

HOUSE BILL NO. 462

INTRODUCED BY SANDS, WILLIAMS, STOKER, WILSON, ERICKSON, LANGE, PARKER, HAWKS,
DICKENSON, LASLOVICH

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE ESTABLISHMENT OF CONSTITUENT SERVICES ACCOUNTS; PROVIDING FOR THE FUNDING AND USE OF MONEY IN A CONSTITUENT SERVICES ACCOUNT; PROVIDING REPORTING REQUIREMENTS FOR CONSTITUENT SERVICES ACCOUNTS; AND AMENDING SECTION 13-37-240, MCA."

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

NEW SECTION. Section 1. Constituent accounts -- reports. (1) A CONSTITUENT SERVICES ACCOUNT IS AN ACCOUNT ESTABLISHED BY A PERSON HOLDING A PUBLIC OFFICE IN WHICH FUNDS ARE DEPOSITED AND USED FOR EXPENSES IN REPRESENTING CONSTITUENTS OR FOR TRAVEL OR EXPENSES RELATED TO THE INDIVIDUAL'S ELECTED POSITION. A PUBLIC OFFICIAL MAY ESTABLISH AN ACCOUNT BY FILING AN APPROPRIATE FORM WITH THE COMMISSIONER.

~~(1)~~(2) A successful candidate for the legislature or for a state office may deposit surplus campaign funds in a constituent services account. The money in the account may be used for expenses incurred in representing constituents.

~~(3) A SUCCESSFUL CANDIDATE FOR THE LEGISLATURE OR FOR A STATE OFFICE WHO RECEIVES A PERSONAL BENEFIT, AS DEFINED IN 13-37-240, DURING THE INDIVIDUAL'S TERM OF OFFICE FROM A PUBLIC EVENT OR FUNCTION RELATED TO OR BECAUSE OF THE OFFICE SHALL EITHER DEPOSIT ANY SURPLUS FUNDS RELATED TO THE PUBLIC EVENT OR FUNCTION IN A CONSTITUENT SERVICES ACCOUNT OR MAKE A DONATION TO A NONPROFIT ORGANIZATION WITHIN 45 DAYS AFTER THE CONCLUSION OF THE EVENT OR FUNCTION.~~

(3) A SUCCESSFUL CANDIDATE FOR THE LEGISLATURE OR FOR A STATE OFFICE WHO, DURING THE INDIVIDUAL'S TERM OF OFFICE, RECEIVES FUNDS AS A RESULT OF A PUBLIC EVENT OR FUNCTION THAT WAS RELATED TO OR BECAUSE OF THE OFFICE SHALL, WITHIN 90 DAYS AFTER THE CONCLUSION OF THE EVENT OR FUNCTION, EITHER DEPOSIT THE FUNDS IN A CONSTITUENT SERVICES ACCOUNT AND COMPLY WITH THE PROVISIONS OF THIS SECTION OR DONATE THE FUNDS TO A NONPROFIT ORGANIZATION FOR A CHARITABLE PURPOSE.

~~(2)~~~~(3)~~(4) The account holder may accept donations from individuals for deposit in the constituent services account. A corporation may not donate money for deposit in the account. All money in the account is subject to the restrictions contained in 13-37-216, 13-37-229 THROUGH 13-37-231, AND 13-37-240.

~~(3)(4)(5)~~ The holder of a constituent services account shall file an annual report with the commissioner, by a date established by the commissioner by rule. The report must disclose the source of all money deposited in the account and enumerate expenditures from the account.

~~(4)(5)(6)~~ The holder of a constituent services account shall close the account within 120 days after the account holder leaves public office.

Section 2. Section 13-37-240, MCA, is amended to read:

"13-37-240. Surplus campaign funds. (1) A candidate shall dispose of any surplus funds from the candidate's campaign within 120 days after the time of filing the closing campaign report pursuant to 13-37-228. In disposing of the surplus funds, a candidate may not contribute the funds to another campaign, including the candidate's own future campaign, or use the funds for personal benefit. A successful candidate may establish a constituent services account as provided in [section 1]. The candidate shall provide a supplement to the closing campaign report to the commissioner showing the disposition of any surplus campaign funds.

(2) For purposes of this section, "personal benefit" means a use that will provide a direct or indirect benefit of any kind to the candidate or any member of the candidate's immediate family."

NEW SECTION. **Section 3. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 13, chapter 37, part 2, and the provisions of Title 13, chapter 37, part 2, apply to [section 1].

- END -