

SENATE BILL NO. 91
INTRODUCED BY C. WILLIAMS

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 services accounts -- reports -- use. (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 public office may deposit surplus campaign funds in a constituent services account. NO OTHER FUNDS MAY BE DEPOSITED INTO A CONSTITUENT SERVICES ACCOUNT. DEPOSITS AND DISBURSEMENTS FROM THE ACCOUNT ARE SUBJECT TO THE RECORDKEEPING REQUIREMENTS OF TITLE 13. The money in the account ~~may~~ MUST be used for expenses incurred in representing constituents.

~~(2) The account holder may accept donations from individuals for deposit in the account. A corporation may not donate money for deposit in the account. All money in the account is subject to the restrictions contained in 13-37-240.~~

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

(4) 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. The 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].

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