


 BILL NO. 127
 INTRODUCED BY Steve Fournier Blaylock

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 3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING STATEMENTS OF
 5 ANTICIPATED AND ACTUAL EXPENDITURES FROM EACH PERSON WHO
 6 EMPLOYS A LOBBYIST OR MAKES OTHER PAYMENTS TO INFLUENCE
 7 LEGISLATION; PROVIDING FOR THE AUDIT AND ENFORCEMENT OF
 8 REPORTING REQUIREMENTS; AMENDING SECTIONS 43-801, 43-802,
 9 43-804, 43-805, 43-806, AND 43-807, R.C.M. 1947."

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

12 Section 1. Section 43-801, R.C.M. 1947, is amended to
 13 read as follows:

14 "43-801. Purpose of act. The purpose of this act is to
 15 promote a high standard of ethics in the practice of
 16 lobbying, to prevent unfair and unethical lobbying
 17 practices, ~~and~~ to provide for the licensing of lobbyists and
 18 the suspension ~~of~~ ~~or~~ revocation of such licenses, ~~and to~~
 19 require disclosure of the amounts of money expended for
 20 lobbying."

21 Section 2. Section 43-802, R.C.M. 1947, is amended to
 22 read as follows:

23 "43-802. Definitions. The following ~~words and phrases~~
 24 ~~shall have the meaning respectively ascribed to them~~
 25 definitions apply in this chapter:

1 (1) "Lobbying." ~~The~~ means the practice of promoting or
 2 opposing the introduction or enactment of legislation before
 3 the legislature or the members thereof by any person other
 4 than a member of the legislature or a public official acting
 5 in his official capacity.

6 (2) "Lobbyist." ~~It~~ means any person who engages in
 7 the practice of lobbying for hire except in the manner
 8 authorized by ~~section~~ 43-807 or any person who makes an
 9 expenditure (not including payment of membership dues) to
 10 solicit others, either directly or by an advertising
 11 campaign, to communicate directly with a legislator for the
 12 purpose of influencing legislative action, but it does not
 13 include an individual acting solely on his own behalf who
 14 does not spend over \$400 for such purposes. Lobbying for
 15 hire ~~shall include~~ includes activities of any officers,
 16 agents, attorneys, or employees of any principal who are
 17 paid a regular salary or retained by such principal and
 18 whose duties include lobbying. When a person is only
 19 reimbursed for his personal living and travel expenses,
 20 which together do not exceed \$400 for any single year, he
 21 shall not be considered to be lobbying for hire. Any
 22 officer, agent, attorney, or employee of a principal who
 23 devotes less than a total of 40 hours each year to lobbying
 24 shall not be considered a lobbyist. Nothing in this section
 25 ~~shall~~ may be construed to deprive any citizen not lobbying

1 for hire of his constitutional right to communicate with
2 members of the legislature.

3 (3) "Unprofessional conduct," ~~it~~ means a violation of
4 any of the provisions of this act, ~~or~~ soliciting employment
5 from any principal, ~~or~~ instigating the introduction of
6 legislation for the purpose of obtaining employment in
7 opposition thereto, ~~or~~ attempting to influence the vote of
8 legislators on any measure pending or to be proposed by the
9 promise of support or opposition at any future election, ~~or~~
10 by any other means than argument on the merits thereof, or
11 by making public any unsubstantiated charges of improper
12 conduct on the part of any other lobbyist or of any
13 legislator, or engaging in practices which reflect discredit
14 on the practice of lobbying or the legislature.

15 (4) "Person" means an individual, corporation,
16 association, firm, partnership, committee, club, or other
17 organization or group or persons.

18 (4)(5) "Principal" means:

19 (a) ~~Any~~ any person, corporation, or association which
20 engages a lobbyist or ~~other person~~ expends money in excess
21 of \$400 in connection with any legislation, pending before
22 the legislature or to be proposed, affecting the pecuniary
23 interest of such person, corporation, or association;

24 (b) ~~Any~~ any board, department, commission, or other
25 agency of the state, or any county or municipal corporation,

1 which engages a lobbyist or ~~other person~~ expends money in
2 excess of \$400 in connection with any legislation pending or
3 to be proposed affecting the statutory powers, duties, or
4 appropriation of such agency, county, or municipal
5 corporation.

6 ~~(5)(6) "Docket" The~~ means the register of licensed
7 lobbyists maintained by the secretary of state pursuant to
8 ~~section~~ 43-805.

9 ~~(6)(7) "Pecuniary interest." This term~~ includes
10 without limitation any legislation which creates, alters, or
11 repeals any statutory charge by way of tax, license fee,
12 registration fee, or otherwise, ~~or~~ which creates, alters, or
13 repeals any statutory privilege, power, restriction, or
14 obligation of any principal, or which creates, alters, or
15 repeals the powers or duties of any court or governmental
16 agency before which the principal does business.

17 (8) "Legislative action" means the drafting,
18 introduction, consideration, amendment, enactment, or defeat
19 of a bill, resolution, report, nomination, or other matter
20 by either house of the Montana legislature or a committee,
21 select committee, interim committee, or member of the
22 Montana legislature.

23 (9) "Payment" means a distribution, transfer, loan,
24 advance, deposit, gift, or other rendering of money,
25 property, services, or anything of value.

1 (10) "Payment to influence legislative action" means
2 any of the following types of payment:

3 (a) direct or indirect payment to a lobbyist by a
4 principal, as salary, fee, or compensation for expenses or
5 for any other purpose;

6 (b) payment in support or assistance of a lobbyist or
7 his activities, including but not limited to the direct
8 payment of expenses incurred at the request or suggestion of
9 the lobbyist.

10 (11) "Election commissioner" means the commissioner of
11 campaign finances and practices, provided for in 23-4785."

12 Section 3. Section 43-804, R.C.M. 1947, is amended to
13 read as follows:

14 "43-804. Principal of lobbyists — ~~entering name of~~
15 ~~lobbyists on docket registration and expenditure reporting.~~

16 (1) Except as provided in section 43-807, every principal
17 who employs any lobbyist shall within ~~one~~ (1) week after
18 such employment cause the name of said lobbyist to be
19 entered upon the docket. It shall also be the duty of the
20 lobbyist to enter his name upon the docket. Upon the
21 termination of such employment, such fact may be entered
22 opposite the name of the lobbyist either by the lobbyist or
23 the principal.

24 (2) A principal who employs a lobbyist or who makes
25 any other payments to influence legislative action in excess

1 of \$400 shall file with the secretary of state an estimate
2 of anticipated expenditures for those purposes, as follows:

3 (a) The principal shall file this report by December
4 31 for expenditures anticipated or budgeted for the next
5 following calendar year itemized according to the 10
6 categories set forth in [section 7 of this act].

7 (b) A principal who does not employ a lobbyist or make
8 a payment to influence legislative action in excess of \$400
9 until after December 31 shall file the report required by
10 this subsection within 2 weeks of the time he employs the
11 lobbyist or makes such payment."

12 Section 4. Section 43-805, R.C.M. 1947, is amended to
13 read as follows:

14 "43-805. Docket — contents — report to legislature
15 — subjects of legislation — written authorization. (1) The
16 secretary of state shall prepare and keep a docket in which
17 shall be entered the name and business address of each
18 lobbyist, ~~and~~ the name and business address of his
19 principal, and the subject or subjects of legislation to
20 which the employment relates or a statement that the
21 employment relates to all matters in which the principal has
22 an interest. The docket entry for each principal shall also
23 indicate the principal's report of total anticipated
24 payments to influence legislative action. Such docket shall
25 be a public record and open to the inspection of any citizen

1 upon demand at any time during the regular business hours of
 2 the office of the secretary of state. Beginning with the
 3 first week Tuesday following the beginning of any regular or
 4 special session of the legislature and on every the first
 5 Tuesday thereafter for the duration of such session of every
 6 month thereafter during which the legislature is in session,
 7 the secretary of state shall from his records report to each
 8 member of each house of the legislature the names of
 9 lobbyists registered under this act, not previously
 10 reported, the names of the persons whom they represent as
 11 such lobbyist lobbyists, and subject the subjects of
 12 legislation in which they are interested.

13 (2) Any principal employing any lobbyist shall, when
 14 further subjects of legislation are introduced or arise
 15 which such lobbyist is to promote or oppose, make or cause
 16 to be made additional entries in the docket stating such
 17 employment so that the docket will show at all times all
 18 subjects of legislation in relation to which the lobbyist is
 19 employed or the general statement provided above.

20 (3) Within ~~ten~~ {10} days after his registration in the
 21 docket, a lobbyist shall file with the secretary of state a
 22 written authorization to act as such signed by his
 23 principal."

24 Section 5. Section 43-806, R.C.M. 1947, is amended to
 25 read as follows:

1 "43-806. Practice without license and registration
 2 prohibited -- copies of statements, briefs, etc. --
 3 restrictions applicable when. (1) No person shall may
 4 practice as a lobbyist unless he has been duly licensed
 5 under the provisions of ~~section~~ 43-803 and unless his name
 6 appears upon the docket as employed in respect to such
 7 matters as he shall be promoting or opposing. ~~No principal~~
 8 ~~shall directly or indirectly authorize or permit any~~
 9 ~~lobbyist employed by him to practice lobbying in respect to~~
 10 ~~any legislation affecting the pecuniary interest of such~~
 11 ~~principal until such lobbyist is duly licensed and the name~~
 12 ~~of such lobbyist is duly entered on the docket.~~ No person
 13 shall may be employed as a lobbyist for a compensation
 14 dependent in any manner upon the passage or defeat of any
 15 proposed or pending legislation or upon any other
 16 contingency connected with the action of the legislature or
 17 of either branch thereof or of any committee thereof.

18 (2) Before or within ~~five~~ {5} days after delivering
 19 any written or printed statement, argument, or brief to the
 20 entire membership of either or both houses of the
 21 legislature, three ~~(3)~~ copies shall be deposited with the
 22 secretary of state.

23 ~~(2) The restrictions upon the practice of lobbying~~
 24 ~~provided by this act shall be effective only during the~~
 25 ~~regular and special sessions of the legislature."~~

1 Section 6. Section 43-807, R.C.M. 1947, is amended to
2 read as follows:

3 "43-807. Persons not required to be licensed or
4 registered. Any person who limits his lobbying solely to
5 appearances before legislative committees of either house
6 without receiving a fee or compensation for his efforts and
7 registers his appearance on the records of such committee in
8 writing, shall not be required to be licensed as a lobbyist,
9 pay a license fee, or register with the secretary of state."

10 Section 7. There is a new R.C.M. section numbered
11 43-809 that reads as follows:

12 43-809. Principals to file accounting. A principal
13 subject to this chapter shall file an accounting of actual
14 payments to influence legislative action made during the
15 month of January on or before February 15 of that year and
16 shall file an accounting of such payments made during the
17 entire calendar year on or before February 15 of the
18 following year. In a year in which the legislature is in
19 session, a principal shall file an accounting of actual
20 payments to influence legislative action within 60 days
21 following the adjournment of the legislature, and if no
22 further such payments are made after that date, the
23 principal need not file an accounting for that calendar
24 year. Each accounting filed under this section shall:

25 (1) reiterate the estimate for the period previously

1 filed under 43-804(2);

2 (2) list all expenditures in each of the following 10
3 categories:

4 (a) original and derivative research done to support
5 an argument or presentation;

6 (b) the cost for publication and distribution of each
7 publication used in lobbying;

8 (c) other printing;

9 (d) news media;

10 (e) advertising, including production costs;

11 (f) postage;

12 (g) travel;

13 (h) salaries and fees, including allowances, rewards,
14 and contingency fees;

15 (i) entertainment; and

16 (j) telephone and telegraph;

17 (3) itemize each payment exceeding \$100, identifying
18 the payee and the beneficiary if the beneficiary of the
19 expenditure was one or more legislators or public officers,
20 except that in regard to a dinner or other function to which
21 all legislators, all senators, all representatives, or all
22 members of an identifiable group have been invited, the
23 beneficiary may be listed as all members of that group
24 without listing separately each person who attended;

25 (4) list each contribution and membership fee of \$500

1 or more paid to the principal, regardless of whether it was
 2 paid solely for the purpose of lobbying, with the full name
 3 and complete address of each payor and the issue area, if
 4 any, for which such payment was earmarked;

5 (5) list each political contribution, including a
 6 service or anything of value, paid to any candidate for
 7 elective public office, to any committee established to
 8 support or oppose a candidate for elective public office or
 9 to any committee to support or oppose any initiative,
 10 referendum, or other ballot issue, whether such contribution
 11 is made by the principal, any officer or employee of the
 12 principal, or any lobbyist who received compensation or
 13 reimbursement for expenses from the principal; and

14 (6) list each bill which the principal or his agents
 15 exerted a major effort to support, oppose, or modify,
 16 together with a statement of the principal's position for or
 17 against such action.

18 Section 8. There is a new R.C.M. section numbered
 19 43-810 that reads as follows:

20 43-810. Principals required to register, penalty for
 21 failure to register or for false statement. A person may not
 22 employ a lobbyist or make payments to influence legislative
 23 action unless he files the reports required under this
 24 chapter. A principal who fails to file a required report is
 25 subject to the penalty provided in 43-808. A principal who

1 knowingly files a false, erroneous, or incomplete statement
 2 commits the offense of unsworn falsification to authorities.

3 Section 9. There is a new R.C.M. section numbered
 4 43-811 that reads as follows:

5 43-811. Audit of final accounting statements. The
 6 election commissioner may audit the accountings filed under
 7 [section 7 of this act] and shall investigate any
 8 irregularities and report any apparent violations of this
 9 chapter to the attorney having authority to prosecute.

10 Section 10. There is a new R.C.M. section numbered
 11 43-812 that reads as follows:

12 43-812. Citizen suit for civil enforcement. A citizen
 13 of the state of Montana may maintain an action in the
 14 district court for the first judicial district to compel a
 15 person acting as a principal to comply with the filing
 16 requirements of this chapter. The defendant in this action
 17 is the alleged principal. Upon finding that a violation of
 18 this statute has occurred and that the defendant is acting
 19 as a principal with respect to legislative action, the court
 20 shall order the defendant to either comply with the filing
 21 requirements for principals or to refrain from making any
 22 further payment to influence legislative action. Any such
 23 citizen who is successful shall be awarded reasonable
 24 attorneys' fees. A principal is not entitled to receive
 25 attorneys' fees under any circumstances.

1 Section 11. There is a new R.C.M. section numbered
2 43-813 that reads as follows:
3 43-813. Election commissioner to make rules for
4 allocation of expenses. The election commissioner shall
5 promulgate and publish rules necessary to carry out the
6 provisions of this act in conformance with the Montana
7 Administrative Procedure Act and, in particular, shall
8 provide rules necessary to allocate salary, expenses, and
9 any other payments between lobbying activities and other
10 activities not connected with lobbying for any person whose
11 activities are not solely limited to lobbying.

-End-

Approved by Committee
on State Administration

SENATE BILL NO. 127

INTRODUCED BY TOWE, REGAN, BLAYLOCK

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING STATEMENTS OF ANTICIPATED AND ACTUAL EXPENDITURES FROM EACH PERSON WHO EMPLOYS A LOBBYIST OR MAKES OTHER PAYMENTS TO INFLUENCE LEGISLATION; PROVIDING FOR THE AUDIT AND ENFORCEMENT OF REPORTING REQUIREMENTS; AMENDING SECTIONS 43-801, 43-802, ~~43-803~~, 43-804, 43-805, 43-806, AND 43-807, R.C.M. 1947."

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

Section 1. Section 43-801, R.C.M. 1947, is amended to read as follows:

"43-801. Purpose of act. The purpose of this act is to promote a high standard of ethics in the practice of lobbying, to prevent unfair and unethical lobbying practices, and to provide for the licensing of lobbyists and the suspension ~~of-for~~ revocation of such licenses, and to require disclosure of the amounts of money expended for lobbying."

Section 2. Section 43-802, R.C.M. 1947, is amended to read as follows:

"43-802. Definitions. The following words and phrases ~~shall have the meaning respectively ascribed to them~~ definitions apply in this chapter:

SECOND READING

(1) ~~"Lobbying"~~ means the practice of promoting or opposing the introduction or enactment of legislation before the legislature or the members thereof by any person other than a member of the legislature or a public official acting in his official capacity ON REQUEST OF A LEGISLATOR.

(2) ~~"Lobbyist"~~ Any means any person who engages in the practice of lobbying for hire except in the manner authorized by section 43-807 or any person who makes an expenditure ~~not including payment of membership dues~~ to solicit others, either directly or by an advertising campaign, to communicate directly with a legislator for the purpose of influencing legislative action, but it does not include an individual acting solely on his own behalf who does not spend over ~~\$400~~ \$1000 for such purposes. Lobbying for hire ~~shall include~~ includes activities of any officers, agents, attorneys, or employees of any principal who are paid a regular salary or retained by such principal and whose duties include lobbying. When a person is only reimbursed for his personal living and travel expenses, which together do not exceed ~~\$400~~ \$1000 for any single year, he shall not be considered to be lobbying for hire. Any officer, agent, attorney, or employee of a principal who devotes less than a total of 40 hours each year to lobbying shall not be considered a lobbyist. Nothing in this section ~~shall~~ may be construed to deprive any citizen not lobbying

1 for hire of his constitutional right to communicate with
2 members of the legislature.

3 (3) "Unprofessional conduct" ~~means~~ a violation of
4 any of the provisions of this act, or soliciting employment
5 from any principal, or instigating the introduction of
6 legislation for the purpose of obtaining employment in
7 opposition thereto, or attempting to influence the vote of
8 legislators on any measure pending or to be proposed by the
9 promise of support or opposition at any future election, or
10 by any other means than argument on the merits thereof, or
11 by making public any unsubstantiated charges of improper
12 conduct on the part of any other lobbyist or of any
13 legislator, or engaging in practices which reflect discredit
14 on the practice of lobbying or the legislature.

15 (4) "Person" means an individual, corporation,
16 association, firm, partnership, committee, club, or other
17 organization or group of persons.

18 (4)(5) "Principal" means:

19 (a) Any ~~any person~~ person ~~corporation~~ or association which
20 engages a lobbyist or ~~other person~~ expends money in excess
21 of \$400 \$1000 in connection with any legislation pending
22 before the legislature or to be proposed affecting the
23 pecuniary interest of such ~~person~~ corporation or
24 association.

25 (b) Any ~~any~~ board, department, commission, or other

1 agency of the state, or any county or municipal corporation,
2 which engages a lobbyist or ~~other person~~ expends money in
3 excess of \$400 \$1000 in connection with any legislation
4 pending or to be proposed affecting the statutory powers,
5 duties, or appropriation of such agency, county, or
6 municipal corporation.

7 (5)(6) "Docket" means the register of licensed
8 lobbyists maintained by the secretary of state pursuant to
9 section 43-805.

10 (6)(7) "Pecuniary interest" this term includes
11 without limitation any legislation which creates, alters, or
12 repeals any statutory charge by way of tax, license fee,
13 registration fee, or otherwise, or which creates, alters, or
14 repeals any statutory privilege, power, restriction, or
15 obligation of any principal, or which creates, alters, or
16 repeals the powers or duties of any court or governmental
17 agency before which the principal does business.

18 (8) "Legislative action" means the drafting,
19 introduction, consideration, amendment, enactment, or defeat
20 of a bill, resolution, report, nomination, or other matter
21 by either house of the Montana legislature or a committee,
22 select committee, interim committee, or member of the
23 Montana legislature.

24 (9) "Payment" means a distribution, transfer, loan,
25 advance, deposit, gift, or other rendering of money,

1 ~~property, services, or anything of value.~~

2 ~~(10) "Payment to influence legislative action" means~~
3 ~~any of the following types of payment:~~

4 ~~(a) direct or indirect payment to a lobbyist by a~~
5 ~~principal, as salary, fee, or compensation for expenses or~~
6 ~~for any other purpose;~~

7 ~~(b) payment in support or assistance of a lobbyist or~~
8 ~~his activities, including but not limited to the direct~~
9 ~~payment of expenses incurred at the request or suggestion of~~
10 ~~the lobbyist.~~

11 ~~(11) "Election Commissioner" means the commissioner of~~
12 ~~campaign finances and practices provided for in 23-4705.~~

13 ~~Section 3. Section 43-804, R.S.M. 1947, is amended to~~
14 ~~read as follows:~~

15 ~~"43-804. Principal of lobbyists -- entering name of~~
16 ~~lobbyists on docket registration and expenditure reporting.~~

17 ~~(1) Except as provided in section 43-807, every principal~~
18 ~~who employs any lobbyist shall within one (1) week after~~
19 ~~such employment cause the name of said lobbyist to be~~
20 ~~entered upon the docket. It shall also be the duty of the~~
21 ~~lobbyist to enter his name upon the docket. Upon the~~
22 ~~termination of such employment, such fact may be entered~~
23 ~~opposite the name of the lobbyist either by the lobbyist or~~
24 ~~the principal.~~

25 ~~(2) A principal who employs a lobbyist or who makes~~

1 ~~any other payments to influence legislative action in excess~~
2 ~~of \$100 shall file with the secretary of state an estimate~~
3 ~~of anticipated expenditures for those purposes as follows:~~

4 ~~(a) The principal shall file this report by December~~
5 ~~31 for expenditures anticipated or budgeted for the next~~
6 ~~following calendar year itemized according to the 10~~
7 ~~categories set forth in section 7 of this act.~~

8 ~~(b) A principal who does not employ a lobbyist or make~~
9 ~~a payment to influence legislative action in excess of \$100~~
10 ~~until after December 31 shall file the report required by~~
11 ~~this subsection within 2 weeks of the time he employs the~~
12 ~~lobbyist or makes such payments.~~

13 ~~SECTION 3. SECTION 43-803, R.S.M. 1947, IS AMENDED TO~~
14 ~~READ AS FOLLOWS:~~

15 ~~"43-803. Licensing of lobbyists -- fee -- expiration,~~
16 ~~suspension or revocation -- reinstatement.~~

17 ~~(1) Licenses -- fees -- eligibility. Any person of adult age~~
18 ~~and good moral character who is a citizen of the United~~
19 ~~States and otherwise qualified under this act may be~~
20 ~~licensed as a lobbyist as herein provided. The secretary of~~
21 ~~state shall provide for the form of application for license.~~
22 ~~Such application may be obtained in the office of the~~
23 ~~secretary of state and filed therein. Upon approval of such~~
24 ~~application and payment of the license fee of ten dollars~~
25 ~~(\$10.00) to the secretary of state, a license shall be~~

1 issued which shall entitle the licensee to practice lobbying
 2 on behalf of any one or more principals. Each license shall
 3 expire on December 31 of each ~~odd-numbered~~ even-numbered
 4 year. No application shall be disapproved without affording
 5 the applicant a hearing which shall be held and decision
 6 entered within ten (10) days, of the date of filing of the
 7 application. The license fees collected by the secretary of
 8 state under this act shall be deposited by him in the state
 9 treasury.

10 (2) Suspension or revocation of license. Upon verified
 11 complaint in writing to the attorney general of the state of
 12 Montana charging the holder of a license with having been
 13 guilty of unprofessional conduct or with having procured his
 14 license by fraud or perjury or through error, the attorney
 15 general is hereby authorized to bring civil action in the
 16 district court for Lewis and Clark county, state of Montana,
 17 against the holder and in the name of the state as plaintiff
 18 to revoke the license. Hearing shall be held by the court
 19 unless the defendant-licensee demands a jury trial. The
 20 trial shall be held as soon as possible and at least twenty
 21 (20) days after the filing of the charges and shall take
 22 precedence over all other matters pending before the court.
 23 If the court finds for the plaintiff judgment shall be
 24 rendered revoking the license, and the clerk of the court
 25 shall file a certified copy of the judgment with the

1 secretary of state. The licensing authority may commence any
 2 such action on his own motion.

3 (3) Suspension of lobbying privileges. No lobbyist
 4 whose license has been suspended or revoked and no person
 5 who has been convicted of a violation of any provision of
 6 this act shall engage in any lobbying until he has been
 7 reinstated to the practice of lobbying and duly licensed."

8 Section 4. Section 43-805, R.C.M. 1947, is amended to
 9 read as follows:

10 "43-805. Docket -- contents -- report to legislature
 11 -- subjects of legislation -- written authorization. (1) The
 12 secretary of state shall prepare and keep a docket in which
 13 shall be entered the name and business address of each
 14 lobbyist, ~~and~~ the name and business address of his
 15 principal, and the subject or subjects of legislation to
 16 which the employment relates or a statement that the
 17 employment relates to all matters in which the principal has
 18 an interest. The docket entry for each principal shall also
 19 indicate the principal's report of total anticipated
 20 payments to influence legislative action. Such docket shall
 21 be a public record and open to the inspection of any citizen
 22 upon demand at any time during the regular business hours of
 23 the office of the secretary of state. Beginning with the
 24 first ~~week~~ Tuesday following the beginning of any regular or
 25 special session of the legislature and on ~~every~~ the first

1 ~~Tuesday thereafter for the duration of such session of every~~
 2 ~~month thereafter during which the legislature is in session,~~
 3 the secretary of state shall from his records report to each
 4 ~~member of each~~ house of the legislature the names of
 5 lobbyists registered under this act, not previously
 6 reported, the names of the persons whom they represent as
 7 such lobbyist lobbyists, and subject the subjects of
 8 legislation in which they are interested.

9 (2) Any principal employing any lobbyist shall, when
 10 further subjects of legislation are introduced or arise
 11 which such lobbyist is to promote or oppose, make or cause
 12 to be made additional entries in the docket stating such
 13 employment so that the docket will show at all times all
 14 subjects of legislation in relation to which the lobbyist is
 15 employed or the general statement provided above.

16 ~~{3}--Within ten {10} days after his registration in the~~
 17 ~~docket, a lobbyist shall file with the secretary of state a~~
 18 ~~written authorization to act as such signed by his~~
 19 ~~principal."~~

20 Section 5. Section 43-806, R.C.M. 1947, is amended to
 21 read as follows:

22 "43-806. Practice without license and registration
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 24 restrictions applicable when. (1) No person shall ~~may~~
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1 under the provisions of section 43-803 and unless his name
 2 appears upon the docket as employed in respect to such
 3 matters as he shall be promoting or opposing. ~~No principal~~
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 5 ~~lobbyist employed by him to practice lobbying in respect to~~
 6 ~~any legislation affecting the pecuniary interest of such~~
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 8 ~~of such lobbyist is duly entered on the docket.~~ No person
 9 shall ~~may~~ be employed as a lobbyist for a compensation
 10 dependent in any manner upon the passage or defeat of any
 11 proposed or pending legislation or upon any other
 12 contingency connected with the action of the legislature or
 13 of either branch thereof or of any committee thereof.

14 (2) Before or within ~~five {5}~~ days after delivering
 15 any written or printed statement, argument, or brief to the
 16 entire membership of either or both houses of the
 17 legislature, three ~~{3}~~ copies shall be deposited with the
 18 secretary of state.

19 ~~{3}--The restrictions upon the practice of lobbying~~
 20 ~~provided by this act shall be effective only during the~~
 21 ~~regular and special sessions of the legislature."~~

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 5 pay a license fee, or register with the secretary of state."

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 7 43-809 that reads as follows:

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 11 month of January on or before February 15 of that year and
 12 shall file an accounting of such payments made during the
 13 entire calendar year on or before February 15 of the
 14 following year. In a year in which the legislature is in
 15 session, a principal shall file an accounting of actual
 16 payments to influence legislative action within 60 days
 17 following the adjournment of the legislature, and if no
 18 further such payments are made after that date, the
 19 principal need not file an accounting for that calendar
 20 year. Each accounting filed under this section shall:

21 (1) reiterate the estimate for the period previously
 22 filed under 43-804(2);

23 (2) list all expenditures in each of the following 10
 24 categories:

25 (a) original and derivative research done to support

1 an argument or presentation;

2 (b) the cost for publication and distribution of each
 3 publication used in lobbying;

4 (c) other printing;

5 (d) news media;

6 (e) advertising, including production costs;

7 (f) postage;

8 (g) travel;

9 (h) salaries and fees, including allowances, rewards,
 10 and contingency fees;

11 (i) entertainment; and

12 (j) telephone and telegraph;

13 (3) itemize each payment exceeding \$100, identifying
 14 the payee and the beneficiary if the beneficiary of the
 15 expenditure was one or more legislators or public officers,
 16 except that in regard to a dinner or other function to which
 17 all legislators, all senators, all representatives, or all
 18 members of an identifiable group have been invited, the
 19 beneficiary may be listed as all members of that group
 20 without listing separately each person who attended;

21 (4) list each contribution and membership fee of \$500
 22 or more paid to the principal, regardless of whether it was
 23 paid solely for the purpose of lobbying, with the full name
 24 and complete address of each payor and the issue area, if
 25 any, for which such payment was earmarked;

1 (5) list each political contribution, including a
 2 service or anything of value, paid to any candidate for
 3 elective public office, to any committee established to
 4 support or oppose a candidate for elective public office or
 5 to any committee to support or oppose any initiative,
 6 referendum, or other ballot issue, whether such contribution
 7 is made by the principal, any officer or employee of the
 8 principal, or any lobbyist who received compensation or
 9 reimbursement for expenses from the principal; and

10 (6) list each bill which the principal or his agents
 11 exerted a major effort to support, oppose, or modify,
 12 together with a statement of the principal's position for or
 13 against such action.

14 Section 8. There is a new R.C.M. section numbered
 15 43-810 that reads as follows:

16 43-810. Principals required to register, penalty for
 17 failure to register or for false statement. A person may not
 18 employ a lobbyist or make payments to influence legislative
 19 action unless he files the reports required under this
 20 chapter. A principal who fails to file a required report is
 21 subject to the penalty provided in 43-808. A principal who
 22 knowingly files a false, erroneous, or incomplete statement
 23 commits the offense of unsworn falsification to authorities.

24 Section 9. There is a new R.C.M. section numbered
 25 43-811 that reads as follows:

1 43-811. Audit of final accounting statements. The
 2 ~~election commissioner~~ SECRETARY OF STATE may audit the
 3 accountings filed under [section 7 of this act] and shall
 4 investigate any irreoularities and report any apparent
 5 violations of this chapter to the attorney having authority
 6 to prosecute.

7 ~~Section 10. There is a new R.C.M. section numbered~~
 8 ~~43-812 that reads as follows:~~

9 ~~43-812. Citizen suit for civil enforcement. A citizen~~
 10 ~~of the state of Montana may maintain an action in the~~
 11 ~~district court for the first judicial district to compel a~~
 12 ~~person acting as a principal to comply with the filing~~
 13 ~~requirements of this chapter. The defendant in this action~~
 14 ~~is the alleged principal. Upon finding that a violation of~~
 15 ~~this statute has occurred and that the defendant is acting~~
 16 ~~as a principal with respect to legislative action, the court~~
 17 ~~shall order the defendant to either comply with the filing~~
 18 ~~requirements for principals or to refrain from making any~~
 19 ~~further payment to influence legislative action. Any such~~
 20 ~~citizen who is successful shall be awarded reasonable~~
 21 ~~attorneys' fees. A principal is not entitled to receive~~
 22 ~~attorneys' fees under any circumstances.~~

23 Section 10. There is a new R.C.M. section numbered
 24 43-813 that reads as follows:

25 43-813. Election commissioner SECRETARY OF STATE to

1 make rules for allocation of expenses. The ~~election~~
2 ~~commissioner~~ SECRETARY OF STATE shall promulgate and publish
3 rules necessary to carry out the provisions of this act in
4 conformance with the Montana Administrative Procedure Act
5 and, in particular, shall provide rules necessary to
6 allocate salary, expenses, and any other payments between
7 lobbying activities and other activities not connected with
8 lobbying for any person whose activities are not solely
9 limited to lobbying.

-End-