

1 SENATE BILL NO. 149

2 INTRODUCED BY D. KARY

3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING WHEN STATE OFFICERS AND CANDIDATES MUST
 5 FILE BUSINESS DISCLOSURE STATEMENTS; ~~ELIMINATING THE REQUIREMENT FOR THE STATEMENT~~
 6 ~~TO BE FILED EVERY EVEN-NUMBERED YEAR BY CERTAIN PUBLIC OFFICERS; ALLOWING CERTAIN~~
 7 INDIVIDUALS TO CERTIFY THAT BUSINESS DISCLOSURE INFORMATION REMAINS UNCHANGED; AND
 8 AMENDING SECTION 2-2-106, MCA."

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

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 12 **Section 1.** Section 2-2-106, MCA, is amended to read:

13 **"2-2-106. Disclosure.** (1) (a) Prior to December 15 of each even-numbered year, each ~~state officer,~~
 14 ~~holdover senator, supreme court justice, and district court judge~~ director of the executive branch of state
 15 government STATE OFFICER, HOLDOVER SENATOR, SUPREME COURT JUSTICE, AND DISTRICT COURT JUDGE shall file with
 16 the commissioner of political practices a business disclosure statement on a form provided by the commissioner.
 17 ~~An individual filing pursuant to subsection (1)(b) or (1)(c) is not required to file under this subsection (1)(a) during~~
 18 ~~the same period.~~ AN INDIVIDUAL FILING PURSUANT TO SUBSECTION (1)(B) OR (1)(C) IS NOT REQUIRED TO FILE UNDER
 19 THIS SUBSECTION (1)(A) DURING THE SAME PERIOD.

20 (b) Each candidate for a statewide or a state office elected from a district shall, within 5 days of the time
 21 that the candidate files for office, file a business disclosure statement with the commissioner of political practices
 22 on a form provided by the commissioner.

23 (c) An individual appointed to office who would be required to file under subsection (1)(a) or (1)(b) is
 24 required to file the business disclosure statement at the earlier of the time of submission of the person's name
 25 for confirmation or the assumption of the office.

26 (2) ~~The~~ EXCEPT AS PROVIDED IN SUBSECTION (4), THE statement must provide the following information:

27 (a) the name, address, and type of business of the individual;

28 (b) each present or past employing entity from which benefits, including retirement benefits, are currently
 29 received by the individual;

30 (c) each business, firm, corporation, partnership, and other business or professional entity or trust in

1 which the individual holds an interest;

2 (d) each entity not listed under subsections (2)(a) through (2)(c) in which the individual is an officer or
3 director, regardless of whether or not the entity is organized for profit; and

4 (e) all real property, other than a personal residence, in which the individual holds an interest. Real
5 property may be described by general description.

6 (3) An individual may not assume or continue to exercise the powers and duties of the office to which
7 that individual has been elected or appointed until the statement has been filed as provided in subsection (1).

8 (4) AN INDIVIDUAL REQUIRED TO FILE A BUSINESS DISCLOSURE STATEMENT MAY CERTIFY THAT THE INFORMATION
9 REQUIRED BY SUBSECTION (2) HAS NOT CHANGED FROM THE MOST RECENT STATEMENT FILED BY THE INDIVIDUAL. THE
10 COMMISSIONER SHALL PROVIDE A CERTIFICATION FORM.

11 ~~(4)~~(5) The commissioner of political practices shall make the business disclosure statements AND
12 CERTIFICATION FORMS available to any individual upon request."

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