~

~~{4}--For--the--purposes--of--this--subsection,--a--committee
which--is--not--specifically--organized--to--support--or--oppose--a
particular--candidate--or--ballot--issue--and--which--receives
contributions--and--makes--expenditures--in--conjunction--with--an
election--is--an--independent--committee. For--the--purpose--of
reporting,--a--political--party--committee--is--an--independent
committee. An--independent--committee--shall--file--reports:~~

~~{a}--on--the--10th--day--next--preceding--the--date--of--an
election--in--which--it--participates--by--making--an--expenditure;~~

~~{b}--not--more--than--20--days--after--the--date--of--the
election--in--which--it--participates--by--making--an--expenditure;
and~~

~~{c}--a--closing--report--at--the--close--of--each--calendar
year,--on--a--date--to--be--prescribed--by--the--commissioner;~~

~~{5}--The--commissioner--may--promulgate--rules--regarding~~

~~the--extent--to--which--organizations--that--are--not--primary
political--committees--but--are--incidental--political--committees
shall--report--their--politically--related--activities--in
accordance--with--this--chapter;~~

~~(1) A candidate shall file reports required by this
chapter on each of the following dates:~~

~~(a) 2 months before the election date;~~

~~(b) 1 month before the election date;~~

~~(c) 2 weeks before the election date;~~

~~(d) 1 week before the election date; and~~

~~(e) 30 days following the election date.~~

~~{6}{2} All reports required by this section chapter
shall must be complete as of the fifth day before the date
of filing as specified in 13-37-225{2} and subsections {1}
through {5} of this section."~~

Section 36. Section 13-37-227, MCA, is amended to
read:

"13-37-227. Comprehensive report when several
candidates or issues involved. The commissioner secretary of
state shall adopt rules that will permit political
committees, including political parties, to file copies of a
single comprehensive report when they support or oppose more
than one candidate or issue. The commissioner secretary of
state shall adopt rules under which committees filing
periodic reports with the federal election commission and

1 committees headquartered outside the state of Montana shall
2 report in accordance with this title."

3 **Section 37.** Section 13-37-228, MCA, is amended to
4 read:

5 "13-37-228. Time periods covered by reports. Reports
6 filed under 13-37-225 and 13-37-226 shall be filed to cover
7 the following time periods even though no contributions or
8 expenditures may have been received or made during the
9 period:

10 (1) The initial report shall cover all contributions
11 received or expenditures made by a candidate or political
12 committee prior to the time that a person became a candidate
13 or a political committee as defined in 13-1-101 until the
14 ~~fifth-day-before-the~~ date of filing of the appropriate
15 initial report pursuant to ~~subsections-(1)-through-(4)-of~~
16 13-37-226.

17 (2) Subsequent periodic reports shall cover the period
18 of time from the closing of the previous report to 5--days
19 before the date of filing of a the subsequent report
20 pursuant to ~~13-37-226(1)-through-(4)~~ 13-37-226.

21 (3) Closing reports shall cover the period of time
22 from the last periodic report to the final closing of the
23 books of the candidate or political committee. A candidate
24 or political committee shall file a closing report following
25 an election in which he or it participates whenever all

1 debts and obligations are extinguished and no further
2 contributions or expenditures will be received or made which
3 relate to the campaign, unless the election is a primary
4 election and the candidate or political committee will
5 participate in the general election."

6 **Section 38.** Section 13-37-229, MCA, is amended to
7 read:

8 "13-37-229. Disclosure of contributions received. Each
9 report required by this chapter shall disclose the following
10 information:

11 (1) the amount of cash on hand at the beginning of the
12 reporting period;

13 (2) the full name and mailing address (occupation and
14 the principal place of business, if any) of each person who
15 from whom contributions were received; ~~has--made--aggregate~~
16 ~~contributions--(including--the--purchase--of--tickets--and--other~~
17 ~~items--for--events--such--as--dinners,--luncheons,--rallies,--and~~
18 ~~similar--fundraising--events),--other--than--loans,--to--the~~
19 ~~candidate--or--political--committee,--of:~~

20 (a)--\$75--or--more--if--the--candidate--has--filed--for--a--state
21 office--to--be--filled--by--a--statewide--vote--of--all--the--electors
22 of--Montana--or--if--the--political--committee--was--specifically
23 organized--to--support--or--oppose--a--particular--statewide
24 candidate--or--issue;--or

25 (b)--\$35--or--more--for--any--other--candidate--or--political

1 committee;

2 {3}--for each person identified under--subsection--{2},

3 the--aggregate--amount--of contributions made by that person

4 within--the--reporting--period--and--the--total--amount--of

5 contributions made by that person;

6 {4}--the--total sum of individual contributions made to

7 or for the political committee or candidate and not reported

8 under subsections {2} and {3} of this section;

9 {5}{3} the name and address of each political

10 committee or candidate from which the reporting committee or

11 candidate received any transfer of funds, together with the

12 amount and dates of all transfers;

13 {6}{4} each loan from any person during the reporting

14 period, together with the full names and mailing addresses

15 (occupation and principal place of business, if any) of the

16 lender and endorers, if any, and the date and amount of

17 each loan;

18 {7}{5} the amount and nature of debts and obligations

19 owed to a political committee or candidates, in the form

20 prescribed by the commissioner secretary of state;

21 {8}--an itemized account of proceeds which--total--less

22 than--\$75--under--subsection--{2}{a}--or--\$35--under--subsection

23 {2}{b}--from--a--person--from--mass--collections--made--at

24 fundraising events;

25 {9}--each--contribution,--rebate,--refund,--or--other

1 receipt not otherwise listed under subsections--{2}--through

2 {8} of this section during the reporting period;

3 {10}{6} the total sum of all receipts received by or

4 for the committee or candidate during the reporting period;

5 and

6 {11}{7} other information that may be required by the

7 commissioner secretary of state to fully disclose the

8 sources of funds used to support or oppose candidates or

9 issues."

10 **Section 39.** Section 13-37-230, MCA, is amended to

11 read:

12 "13-37-230. Disclosure of expenditures made. Each

13 report required by this chapter shall disclose the following

14 information, except that a candidate shall only be required

15 to report the information specified in this section if the

16 transactions involved were undertaken for the purpose of

17 influencing an election:

18 (1) the full name and mailing address (occupation and

19 the principal place of business, if any) of each person to

20 whom expenditures have been made by the committee or

21 candidate during the reporting period, including the amount,

22 date, and purpose of each expenditure and the total amount

23 of expenditures made to each person;

24 (2) the full name and mailing addresses (occupation

25 and the principal place of business, if any) of each person

1 to whom an expenditure for personal services, salaries, and
2 reimbursed expenses have been made, including the amount,
3 date, and purpose of that expenditure and the total amount
4 of expenditures made to each person;

5 (3) the total sum of expenditures made by a political
6 committee or candidate during the reporting period;

7 (4) the name and address of each political committee
8 or candidate to which the reporting committee or candidate
9 made any transfer of funds, together with the amount and
10 dates of all transfers;

11 (5) the name of any person to whom a loan was made
12 during the reporting period, including the full name and
13 mailing address (occupation and principal place of business,
14 if any) of that person, and the full name and mailing
15 address (occupation and principal place of business, if any)
16 of the endorers, if any, and the date and amount of each
17 loan;

18 (6) the amount and nature of debts and obligations
19 owed by a political committee or candidate in the form
20 prescribed by the commissioner secretary of state;

21 (7) other information that may be required by the
22 commissioner secretary of state to fully disclose the
23 disposition of funds used to support or oppose candidates or
24 issues."

25 **Section 40.** Section 13-37-231, MCA, is amended to

1 read:

2 "13-37-231. Reports to be certified as true and
3 correct. (1) A report required by this chapter to be filed
4 by a candidate or political committee shall be verified as
5 true and correct by the oath or affirmation of the
6 individual filing the report. The individual filing the
7 report shall be the candidate or an officer of a political
8 committee who is on file as an officer of the committee with
9 the commissioner secretary of state.

10 (2) A copy of a report or statement filed by a
11 candidate or political committee shall be preserved by the
12 individual filing it for a period coinciding with the term
13 of office for which the person was a candidate or for a
14 period of 4 years, whichever is longer."

15 NEW SECTION. **Section 41.** Reorganization procedure.
16 The provisions of sections 2-15-131 through 2-15-137 govern
17 the abolishment of the office of commissioner of political
18 practices and the transfer of its functions to the secretary
19 of state and to the attorney general, as applicable.

20 NEW SECTION. **Section 42.** Repealer. Sections 2-15-411,
21 13-37-101 through 13-37-106, 13-37-112, and 13-37-215
22 through 13-37-218, MCA, are repealed.

23 NEW SECTION. **Section 43.** Extension of authority. Any
24 existing authority to make rules on the subject of the
25 provisions of [this act] is extended to the provisions of

1 [this act].

2 NEW SECTION. **Section 44.** Severability. If a part of
3 (this act) is invalid, all valid parts that are severable
4 from the invalid part remain in effect. If a part of [this
5 act] is invalid in one or more of its applications, the part
6 remains in effect in all valid applications that are
7 severable from the invalid applications.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB428, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An Act generally revising the laws relating to campaign practices; abolishing the Office of Commissioner of Political Practices and transferring its functions to the Secretary of State or, in certain cases, to the Attorney General; requiring full disclosure of campaign receipts and expenditures; eliminating certain campaign contribution limitations; changing dates that reports are required.

ASSUMPTIONS:

- Office staff will remain at 3.0 FTE and at current salaries and benefits.
- Location of office and storage space will remain where it is since no space in capitol offices of the Secretary of State is available.
- The current legal counsel on staff with the Secretary of State will handle legal matters, resulting in a savings of \$5,000 in FY90, and \$6,000 in FY91.

FISCAL IMPACT:

| | <u>FY90</u> | | | <u>FY91</u> | | |
|---|-------------|------------|-------------------|-------------|------------|-------------------|
| | Current | Proposed | | Current | Proposed | |
| | <u>Law</u> | <u>Law</u> | <u>Difference</u> | <u>Law</u> | <u>Law</u> | <u>Difference</u> |
| <u>Commissioner of Political Practice Expenditures:</u> | | | | | | |
| FTE | 3.0 | -0- | (3.0) | 3.0 | -0- | (3.0) |
| Personal Services | \$ 77,824 | \$ -0- | (\$ 77,824) | \$ 78,000 | \$ -0- | (\$ 78,000) |
| Operating Expenses | 25,629 | -0- | (25,629) | 26,333 | -0- | (26,333) |
| Total | \$103,453 | \$ -0- | (\$ 103,453) | \$104,333 | \$ -0- | (\$ 104,333) |
| <u>Funding:</u> | | | | | | |
| General Fund | \$103,193 | \$ -0- | (\$ 103,193) | \$ 99,163 | \$ -0- | (\$ 99,163) |
| State Special Revenue | 260 | -0- | (260) | 5,170 | -0- | (5,170) |
| Total | \$103,453 | \$ -0- | (\$ 103,453) | \$104,333 | \$ -0- | (\$ 104,333) |
| <u>Secretary of State Expenditures:</u> | | | | | | |
| FTE | -0- | 3.0 | 3.0 | -0- | 3.0 | 3.0 |
| Personal Services | \$ -0- | \$ 77,824 | \$ 77,824 | \$ -0- | \$ 78,000 | \$ 78,000 |
| Operating Expenses | -0- | 20,629 | 20,629 | -0- | 20,333 | 20,333 |
| Total | \$ -0- | \$ 98,453 | \$ 98,453 | \$ -0- | \$ 98,333 | \$ 98,333 |
| <u>Funding:</u> | | | | | | |
| General Fund | \$ -0- | \$ 98,193 | \$ 98,193 | \$ -0- | \$ 93,163 | \$ 93,163 |
| State Special Revenue | -0- | 260 | 260 | -0- | 5,170 | 5,170 |
| Total | \$ -0- | \$ 98,453 | \$ 98,453 | \$ -0- | \$ 98,333 | \$ 98,333 |



RAY SHACKLEFORD, BUDGET DIRECTOR
OFFICE OF BUDGET AND PROGRAM PLANNING

2/6/89

DATE



TOM HANNAH, PRIMARY SPONSOR

2/07/89

DATE

Fiscal Note for HB428, as introduced

HB 428