

1 HOUSE BILL NO. 617  
 2 INTRODUCED BY VINCENT HARPER Richards  
 3 FARMER Johnson Bradley  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH A  
 5 PROCEDURE TO HOLD LOBBYISTS ACCOUNTABLE FOR UNPROFESSIONAL  
 6 CONDUCT."  
 7

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

9 Section 1. Legislative intent. The legislature  
 10 recognizes that lobbyists perform valuable services and  
 11 contribute to the dialogue which is so important to a  
 12 healthy legislative process. Because lobbyists are a  
 13 fundamental component of the legislative process, their  
 14 conduct should be subject to scrutiny. Therefore, it is the  
 15 intent of the legislature to establish a procedure to hold  
 16 lobbyists accountable for unfair and unethical lobbying  
 17 practices.

18 Section 2. Definitions -- procedure for filing and  
 19 resolving complaints. Any legislator may file a complaint  
 20 charging a lobbyist with unprofessional conduct. The  
 21 procedure for filing and resolving such complaints is  
 22 prescribed herein. (1) For the purposes of this section,  
 23 "unprofessional conduct" means knowingly misrepresenting or  
 24 encouraging another person to misrepresent an issue or  
 25 proposed legislation, or intentionally giving false or

1 misleading testimony before a legislative committee.

2 (2) A complaint filed against a lobbyist by a  
 3 legislator shall be filed in writing with the rules  
 4 committee in the house in which the legislator is a member.  
 5 The complaint shall state in as much detail as possible the  
 6 nature of the charge and the evidence supporting the charge.

7 (3) Within forty-eight (48) hours of the receipt of a  
 8 complaint, the rules committee shall meet to consider the  
 9 complaint and to recommend, by majority vote, whether any  
 10 further action is considered advisable. At this meeting,  
 11 the committee shall consider relevant testimony and evidence  
 12 and accord the accused a fair hearing.

13 (4) Upon completion of the meeting, the committee  
 14 shall make a recommendation on the validity of the  
 15 complaint. If the committee determines that the complaint  
 16 or any portion thereof has validity, it may recommend to the  
 17 committee of the whole of the house in which the complaint  
 18 originated that:

- 19 (a) the lobbyist be censored;
- 20 (b) the privileges of the lobbyist be suspended for a  
 21 certain period of time;
- 22 (c) the lobbyist be expelled for the duration of the  
 23 legislative session; or
- 24 (d) the lobbyist be subject to any other action  
 25 considered appropriate by the committee. If the committee

1 determines that the complaint has no basis, the complaint  
2 shall be dismissed and no further action will be required.

3 (5) The recommendations of the committee shall be  
4 presented to the committee of the whole by the chairman of  
5 the rules committee in the form of a motion and the motion  
6 shall be acted upon by both houses of the legislature. If  
7 the motion is suspension of the lobbyist's privileges or his  
8 expulsion from the legislature, such action shall require a  
9 two-thirds majority vote of each house. Any motion  
10 recommending less than suspension of privileges or expulsion  
11 shall require a simple majority vote of each house.

12 (6) If the final vote of the rules committee on a  
13 recommendation concerning a complaint results in a tie vote,  
14 the committee shall report the complaint to the committee of  
15 the whole without recommendation.

16 (7) The process whereby the legislature acts upon a  
17 complaint filed against a lobbyist, from the time the  
18 complaint is filed to the time that both houses have voted  
19 upon the motion of the rules committee, shall not extend  
20 beyond ten (10) legislative days. The appropriate  
21 legislative officers shall insure that this time limit is  
22 abided by.

23 (8) In the event that an ethics committee is  
24 established in each house of the legislature, each reference  
25 in this act to the rules committee shall mean the ethics

1 committee.

-End-

Objection Raised to  
Adverse Committee Report

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INTRODUCED BY VINCENT, HARPER, RICHARDS, PALMER, JOHNSON,

BRADLEY

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scrutiny. Therefore, it is the intent of the legislature to  
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duration of the legislative session; or

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