

SENATE BILL 174

Introduced by Weldon, et al.

1/16	Introduced
1/16	Referred to State Administration
1/16	First Reading
1/16	Fiscal Note Requested
1/22	Hearing
1/22	Fiscal Note Received
1/22	Fiscal Note Printed
1/29	Committee Report--Bill Passed
1/30	2nd Reading Passed
2/01	3rd Reading Passed
	Transmitted to House
2/02	First Reading
2/02	Referred to State Administration
3/04	Hearing
3/10	Committee Report--Bill Concurred as Amended
3/13	2nd Reading Concur as Amended Motion Failed
3/15	Reconsidered Previous Action and Placed Back on 2nd Reading
3/13	2nd Reading Concur as Amended Motion Failed
(sic)	

1 Senate BILL NO. 174
 2 INTRODUCED BY Jeffrey S. Reed, J. B. Brown,
 3 Jeff K. Keadle, HARP Ream, McClellan & Baumbach
 4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR CITIZEN Deputy
 5 ENFORCEMENT OF ELECTION AND CAMPAIGN PRACTICES LAWS; AND
 6 AMENDING SECTIONS 13-37-128 AND 13-37-129, MCA."

7

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

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

10 "13-37-128. Cause-of-action-created Penalties and
 11 enforcement. (1) Except as provided in 13-37-306, any a
 12 person who intentionally or negligently violates any of the
 13 reporting provisions of this chapter, ~~shall be~~ is liable in
 14 a civil action brought by the commissioner or a county
 15 attorney pursuant to the provisions outlined in 13-37-124
 16 and 13-37-125 or by a citizen pursuant to the provisions of
 17 subsection (3) for an amount up to \$500 or three times the
 18 amount of the unlawful contributions or expenditures,
 19 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 or by a citizen pursuant
 25 to the provisions of subsection (3) for an amount up to \$500

1 or three times the amount of the unlawful contribution or
 2 expenditure, whichever is greater.

3 (3) (a) An individual who has notified the commissioner
 4 and the appropriate county attorney in writing that there is
 5 reason to believe that the provisions referred to in
 6 subsection (1) or (2) are being violated may bring an
 7 action, referred to as a citizen's action, in the name of
 8 the state if the commissioner or the appropriate county
 9 attorney has failed to either commence an action or dismiss
 10 the complaint by written notification to the complainant
 11 within 50 days after notice.

12 (b) Each notification tolls the applicable statute of
 13 limitations until the expiration of the waiting period.

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

22 **Section 2.** Section 13-37-129, MCA, is amended to read:

23 "13-37-129. Liability and disposition of fines. In
 24 determining the amount of liability under 13-37-128, the
 25 court may take into account the seriousness of a violation

1 and the degree of culpability of the defendant. If a
2 judgment is entered against the defendant or defendants in
3 an action brought by a county attorney in a court other than
4 a justice's court, the county ~~shall~~ must receive 50% of the
5 amount recovered. The remaining 50% ~~shall~~ must be deposited
6 in the general fund of the state. In an action brought by
7 the commissioner or a citizen in a court other than a
8 justice's court, the entire amount recovered ~~shall~~ must be
9 paid to the general fund of the state."

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB0174, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

a act providing for citizen enforcement of election and campaign practices laws.

ASSUMPTIONS:

. Similar language exists in 5-7-305, MCA. Therefore, no material fiscal impact is anticipated.

FISCAL IMPACT:

one.

Dave Lewis

DAVE LEWIS, BUDGET DIRECTOR
Office of Budget and Program Planning

1-22-93

DATE

Jeff Weldon

JEFF WELDON, PRIMARY SPONSOR

DATE

1-22-93

Fiscal Note for SB0174, as introduced

SB 174

APPROVED BY COMMITTEE
ON STATE ADMINISTRATION

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 2 INTRODUCED BY Sen. Goulden SR. Rep. Eric Brown
 3 Rep. Haddock HARP Ream McCann B. Baumbach
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 5 ENFORCEMENT OF ELECTION AND CAMPAIGN PRACTICES LAWS; AND Deputy
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 18 amount of the unlawful contributions or expenditures,
 19 whichever is greater.
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 21 expenditure in violation of 13-35-225, 13-35-227, 13-35-228,
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7 the commissioner or a citizen in a court other than a
8 justice's court, the entire amount recovered ~~shall~~ must be
9 paid to the general fund of the state."

-End-

Senate BILL NO. 174

INTRODUCED BY

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR CITIZEN
ENFORCEMENT OF ELECTION AND CAMPAIGN PRACTICES LAWS; AND
AMENDING SECTIONS 13-37-128 AND 13-37-129, MCA."

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(2) Any person who makes or receives a contribution or expenditure in violation of 13-35-225, 13-35-227, 13-35-228, or this chapter, is liable in a civil action brought by the commissioner or a county attorney pursuant to the provisions outlined in 13-37-124 and 13-37-125 or by a citizen pursuant to the provisions of subsection (3) for an amount up to \$500

or three times the amount of the unlawful contribution or expenditure, whichever is greater.

(3) (a) An individual who has notified the commissioner and the appropriate county attorney in writing that there is reason to believe that the provisions referred to in subsection (1) or (2) are being violated may bring an action, referred to as a citizen's action, in the name of the state if the commissioner or the appropriate county attorney has failed to either commence an action or dismiss the complaint by written notification to the complainant within 50 days after notice.

(b) Each notification tolls the applicable statute of limitations until the expiration of the waiting period.

(c) If the individual who brings the citizen's action prevails, the individual is entitled to be reimbursed by the state for costs and attorney fees incurred, provided that in the case of a citizen's action that is dismissed and that the court finds was brought without reasonable cause, the court shall order the individual commencing the action to pay all costs of trial and reasonable attorney fees incurred by the defendant."

Section 2. Section 13-37-129, MCA, is amended to read:

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