

SENATE BILL 291

Introduced by Crippen

1/31	Introduced
1/31	Referred to Judiciary
2/03	Hearing
2/04	Committee Report--Bill Passed
2/07	2nd Read Do Pass Motion Failed
2/07	Motion To Indefinitely Postpone Failed
2/07	Rereferred to Judiciary
	Died in Committee

1 *Sen. Smith* BILL NO. *291*
2 INTRODUCED BY *Sen. Smith*
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REPEALING THE PUBLIC
5 CAMPAIGN FUND ACT; AMENDING SECTIONS 13-37-128, 13-37-130,
6 AND 17-7-502, MCA; REPEALING SECTIONS 13-37-301 THROUGH
7 13-37-308, MCA; AND PROVIDING A RETROACTIVE APPLICABILITY
8 DATE."
9

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

11 **Section 1.** Section 13-37-128, MCA, is amended to read:

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

20 (2) Any person who makes or receives a contribution or
21 expenditure in violation of 13-35-225, 13-35-227, 13-35-228,
22 or this chapter, is liable in a civil action brought by the
23 commissioner or a county attorney pursuant to the provisions
24 outlined in 13-37-124 and 13-37-125 for an amount up to \$500
25 or three times the amount of the unlawful contribution or

1 expenditure, whichever is greater."

2 **Section 2.** Section 13-37-130, MCA, is amended to read:

3 "13-37-130. Limitation of action. No action may be
4 brought under 13-37-128 and 13-37-129 more than 4 years
5 after the occurrence of the facts which give rise to the
6 action. No more than one judgment against a particular
7 defendant may be had on a single state of facts. The civil
8 action created in 13-37-128 and 13-37-129 shall be the
9 exclusive remedy for violation of the contribution,
10 expenditure, and reporting provisions of this chapter,
11 except-as-provided-in-13-37-306. These provisions are not
12 subject to the misdemeanor penalties of 13-35-103 but may be
13 a ground for contest of election or removal from office as
14 provided in 13-35-106(3) and Title 13, chapter 36."

15 **Section 3.** Section 17-7-502, MCA, is amended to read:

16 "17-7-502. Statutory appropriations -- definition --
17 requisites for validity. (1) A statutory appropriation is an
18 appropriation made by permanent law that authorizes spending
19 by a state agency without the need for a biennial
20 legislative appropriation or budget amendment.

21 (2) Except as provided in subsection (4), to be
22 effective, a statutory appropriation must comply with both
23 of the following provisions:

24 (a) The law containing the statutory authority must be
25 listed in subsection (3).

1 (b) The law or portion of the law making a statutory
2 appropriation must specifically state that a statutory
3 appropriation is made as provided in this section.

4 (3) The following laws are the only laws containing
5 statutory appropriations: 2-9-202; 2-17-105; 2-18-812;
6 10-3-203; 10-3-312; 10-3-314; 10-4-301; ~~13-37-304~~;
7 15-25-123; 15-31-702; 15-36-112; 15-65-121; 15-70-101;
8 16-1-404; 16-1-410; 16-1-411; 17-3-212; 17-5-404; 17-5-424;
9 17-5-804; 19-8-504; 19-9-702; 19-9-1007; 19-10-205;
10 19-10-305; 19-10-506; 19-11-512; 19-11-513; 19-11-606;
11 19-12-301; 19-13-604; 20-4-109; 20-6-406; 20-8-111;
12 23-5-610; 23-5-1027; 33-31-212; 33-31-401; 37-51-501;
13 39-71-2504; 53-6-150; 53-24-206; 67-3-205; 75-1-1101;
14 75-7-305; 76-12-123; 80-2-103; 80-2-228; 82-11-136;
15 90-3-301; 90-3-302; 90-3-412; 90-4-215; 90-9-306; 90-15-103;
16 section 13, House Bill No. 861, Laws of 1985; and section 1,
17 Chapter 454, Laws of 1987.

18 (4) There is a statutory appropriation to pay the
19 principal, interest, premiums, and costs of issuing, paying,
20 and securing all bonds, notes, or other obligations, as due,
21 that have been authorized and issued pursuant to the laws of
22 Montana. Agencies that have entered into agreements
23 authorized by the laws of Montana to pay the state
24 treasurer, for deposit in accordance with 17-2-101 through
25 17-2-107, as determined by the state treasurer, an amount

1 sufficient to pay the principal and interest as due on the
2 bonds or notes have statutory appropriation authority for
3 such payments. (In subsection (3): pursuant to sec. 15, Ch.
4 607, L. 1987, the inclusion of 15-65-121 terminates June 30,
5 1989; pursuant to sec. 10, Ch. 664, L. 1987, the inclusion
6 of 39-71-2504 terminates June 30, 1991; and pursuant to sec.
7 6, Ch. 454, L. 1987, the inclusion of sec. 1, Ch. 454, L.
8 1987, terminates July 1, 1988.)"

9 NEW SECTION. **Section 4. Repealer.** Sections 13-37-301
10 through 13-37-308, MCA, are repealed.

11 NEW SECTION. **Section 5. Retroactive applicability.**
12 [This act] applies retroactively, within the meaning of
13 1-2-109, to taxable years beginning after December 31, 1988.

-End-

APPROVED BY COMMITTEE
ON JUDICIARY

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2 INTRODUCED BY *Sen. Smith*
3
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