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HOUSE BILL NO. 295

INTRODUCED BY

Holland

BY REQUEST OF THE COMMISSIONER OF POLITICAL PRACTICES

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT THE COMMISSIONER OF POLITICAL PRACTICES MAY EXERCISE DISCRETION IN ISSUING ORDERS OF NONCOMPLIANCE FOR FAILURE TO MEET CAMPAIGN FINANCE REPORTING REQUIREMENTS; AND AMENDING SECTION 13-37-121, MCA."

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

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

"13-37-121. Inspection of statements and reports -- issuance of orders of noncompliance. (1) Each statement and report filed with the commissioner during an election or within 60 days ~~thereafter~~ after the election ~~shall~~ must be inspected within 10 days after ~~it~~ the statement or report is filed. If a person has not satisfied the provisions of this chapter, the commissioner shall immediately notify the person of the noncompliance. If the person fails to comply after the notification, the commissioner may issue an order of noncompliance as provided in this section.

~~(2)~~ Such an An order of noncompliance ~~shall~~ may be issued when:

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

(b) it is determined that a statement or report filed with the commissioner does not conform to the requirements of this chapter or that a person has failed to file a statement or report required by law.

~~(2)(3)~~ If an order of noncompliance is issued during a campaign period or within 60 days after an election, a candidate or political committee shall submit the necessary information within 5 days after receiving the ~~notice~~ order of noncompliance. Upon a failure to submit the required information within the time specified, the appropriate county attorney or the commissioner may initiate a civil or criminal action pursuant to the procedures outlined in 13-37-124 and 13-37-125.

~~(3)(4)~~ If an order of noncompliance is issued during any period other than that described in subsection ~~(2)~~ (3), a candidate or political committee shall submit the necessary information within 10 days

1 after receiving the ~~notice~~ order of noncompliance. Upon a failure to submit the required information within
2 the time specified, the appropriate county attorney or the commissioner shall initiate a civil or criminal
3 action pursuant to the procedures outlined in 13-37-124 and 13-37-125."

4 -END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for HB0295, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

A bill providing that the Commissioner of Political Practices may exercise discretion in issuing orders of noncompliance for failure to meet campaign finance reporting requirements.

ASSUMPTIONS:

1. This bill clarifies the work of the office and does not significantly change it.

FISCAL IMPACT:

No fiscal impact.

Dave Lewis 1-26-95

DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

Don S. Holland

DON HOLLAND, PRIMARY SPONSOR DATE

Fiscal Note for HB0295, as introduced

HB295

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~~(2)~~(3) If an order of noncompliance is issued during a campaign period or within 60 days after an election, a candidate or political committee shall submit the necessary information within 5 days after receiving the ~~notice~~ order of noncompliance. Upon a failure to submit the required information within the time specified, the appropriate county attorney or the commissioner may initiate a civil or criminal action pursuant to the procedures outlined in 13-37-124 and 13-37-125.

~~(3)~~(4) If an order of noncompliance is issued during any period other than that described in subsection ~~(2)~~ (3), a candidate or political committee shall submit the necessary information within 10 days

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4 -END-

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4 -END-

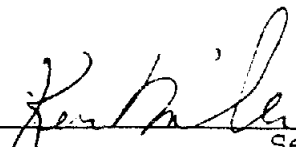
SENATE COMMITTEE OF THE WHOLE AMENDMENT

March 13, 1995 11:52 am

Mr. Chairman: I move to amend HB 295 (third reading copy -- blue).

ADOPT

REJECT

Signed: _____
Senator Miller

That such amendments read:

1. Title, line 5.
Following: "AN ACT"
Strike: "PROVIDING THAT"
Insert: "REQUIRING"

2. Title, line 6.
Following: "PRACTICES"
Strike: "MAY EXERCISE DISCRETION IN ISSUING"
Insert: "TO ISSUE"


3. Page 1, line 16.
Following: "commissioner"
Strike: "may"
Insert: "shall"

-END-

HB 295

SENATE

581152CW.SRF

 Amd. Coord.

1 HOUSE BILL NO. 295

2 INTRODUCED BY HOLLAND

3 BY REQUEST OF THE COMMISSIONER OF POLITICAL PRACTICES

4

5 A BILL FOR AN ACT ENTITLED: "AN ACT ~~PROVIDING THAT~~ REQUIRING THE COMMISSIONER OF
 6 POLITICAL PRACTICES ~~MAY EXERCISE DISCRETION IN ISSUING~~ TO ISSUE ORDERS OF NONCOMPLIANCE
 7 FOR FAILURE TO MEET CAMPAIGN FINANCE REPORTING REQUIREMENTS; AND AMENDING SECTION
 8 13-37-121, MCA."

9

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

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 16 not satisfied the provisions of this chapter, the commissioner shall immediately notify the person of the
 17 noncompliance. If the person fails to comply after the notification, the commissioner may ~~may~~ **SHALL** issue an
 18 order of noncompliance as provided in this section.

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23 (b) it is determined that a statement or report filed with the commissioner does not conform to the
 24 requirements of this chapter or that a person has failed to file a statement or report required by law.

25 ~~(2)(3)~~ (3) If an order of noncompliance is issued during a campaign period or within 60 days after an
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5 -END-