

## 1 SENATE BILL NO. 241

2 INTRODUCED BY J. BRENDEN

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4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LEGISLATOR CONSTITUENT ACCOUNT  
5 LAWS; ALLOWING A PERSON TO MAKE A CONTRIBUTION TO THE CONSTITUENT SERVICES ACCOUNT  
6 OF A STATE REPRESENTATIVE OR STATE SENATOR; ESTABLISHING THE MAXIMUM CONTRIBUTION  
7 A PERSON MAY MAKE TO A CONSTITUENT SERVICES ACCOUNT AND THE AGGREGATE MAXIMUM  
8 AMOUNT OF CONTRIBUTIONS A REPRESENTATIVE OR SENATOR MAY RECEIVE; ADJUSTING  
9 DEADLINES; REQUIRING PUBLICATION OF ADJUSTED CONTRIBUTION LIMITATIONS BY RULE;  
10 AMENDING SECTIONS 13-37-401, 13-37-402, AND 13-37-403, MCA; AND PROVIDING AN IMMEDIATE  
11 EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE."  
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13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
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15 NEW SECTION. **Section 1. Constituent services accounts -- contributions -- limitations --**  
16 **adjustment.** (1) Subject to adjustment as provided for in subsection (2):

17 (a) aggregate contributions made by any person to the constituent services account of any single  
18 account holder may not exceed \$500 during the account holder's term of office. A person may make contributions  
19 to the constituent services account of more than one account holder.

20 (b) the total aggregate contributions from all persons to any single account holder's constituent services  
21 account during the account holder's term of office may not exceed:

22 (i) for a representative whose district is contained within one county, \$500;

23 (ii) for a representative whose district is not contained within one county, \$500 per county in which the  
24 district lies;

25 (iii) for a senator whose district is contained within one county, \$1,000; and

26 (iv) for a senator whose district is not contained within one county, \$1,000 per county in which the district  
27 lies.

28 (2) (a) The commissioner shall adjust the contribution limitations in subsection (1) by multiplying the limit  
29 by an inflation factor, which is determined by dividing the consumer price index for June of the year prior to the  
30 year in which a general election is held by the consumer price index for June 2013.

1 (b) The resulting figure adjusted pursuant to subsection (2)(a) must be rounded up or down to the  
2 nearest \$10.

3 (c) The commissioner shall publish the revised limitations as a rule.

4 (3) An account holder may not accept any contributions to a constituent services account in excess of  
5 the limitations in this section.

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7 **Section 2.** Section 13-37-401, MCA, is amended to read:

8 **"13-37-401. Definitions.** As used in ~~13-37-402 and this section~~ this part, the following definitions apply:

9 (1) "Account holder" means the individual who established a constituent services account.

10 ~~(1)(2)~~ "Constituent services" means travel, mailing, and other expenses incurred to represent and serve  
11 constituents and authorized in rules adopted by the commissioner to implement the provisions of ~~13-37-402 and~~  
12 ~~this section~~ this part.

13 (3) (a) "Contribution" means:

14 (i) an advance, gift, loan, conveyance, deposit, payment, or distribution of money or anything of value;

15 (ii) a transfer of funds from a person to an account holder or the constituent services account of an  
16 account holder; or

17 (iii) the payment by a person, other than the account holder, of compensation for the personal services  
18 of another person that are rendered to the account holder.

19 (b) The term does not mean:

20 (i) money or other contributions redeposited by an account holder pursuant to 13-37-403;

21 (ii) services provided without compensation by an individual volunteering the individual's time on behalf  
22 of an account holder;

23 (iii) meals or lodging provided to an account holder or other individual by an individual in the individual's  
24 private residence;

25 (iv) the cost of any bona fide news story, commentary, or editorial distributed through the facilities of any  
26 broadcasting station, newspaper, magazine, or other periodical publication of general circulation; or

27 (v) the cost of any communication by any membership organization or corporation to its members or  
28 stockholders or employees.

29 ~~(2)(4)~~ "Personal benefit" has the meaning provided in 13-37-240.

30 (5) "Representative" means an individual serving as a member of the Montana house of representatives.

1           (6) "Senator" means an individual serving as a member of the Montana senate."

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3           **Section 3.** Section 13-37-402, MCA, is amended to read:

4           **"13-37-402. Constituent services accounts -- reports.** (1) A constituent services account may be  
5 established to pay for constituent services by a successful candidate required to report contributions under  
6 13-37-229 and expenditures under 13-37-230. A constituent services account may be established by filing an  
7 appropriate form with the commissioner.

8           (2) (a) ~~A~~ Except as provided in subsection (2)(b), a successful candidate may deposit only surplus  
9 campaign funds in a constituent services account.

10           (b) A representative or senator may deposit in the representative's or senator's own constituent services  
11 account:

12           (i) surplus campaign funds; and

13           (ii) contributions received pursuant to [section 1].

14           ~~(b)(c)~~ The money in the account or other contributions may be used only for constituent services. The  
15 money in the account or other contributions may not be used for personal benefit. Expenditures from a constituent  
16 services account may not be made when the holder of the constituent services account also has an open  
17 campaign account.

18           (3) A person described in subsection (1) may not establish any account related to the public official's  
19 office other than a constituent services account. This subsection does not prohibit a person from establishing a  
20 campaign account.

21           (4) The holder of a constituent services account shall file a quarterly report with the commissioner, by  
22 a date established by the commissioner by rule. The report must disclose the source of all money deposited in  
23 the account and other contributions and enumerate expenditures from the account. The report must include the  
24 same information as required for a candidate reporting contributions under 13-37-229 and expenditures under  
25 13-37-230. The report must be certified as provided in 13-37-231.

26           (5) The holder of a constituent services account shall close the account within 120 days after the account  
27 holder leaves public office."

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29           **Section 4.** Section 13-37-403, MCA, is amended to read:

30           **"13-37-403. Constituent services account -- prior contributions -- donation to charity.** A person

1 who established a constituent services account prior to ~~May 14, 2007~~, [the effective date of this act] shall donate  
2 any money remaining in the account on ~~April 24, 2009~~, [the effective date of this act] and any other contributions  
3 to charity by July 1, ~~2009~~ 2013, or deposit the money by July 1, ~~2009~~ 2013, into a constituent services account  
4 established after ~~May 14, 2007~~, [the effective date of this act] and shall close the old account. The holder of a  
5 constituent services account subject to this section shall file a report with the commissioner describing the  
6 disposition of the money and other contributions subject to this section."

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8 **NEW SECTION. Section 5. Codification instruction.** [Section 1] is intended to be codified as an  
9 integral part of Title 13, chapter 37, part 4, and the provisions of Title 13, chapter 37, apply to [section 1].

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11 **NEW SECTION. Section 6. Effective date.** [This act] is effective on passage and approval.

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13 **NEW SECTION. Section 7. Retroactive applicability.** [This act] applies retroactively, within the  
14 meaning of 1-2-109, to money placed in a constituent services account that was established prior to [the effective  
15 date of this act].

16 - END -