

SENATE BILL NO. 492

INTRODUCED BY G. HERTZ

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE BUSINESS DISCLOSURE STATEMENT REQUIREMENTS FOR STATEWIDE OR STATE DISTRICT ELECTED OFFICIALS, CANDIDATES FOR STATEWIDE OR STATE DISTRICT OFFICES, DEPARTMENT DIRECTORS, AND INDIVIDUALS APPOINTED TO FILL THOSE POSITIONS; AND AMENDING SECTION 2-2-106, MCA."

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

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

"2-2-106. Disclosure. (1) (a) Prior to December 15 of each even-numbered year, each state officer, holdover senator, supreme court justice, and district court judge shall file with the commissioner of political practices a business disclosure statement on a form provided by the commissioner. An individual filing pursuant to subsection (1)(b) or (1)(c) is not required to file under this subsection (1)(a) during the same period.

(b) Each candidate for a statewide or a state office elected from a district shall, within 5-10 5 days of the time that the candidate files for office, file a business disclosure statement with the commissioner of political practices on a form provided by the commissioner.

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

(2) Except as provided in subsection (4), the statement must provide the following information:

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

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

(c) each business, firm, corporation, partnership, and other business or professional entity or trust in which the individual holds an more than a 10% interest, or if the company is publicly traded, more than a 1% interest;

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

(e) all real property, other than a personal residence, in which the individual holds ~~an~~ more than a 10% interest. Real property may be described by general description.

(3) Disclosure of mutual funds under subsection (2) is not required.

~~(4)~~ An individual may not assume or continue to exercise the powers and duties of the office to which that individual has been elected or appointed until the statement has been filed as provided in subsection (1).

~~(4)(5)~~ An individual required to file a business disclosure statement may certify that the information required by subsection (2) has not changed from the most recent statement filed by the individual. The commissioner shall provide a certification form.

~~(5)(6)~~ The commissioner of political practices shall make the business disclosure statements and certification forms available to any individual upon request."

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