

1 SENATE BILL NO. 335

2 INTRODUCED BY G. VANCE, P. FIELDER

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4 A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING CERTAIN FUNDS FROM BEING ACCEPTED OR
5 USED FOR THE PURPOSE OF CONDUCTING AN ELECTION; AND AMENDING SECTIONS 7-8-103 AND
6 17-3-1001, MCA."

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

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10 NEW SECTION. Section 1. Donations -- prohibition. The state, the secretary of state, a county, a
11 municipality, or the officers or employees of those entities may not solicit, accept, use, or dispose of a donation
12 in the form of money, grants, property, or personal services from an individual or a corporation, whether
13 operating for-profit or nonprofit, for the purpose of funding the functions or responsibilities of the state, county,
14 or municipality to conduct an election pursuant to the provisions of Title 13."

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16 **Section 2.** Section 7-8-103, MCA, is amended to read:

17 **"7-8-103. Authorization for governmental and public entities to take property by gift or devise --**
18 **restriction.** (1) (a) All counties, all public hospitals and cemeteries, and other public institutions are hereby
19 granted the power and authority to accept, receive, take, hold, and possess any gift, donation, grant, devise, or
20 bequest of real or personal property and the right to own, hold, work, and improve the same.

21 (b) The provisions of subsection (2) and 7-8-104 are hereby made expressly applicable to gifts,
22 donations, grants, devises, and bequests of real or personal property to officers and boards of the public
23 corporations and institutions mentioned in subsection (1)(a).

24 (2) (a) Any city or town organized under the laws of Montana is hereby empowered and given the
25 right:

26 (i) to accept, receive, take, hold, own, and possess any gift, donation, grant, devise, or bequest; any
27 property (real, personal, or mixed); any improved or unimproved park or playground; any water, water right,
28 water reservoir, or watershed; any timberland or reserve; or any fish or game reserve in any part of the state;

1 (ii) to own, hold, work, and improve the same.

2 (b) ~~Said~~ The gifts, donations, grants, devises, or bequests made to any officer or board of any ~~such~~
 3 city or town ~~shall~~ must be considered a gift, donation, grant, devise, or bequest made for the use and benefit of
 4 any ~~such~~ city or town and ~~shall~~ must be administered and used by and for ~~such~~ the city or town for the
 5 particular purpose for which ~~the same~~ it was given, donated, granted, devised, or bequeathed. In the event no
 6 particular purpose is mentioned in ~~such~~ the gift, donation, grant, devise, or bequest, then ~~the same shall~~ it must
 7 be used for the general support, maintenance, or improvement of any ~~such~~ city or town.

8 (3) A gift, donation, grant, devise, or bequest may not be accepted or used in contravention of
 9 [section 1]."

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11 **Section 3.** Section 17-3-1001, MCA, is amended to read:

12 **"17-3-1001. State institutions which may take by gift, bequest, or grant -- restriction.** (1) The
 13 state of Montana, units of the Montana university system, the Montana school for the deaf and blind, all
 14 institutions in the department of corrections and the department of public health and human services, and any
 15 institutions now created or established or which may be created or established and supported in whole or in
 16 part by the state for any purpose may accept gifts, donations, grants, devises, or bequests of real or personal
 17 property from any source. Gifts, donations, grants, bequests, or devises may be made directly to the state, in
 18 the name of any of the institutions, to any officer or board of the institutions, or to any person in trust for the
 19 institutions.

20 (2) In the event it is made directly to any institution or to any officer or board of any institution, the gift,
 21 donation, grant, devise, or bequest is a gift, donation, grant, devise, or bequest to the state and must be
 22 administered and used by the state for the particular purpose for which it was given, donated, granted,
 23 bequeathed, or devised. In the event that a particular purpose is not mentioned in the gift, grant, devise, or
 24 bequest, then it must be used for the general support, maintenance, or improvement of the institution by the
 25 state.

26 (3) A gift, donation, grant, devise, or bequest may not be accepted or used in contravention of
 27 [section 1]."

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