

SENATE BILL NO. 309

INTRODUCED BY GRAHAM, BOYLAN, HIMSL,
GOODOVER, SEVERSON, LANE

IN THE SENATE

January 28, 1983	Introduced and referred to Committee on State Administration.
February 15, 1983	Committee recommend bill do pass as amended. Report adopted.
February 16, 1983	Bill printed and placed on members' desks.
February 17, 1983	Second reading, do pass.
February 18, 1983	On motion taken from third reading and referred to second reading. Second reading, do pass as amended.
February 21, 1983	Correctly engrossed.
February 22, 1983	Third reading, passed. Ayes, 38; Noes, 11. Transmitted to House.

IN THE HOUSE

February 28, 1983	Introduced and referred to Committee on State Administration.
March 19, 1983	Committee recommend bill be concurrent in as amended. Report adopted.
March 22, 1983	Second reading, concurred in. Segregated.

March 23, 1983

Second reading, concurred in.

Third reading, concurred in.

IN THE SENATE

March 25, 1983

Returned to Senate with
amendments.

April 7, 1983

Second reading, amendments
concurred in.

April 8, 1983

Third reading, amendments
concurred in. Ayes, 44;
Noes, 0.

Sent to enrolling.

Reported correctly enrolled.

1 *Senate* BILL NO. *309*
 2 INTRODUCED BY *Anthony Boyle*
 3 *Borden* *Sevenson* *LANE*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE
 5 PROVISIONS OF THE LOBBYIST DISCLOSURE LAWS; DELETING
 6 PROVISIONS DECLARED TO BE UNCONSTITUTIONAL BY THE MONTANA
 7 SUPREME COURT; CLARIFYING THE DEFINITIONS OF "LOBBYIST" AND
 8 "LOBBYING"; DELETING THE REQUIREMENT FOR THE REPORTING OF
 9 EXPENSES UNRELATED TO INFLUENCING LEGISLATION; INCREASING
 10 THE THRESHOLD AMOUNTS FOR REPORTING ENTERTAINMENT EXPENSES
 11 FROM \$10 TO \$25 AND FROM \$100 TO \$250; AND DELETING THE
 12 DISCLOSURE OBLIGATION IMPOSED ON PUBLIC OFFICIALS; AMENDING
 13 SECTIONS 5-7-101, 5-7-102, 5-7-208, AND 5-7-302, MCA;
 14 REPEALING SECTION 5-7-213, MCA; AND PROVIDING AN IMMEDIATE
 15 EFFECTIVE DATE."

16
 17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

18 Section 1. Section 5-7-101, MCA, is amended to read:

19 "5-7-101. Purposes of chapter -- applicability. (1)

20 The purposes of this chapter are to promote a high standard
 21 of ethics in the practice of lobbying; to prevent unfair and
 22 unethical lobbying practices; to provide for the licensing
 23 of lobbyists and the suspension or revocation of the
 24 licenses, ~~to require elected officials to make public their~~
 25 ~~business interests~~, and to require disclosure of the amounts

1 of money spent for lobbying.

2 (2) Nothing in this chapter subjects any Montana
 3 citizen lobbying on his own behalf to any reporting
 4 requirements nor deprives any such citizen of the
 5 constitutional right to communicate with public officials."

6 Section 2. Section 5-7-102, MCA, is amended to read:
 7 "5-7-102. Definitions. The following definitions apply
 8 in this chapter:

9 (1) "Individual" means a human being.

10 (2) "Person" means an individual, corporation,
 11 association, firm, partnership, state or local government or
 12 subdivision thereof, or other organization or group of
 13 persons.

14 (3) "Public official" means any individual, elected or
 15 appointed, acting in his official capacity for the state or
 16 ~~local government or any political subdivision thereof~~, but
 17 does not include those acting in a judicial or
 18 quasi-judicial capacity or performing ministerial acts.

19 (4) "Lobbying" ~~includes~~

20 ~~(a)~~ is the practice of promoting or opposing the
 21 introduction or enactment of legislation ~~before by direct~~
 22 written or oral, informative or persuasive action
 23 communicated directly to the legislature or the members
 24 thereof by any person other than a member of the legislature
 25 ~~or a public official acting in his official capacity; and~~

~~(b) the practice of promoting or opposing official action by any public official in the event the person engaged in such practice expends \$1,000 per calendar year or more exclusive of personal travel and living expenses.~~

(5) (a) "Lobbyist" means any person who engages in the practice of lobbying for hire.

(b) "Lobbyist" does not include:

(i) any individual Montana citizen acting solely on his own behalf; or

(ii) any individual working for the same principal as a licensed lobbyist, such individual having no personal contact involving lobbying with any public official on behalf of his principal; or

(iii) any person who limits his lobbying solely to appearances before legislative committees and registers his appearance in the written records of the committees.

(c) Nothing in this section deprives any citizen not lobbying for hire of the constitutional right to communicate with public officials.

(6) "Lobbying for hire" includes activities of any officers, agents, attorneys, or employees of any principal who are paid, reimbursed, or retained by such principal and whose duties include lobbying. When an individual is reimbursed only for his personal living and travel expenses, which together do not exceed \$1,000 per calendar year, that

individual shall not be considered to be lobbying for hire.

(7) "Unprofessional conduct" means:

(a) a violation of any of the provisions of this chapter;

(b) instigating action by any public official for the purpose of obtaining employment in opposition thereto;

(c) attempting to influence the action of any public official on any measure pending or to be proposed by:

~~(i) the promise of support or opposition at any future election;~~

~~+++ (i) promise of financial support; or~~

~~+++ (ii) making public any unsubstantiated charges of improper conduct on the part of any other lobbyist, any principal, or any legislator;~~

~~(iv) any improper economic reprisal or other unlawful retaliation against any public official; or~~

~~(v) any means other than argument on the merits thereof;~~

~~(d) attempting to influence a decision or vote by a hearing examiner or quasi-judicial officer in any contested case proceeding under Title 2, chapter 4, part 6, except as provided therein;~~

~~(e) (d) attempting to knowingly deceive any public official with regard to the pertinent facts of an official matter or attempt to knowingly misrepresent pertinent facts~~

1 of an official matter to any public official; ~~or~~

2 ~~(f) engaging in practices which reflect discredit on~~
3 ~~the practice of lobbying.~~

4 (8) "Principal" means any person who makes payments in
5 excess of \$1,000 per calendar year for ~~any of the following:~~

6 ~~(a) to engage a lobbyist; or~~

7 ~~(b) in the case of a person other than an individual,~~
8 ~~to solicit, directly, indirectly, or by an advertising~~
9 ~~campaign, the lobbying efforts of another person.~~

10 (9) "Docket" means the register and reports of
11 lobbyists and principals maintained by the commissioner
12 pursuant to 5-7-201.

13 (10) "Payment" means distribution, transfer, loan,
14 advance, deposit, gift, or other rendering made or to be
15 made of money, property, or anything of value.

16 (11) "Payment to influence official action" means any
17 of the following types of payment:

18 (a) direct or indirect payment to a lobbyist by a
19 principal, as salary, fee, or compensation for expenses or
20 ~~for any other purpose;~~

21 (b) payment in support of or assistance to a lobbyist
22 or lobbying activities, including, but not limited to, the
23 direct payment of expenses incurred at the request or
24 suggestion of the lobbyist.

25 (12) "Business" means any holding or interest whose

1 fair market value is greater than \$1,000, in any
2 corporation, partnership, sole proprietorship, firm,
3 enterprise, franchise, association, self-employed
4 individual, holding company, joint stock company,
5 receivership, trust, or other entity or property held in
6 anticipation of profit, but does not include nonprofit
7 organizations.

8 (13) "Commissioner" means the commissioner of political
9 practices.

10 (14) "Elected official" means a public official holding
11 a state office filled by a statewide vote of all the
12 electors of Montana or a state district office, including,
13 but not limited to legislators, public service
14 commissioners, and district court judges. The term
15 "official-elect" shall also apply only to such offices."

16 Section 3. Section 5-7-208, MCA, is amended to read:

17 "5-7-208. Principals to file accountings. (1) A
18 principal subject to this chapter shall file with the
19 commissioner an accounting of payments made ~~to influence the~~
20 ~~official action of a public official~~ for the purpose of
21 lobbying.

22 ~~(2) If such payments are made solely to influence~~
23 ~~legislative action, such~~ Such accounting shall be made:

24 (a) before February 16th of any year the legislature
25 is in session and shall include all payments made in that

1 calendar year prior to February 1;

2 (b) before the 16th day of the calendar month
3 following any calendar month in which the principal spent
4 \$5,000 or more and shall include all payments made during
5 the prior calendar month; and

6 (c) within 60 days following adjournment of such
7 session and shall include all payments made during such
8 session, except as has previously been reported.

9 ~~{3}--if--such--payments--are--made--to--influence--any--other~~
10 ~~official--action--by--a--public--official--or--made--to--influence~~
11 ~~such--other--action--and--legislative--action;--such--accounting~~
12 ~~shall--be--made;~~

13 ~~{a}--before--February--16th--of--the--calendar--year~~
14 ~~following--such--payments--and--shall--include--all--payments--made~~
15 ~~during--the--prior--calendar--year;--and~~

16 ~~{b}--before--the--16th--day--of--the--calendar--month~~
17 ~~following--any--calendar--month--in--which--the--principal--spent~~
18 ~~\$5,000--or--more--and--shall--include--all--payments--made--during~~
19 ~~the--prior--calendar--month;~~

20 ~~{4}{3}~~ If no such payments are made during the
21 reporting periods provided in subsections (2)(a) and
22 (2)(c) and ~~{3}{a}~~ above, the principal shall file a report
23 stating such.

24 (5) Each accounting filed under this section shall:

25 (a) list all payments for lobbying in each of the

1 following categories:

2 ~~{i}--original--and--derivative--research--(for--which--the~~
3 ~~cost--may--be--estimated--if--necessary)--done--to--support--a~~
4 ~~lobbying--argument--or--presentation;~~

5 ~~{ii}--publication--and--distribution--of--each--publication;~~
6 ~~except--that--the--cost--of--a--newsletter--or--leaflet--distributed~~
7 ~~to--the--membership--of--a--principal--need--not--be--reported--unless~~
8 ~~over--one--half--of--that--newsletter--or--leaflet--is--devoted--to~~
9 ~~lobbying--matters;~~

10 ~~{iii}{i}~~ other printing;

11 ~~{iv}~~ news media;

12 ~~{v}{ii}~~ advertising, including production costs;

13 ~~{vi}{iii}~~ postage;

14 ~~{vii}~~ travel and personal living expenses;

15 ~~{viii}~~ salaries and fees, including allowances,
16 rewards, and contingency fees;

17 ~~{ix}{iv}~~ entertainment, including all foods and
18 refreshments;

19 ~~{x}{v}~~ telephone and telegraph; and

20 ~~{xi}{vi}~~ other office expenses;

21 (b) itemize, identifying the payee and the
22 beneficiary:

23 (i) each separate payment conferring \$18 ~~125~~ or more
24 benefit to any public official when the payment was made for
25 the purpose of lobbying; and

1 (ii) each separate payment conferring \$100 ~~\$250~~ or more
 2 benefit to more than one public official, regardless of
 3 individual benefit when the payment was made for the purpose
 4 of lobbying, except that in regard to a dinner or other
 5 function to which all senators or all representatives have
 6 been invited, the beneficiary may be listed as all members
 7 of that group without listing separately each person who
 8 attended;

9 (c) list each contribution and membership fee which
 10 amounts to \$250 or more when aggregated over the period of 1
 11 calendar year paid to the principal, ~~regardless of whether~~
 12 ~~it was paid solely~~ for the purpose of lobbying, with the
 13 full address of each payer and the issue area, if any, for
 14 which such payment was earmarked;

15 ~~(d) list each political contribution, including~~
 16 ~~anything of value, paid to any candidate for elective public~~
 17 ~~office, to any committee established to support or oppose a~~
 18 ~~candidate for elective public office, or to any committee to~~
 19 ~~support or oppose any initiative, referendum, or other~~
 20 ~~ballot issue, whether such payment is made directly or~~
 21 ~~indirectly by the principal or any lobbyist who received~~
 22 ~~compensation or reimbursement for such payment from the~~
 23 ~~principal;~~

24 ~~(e)(d)~~ list each official action bill, resolution, or
 25 joint resolution in which the principal or his agents

1 exerted a major effort to support, oppose, or modify,
 2 together with a statement of the principal's position for or
 3 against such action; and

4 ~~(f)(e)~~ be kept by the commissioner for a period of 10
 5 years."

6 Section 4. Section 5-7-302, MCA, is amended to read:

7 "5-7-302. Unprofessional conduct — prohibited
 8 compensation. ~~(1)~~ No lobbyist or principal shall engage in
 9 or directly or indirectly authorize any unprofessional
 10 conduct.

11 ~~(2) No person may be employed as a lobbyist for a~~
 12 ~~compensation dependent in any manner upon the passage or~~
 13 ~~defeat of any proposed or pending official action by a~~
 14 ~~public official or upon any other contingency connected with~~
 15 ~~such action."~~

16 NEW SECTION. Section 5. Repealer. Section 5-7-213,
 17 MCA, is repealed.

18 NEW SECTION. Section 6. Effective date. This act is
 19 effective on passage and approval.

-End-

Approved by Committee
on State Administration

1 SENATE BILL NO. 309
2 INTRODUCED BY GRAHAM, BOYLAN, HIMSL,
3 GOODOVER, SEVERSON, LANE
4
5 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE
6 PROVISIONS OF THE LOBBYIST DISCLOSURE LAWS; DELETING
7 PROVISIONS DECLARED TO BE UNCONSTITUTIONAL BY THE MONTANA
8 SUPREME COURT; CLARIFYING THE DEFINITIONS OF "LOBBYIST" AND
9 "LOBBYING"; ~~DELETING--THE--REQUIREMENT--FOR--THE--REPORTING--OF~~
10 ~~EXPENSES--UNRELATED--TO--INFLUENCING--LEGISLATION;~~ INCREASING
11 THE THRESHOLD AMOUNTS FOR REPORTING ENTERTAINMENT EXPENSES
12 FROM \$10 TO \$25 ~~AND--FROM--\$100--TO--\$250;~~ ~~AND--DELETING--THE~~
13 ~~DISCLOSURE--OBLIGATION--IMPOSED--ON--PUBLIC--OFFICIALS;~~ AMENDING
14 SECTIONS 5-7-101, 5-7-102, 5-7-208, AND 5-7-302, MCA;
15 ~~REPEALING--SECTION--5-7-213,--MCA;~~ AND PROVIDING AN IMMEDIATE
16 EFFECTIVE DATE."
17
18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
19 Section 1. Section 5-7-101, MCA, is amended to read:
20 "5-7-101. Purposes of chapter -- applicability. (1)
21 The purposes of this chapter are to promote a high standard
22 of ethics in the practice of lobbying, to prevent unfair and
23 unethical lobbying practices, to provide for the licensing
24 of lobbyists and the suspension or revocation of the
25 licenses, ~~to-require-elected-officials-to-make-public-their~~

1 ~~business-interests,~~ TO REQUIRE ELECTED OFFICIALS TO MAKE
2 PUBLIC THEIR BUSINESS INTERESTS, and to require disclosure
3 of the amounts of money spent for lobbying.
4 (2) Nothing in this chapter subjects any Montana
5 citizen lobbying on his own behalf to any reporting
6 requirements nor deprives any such citizen of the
7 constitutional right to communicate with public officials."
8 Section 2. Section 5-7-102, MCA, is amended to read:
9 "5-7-102. Definitions. The following definitions apply
10 in this chapter:
11 (1) "Individual" means a human being.
12 (2) "Person" means an individual, corporation,
13 association, firm, partnership, state or local government or
14 subdivision thereof, or other organization or group of
15 persons.
16 (3) "Public official" means any individual, elected or
17 appointed, acting in his official capacity for the state or
18 ~~local government or any political subdivision thereof,~~ but
19 does not include those acting in a judicial or
20 quasi-judicial capacity or performing ministerial acts.
21 (4) "Lobbying" ~~includes~~ INCLUDES:
22 ~~(a) is (1) the practice of promoting or opposing the~~
23 ~~introduction or enactment of legislation before by-directly~~
24 ~~written--or--orally--informative--or--persuasive--action;~~
25 ~~communicated--directly--to~~ 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; and OR BEFORE A PUBLIC OFFICIAL ACTING IN HIS OFFICIAL CAPACITY; AND~~

~~(b) the practice of promoting or opposing official action by any public official in the event the person engaged in such practice expends \$1,000 per calendar year or more exclusive of personal travel and living expenses~~

~~(B) THE PRACTICE OF PROMOTING OR OPPOSING OFFICIAL ACTION BY ANY PUBLIC OFFICIAL OTHER THAN A LEGISLATOR. LOBBYING DOES NOT INCLUDE THE APPEARANCE BY A PUBLIC OFFICIAL BEFORE A COMMITTEE OF THE LEGISLATURE FOR INFORMATIONAL PURPOSES.~~

(5) (a) "Lobbyist" means any person who engages in the practice of lobbying for hire.

(b) "Lobbyist" does not include:

(i) any individual Montana citizen acting solely on his own behalf; or OR

(ii) any individual working for the same principal as a licensed lobbyist, such individual having no personal contact involving lobbying with any public official on behalf of his principal; or

~~(((iii) any person who limits his lobbying solely to appearances before legislative committees and registers his appearance in the written records of the committees.~~

(c) Nothing in this section deprives any citizen not lobbying for hire of the constitutional right to communicate with public officials.

(6) "Lobbying for hire" includes activities of any officers, agents, attorneys, or employees of any principal who are paid, reimbursed, or retained by such principal and whose duties include lobbying. When an individual is reimbursed only for his personal living and travel expenses, which together do not exceed \$1,000 per calendar year, that individual shall not be considered to be lobbying for hire.

(7) "Unprofessional conduct" means:

(a) a violation of any of the provisions of this chapter;

(b) instigating action by any public official for the purpose of obtaining employment in opposition thereto;

(c) attempting to influence the action of any public official on any measure pending or to be proposed by:

~~((i) the promise of support or opposition at any future election;~~

~~((ii) promise of financial support; or~~

~~((iii) making public any unsubstantiated charges of improper conduct on the part of any other lobbyist, any principal, or any legislator;~~

~~((iv) any improper economic reprisal or other unlawful retaliation against any public official; or~~

1 ~~(v) any means other than argument on the merits~~
2 ~~thereof;~~

3 ~~(d) attempting to influence a decision or vote by a~~
4 ~~hearing examiner or quasi-judicial officer in any contested~~
5 ~~case proceeding under Title 2, Chapter 4, part 6, except as~~
6 ~~provided therein;~~

7 ~~(e) attempting to knowingly deceive any public~~
8 ~~official with regard to the pertinent facts of an official~~
9 ~~matter or attempt to knowingly misrepresent pertinent facts~~
10 ~~of an official matter to any public official; or~~

11 ~~(f) engaging in practices which reflect discredit on~~
12 ~~the practice of lobbying.~~

13 (6) "Principal" means any person who makes payments in
14 excess of \$1,000 per calendar year for any of the following:

15 ~~(a) to engage a lobbyist; or~~

16 ~~(b) in the case of a person other than an individual,~~
17 ~~to solicit, directly, indirectly, or by an advertising~~
18 ~~campaign, the lobbying efforts of another person.~~

19 (9) "Docket" means the register and reports of
20 lobbyists and principals maintained by the commissioner
21 pursuant to 5-7-201.

22 (10) "Payment" means distribution, transfer, loan,
23 advance, deposit, gift, or other rendering made or to be
24 made of money, property, or anything of value.

25 (11) "Payment to influence official action" means any

1 of the following types of payment:

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

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

9 (12) "Business" means any holding or interest whose
10 fair market value is greater than \$1,000, in any
11 corporation, partnership, sole proprietorship, firm,
12 enterprise, franchise, association, self-employed
13 individual, holding company, joint stock company,
14 receivership, trust, or other entity or property held in
15 anticipation of profit, but does not include nonprofit
16 organizations.

17 (13) "Commissioner" means the commissioner of political
18 practices.

19 (14) "Elected official" means a public official holding
20 a state office filled by a statewide vote of all the
21 electors of Montana or a state district office, including,
22 but not limited to legislators, public service
23 commissioners, and district court judges. The term
24 "official-elect" shall also apply only to such offices."

25 Section 3. Section 5-7-208, MCA, is amended to read:

1 "5-7-208. Principals to file accountings. (1) A
2 principal subject to this chapter shall file with the
3 commissioner an accounting of payments made to influence the
4 official action of a public official for the purpose of
5 lobbying.

6 (2) ~~if such payments are made solely to influence~~
7 ~~legislative action, such as~~ IF SUCH PAYMENTS ARE MADE
8 SOLELY TO INFLUENCE LEGISLATIVE ACTION, SUCH accounting
9 shall be made:

10 (a) before February 16th of any year the legislature
11 is in session and shall include all payments made in that
12 calendar year prior to February 1;

13 (b) before the 16th day of the calendar month
14 following any calendar month in which the principal spent
15 \$5,000 or more and shall include all payments made during
16 the prior calendar month; and

17 (c) within 60 days following adjournment of such
18 session and shall include all payments made during such
19 session, except as has previously been reported.

20 ~~(3) if such payments are made to influence any other~~
21 ~~official action by a public official or made to influence~~
22 ~~such other action and legislative action, such accounting~~
23 ~~shall be made:~~

24 ~~(a) before February 16th of the calendar year~~
25 ~~following such payments and shall include all payments made~~

1 during the prior calendar year and

2 ~~(b) before the 16th day of the calendar month~~
3 ~~following any calendar month in which the principal spent~~
4 ~~\$5,000 or more and shall include all payments made during~~
5 ~~the prior calendar month.~~

6 (3) IF SUCH PAYMENTS ARE MADE TO INFLUENCE ANY OTHER
7 OFFICIAL ACTION BY A PUBLIC OFFICIAL OR MADE TO INFLUENCE
8 SUCH OTHER ACTION AND LEGISLATIVE ACTION, SUCH ACCOUNTING
9 SHALL BE MADE:

10 (A) BEFORE FEBRUARY 16TH OF THE CALENDAR YEAR
11 FOLLOWING SUCH PAYMENTS AND SHALL INCLUDE ALL PAYMENTS MADE
12 DURING THE PRIOR CALENDAR YEAR; AND

13 (B) BEFORE THE 16TH DAY OF THE CALENDAR MONTH
14 FOLLOWING ANY CALENDAR MONTH IN WHICH THE PRINCIPAL SPENT
15 \$5,000 OR MORE AND SHALL INCLUDE ALL PAYMENTS MADE DURING
16 THE PRIOR CALENDAR MONTH.

17 ~~(4) (3) (4)~~ If no such payments are made during the
18 reporting periods provided in subsections (2)(a), ~~and~~
19 ~~(2)(c) and (3)(a),~~ AND (3)(A) above, the principal shall
20 file a report stating such.

21 (5) Each accounting filed under this section shall:

22 (a) list all payments for lobbying in each of the
23 following categories:

24 ~~(i) original and derivative research (for which the~~
25 ~~cost may be estimated if necessary) done to support a~~

1 lobbying argument or presentation;
 2 ~~(iii) publication and distribution of each publication;~~
 3 ~~except that the cost of a newsletter or leaflet distributed~~
 4 ~~to the membership of a principal need not be reported unless~~
 5 ~~over one-half of that newsletter or leaflet is devoted to~~
 6 ~~lobbying matters;~~
 7 ~~(iii)(1) other printings;~~
 8 ~~(iv) news media;~~
 9 ~~(v)(1) advertising, including production costs;~~
 10 ~~(v)(2) postage;~~
 11 ~~(vi) travel and personal living expenses;~~
 12 ~~(vii) salaries and fees including allowances;~~
 13 ~~rewards and contingency fees;~~
 14 ~~(ix)(1) entertainment, including all foods and~~
 15 ~~refreshments;~~
 16 ~~(ix)(2) telephone and telegraph; and~~
 17 ~~(ix)(3) other office expenses;~~
 18 (b) itemize, identifying the payee and the
 19 beneficiary:
 20 (i) each separate payment conferring \$10 ~~\$25~~ or more
 21 benefit to any public official when the payment was made for
 22 the purpose of lobbying; and
 23 (ii) each separate payment conferring \$100 ~~\$250~~ \$100 or
 24 more benefit to more than one public official, regardless of
 25 individual benefit when the payment was made for the purpose

1 of lobbying, except that in regard to a dinner or other
 2 function to which all senators or all representatives have
 3 been invited, the beneficiary may be listed as all members
 4 of that group without listing separately each person who
 5 attended;
 6 (c) list each contribution and membership fee which
 7 amounts to \$250 or more when aggregated over the period of 1
 8 calendar year paid to the principal, ~~regardless of whether~~
 9 ~~it was paid solely~~ for the purpose of lobbying, with the
 10 full address of each payer and the issue area, if any, for
 11 which such payment was earmarked;
 12 ~~(d) list each political contribution including~~
 13 ~~anything of value paid to any candidate for elective public~~
 14 ~~office or to any committee established to support or oppose a~~
 15 ~~candidate for elective public office or to any committee to~~
 16 ~~support or oppose any initiative, referendum or other~~
 17 ~~ballot issue, whether such payment is made directly or~~
 18 ~~indirectly by the principal or any lobbyist who received~~
 19 ~~compensation or reimbursement for such payment from the~~
 20 ~~principal;~~
 21 ~~(e)(1) list each official action bill, resolution or~~
 22 ~~joint resolution in OFFICIAL ACTION~~ which the principal or
 23 his agents exerted a major effort to support, oppose, or
 24 modify, together with a statement of the principal's
 25 position for or against such action; and

1 ~~(f)(2)~~ be kept by the commissioner for a period of 10
2 years."

3 Section 4. Section 5-7-302, MCA, is amended to read:

4 "5-7-302. Unprofessional conduct -- prohibited
5 compensation. ~~(1)~~ No lobbyist or principal shall engage in
6 or directly or indirectly authorize any unprofessional
7 conduct.

8 ~~(2) -- No person may be employed as a lobbyist for a
9 compensation dependent in any manner upon the passage or
10 defeat of any proposed or pending official action by a
11 public official or upon any other contingency connected with
12 such actions"~~

13 ~~NEW SECTION. -- Section 5. -- Repeaters. -- Section 5-7-213,
14 MCA, is repeated:~~

15 ~~NEW SECTION. Section 5. Effective date. This act is~~
16 effective on passage and approval.

-End-

SENATE BILL NO. 309

INTRODUCED BY GRAHAM, BOYLAN, HIMSL,

GOODOVER, SEVERSON, LANE

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE PROVISIONS OF THE LOBBYIST DISCLOSURE LAWS; DELETING PROVISIONS DECLARED TO BE UNCONSTITUTIONAL BY THE MONTANA SUPREME COURT; CLARIFYING THE DEFINITIONS OF "LOBBYIST" AND "LOBBYING"; ~~DELETING--THE--REQUIREMENT--FOR--THE--REPORTING--OF--EXPENSES--UNRELATED--TO--INFLUENCING--LEGISLATION;~~ INCREASING THE THRESHOLD AMOUNTS FOR REPORTING ENTERTAINMENT EXPENSES FROM \$10 TO \$25 ~~AND--FROM--\$100--TO--\$250;~~ ~~AND--DELETING--THE--DISCLOSURE--OBLIGATION--IMPOSED--ON--PUBLIC--OFFICIALS;~~ AMENDING SECTIONS 5-7-101, 5-7-102, 5-7-208, AND 5-7-302, MCA; ~~REPEALING--SECTION--5-7-213--MCA;~~ AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 5-7-101, MCA, is amended to read:

"5-7-101. Purposes of chapter -- applicability. (1)

The purposes of this chapter are to promote a high standard of ethics in the practice of lobbying, to prevent unfair and unethical lobbying practices, to provide for the licensing of lobbyists and the suspension or revocation of the licenses, ~~to require elected officials to make public their~~

~~business-interests, TO REQUIRE ELECTED OFFICIALS TO MAKE PUBLIC THEIR BUSINESS INTERESTS,~~ and to require disclosure of the amounts of money spent for lobbying.

(2) Nothing in this chapter subjects any Montana citizen lobbying on his own behalf to any reporting requirements nor deprives any such citizen of the constitutional right to communicate with public officials."

Section 2. Section 5-7-102, MCA, is amended to read:

"5-7-102. Definitions. The following definitions apply in this chapter:

(1) "Individual" means a human being.

(2) "Person" means an individual, corporation, association, firm, partnership, state or local government or subdivision thereof, or other organization or group of persons.

(3) "Public official" means any individual, elected or appointed, acting in his official capacity for the state or ~~local government or any political subdivision thereof,~~ but does not include those acting in a judicial or quasi-judicial capacity ~~or performing ministerial acts.~~

(4) "Lobbying" includes: ~~INCLUDES:~~

~~(a) is (a) the practice of promoting or opposing the introduction or enactment of legislation before by direct written or orally--informative--or--persuasive--action; communicated--directly--to~~ 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; and~~ OR BEFORE A PUBLIC OFFICIAL ACTING IN HIS OFFICIAL CAPACITY; AND

~~(b) the practice of promoting or opposing official action by any public official in the event the person engaged in such practice expends \$1,000 per calendar year or more exclusive of personal travel and living expenses~~

~~(B) THE PRACTICE OF PROMOTING OR OPPOSING OFFICIAL ACTION BY ANY PUBLIC OFFICIAL OTHER THAN A LEGISLATOR. LOBBYING DOES NOT INCLUDE THE APPEARANCE BY A PUBLIC OFFICIAL BEFORE A COMMITTEE OF THE LEGISLATURE FOR INFORMATIONAL PURPOSES.~~

(5) (a) "Lobbyist" means any person who engages in the practice of lobbying for hire.

(b) "Lobbyist" does not include:

(i) any individual Montana citizen acting solely on his own behalf; or OR

(ii) any individual working for the same principal as a licensed lobbyist, such individual having no personal contact involving lobbying with any public official on behalf of his principal; or

~~(iii) any person who limits his lobbying solely to appearances before legislative committees and initiates his appearance in the written records of the committees.~~

(c) Nothing in this section deprives any citizen not lobbying for hire of the constitutional right to communicate with public officials.

(6) "Lobbying for hire" includes activities of any officers, agents, attorneys, or employees of any principal who are paid, reimbursed, or retained by such principal and whose duties include lobbying. When an individual is reimbursed only for his personal living and travel expenses, which together do not exceed \$1,000 per calendar year, that individual shall not be considered to be lobbying for hire.

(7) "Unprofessional conduct" means:

(a) a violation of any of the provisions of this chapter;

(b) instigating action by any public official for the purpose of obtaining employment in opposition thereto;

(c) attempting to influence the action of any public official on any measure pending or to be proposed by:

~~(i) the promise of support or opposition at any future election;~~

~~(ii) promise of financial support; or~~

~~(iii) making public any unsubstantiated charges of improper conduct on the part of any other lobbyist, any principal, or any legislator;~~

~~(iv) any improper economic reprisal or other unlawful retaliation against any public official; or~~

~~(v) any means other than argument on the merits thereof~~

~~(d) attempting to influence a decision or vote by a hearing examiner or quasi-judicial officer in any contested case proceeding under Title 2, chapter 4, part 6, except as provided therein~~

~~(e)(1) attempting to knowingly deceive any public official with regard to the pertinent facts of an official matter or attempt to knowingly misrepresent pertinent facts of an official matter to any public official; or~~

~~(f) engaging in practices which reflect discredit on the practice of lobbying.~~

(8) "Principal" means any person who makes payments in excess of \$1,000 per calendar year for any of the following:

(a) to engage a lobbyist; or

(b) in the case of a person other than an individual, to solicit, directly, indirectly, or by an advertising campaign, the lobbying efforts of another person.

(9) "Docket" means the register and reports of lobbyists and principals maintained by the commissioner pursuant to 5-7-201.

(10) "Payment" means distribution, transfer, loan, advance, deposit, gift, or other rendering made or to be made of money, property, or anything of value.

(11) "Payment to influence official action" means any

of the following types of payment:

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

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

(12) "Business" means any holding or interest whose fair market value is greater than \$1,000, in any corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, self-employed individual, holding company, joint stock company, receivership, trust, or other entity or property held in anticipation of profit, but does not include nonprofit organizations.

(13) "Commissioner" means the commissioner of political practices.

(14) "Elected official" means a public official holding a state office filled by a statewide vote of all the electors of Montana or a state district office, including, but not limited to legislators, public service commissioners, and district court judges. The term "official-elect" shall also apply only to such offices."

Section 3. Section 5-7-208, MCA, is amended to read:

1 "5-7-208. Principals to file accountings. (1) A
2 principal subject to this chapter shall file with the
3 commissioner an accounting of payments made to influence the
4 official action of a public official for the purpose of
5 lobbying.

6 (2) If such payments are made solely to influence
7 legislative action, such as IE SUCH PAYMENTS ARE MADE
8 SOLELY TO INFLUENCE LEGISLATIVE ACTION, SUCH accounting
9 shall be made:

10 (a) before February 16th of any year the legislature
11 is in session and shall include all payments made in that
12 calendar year prior to February 1;

13 (b) before the 16th day of the calendar month
14 following any calendar month in which the principal spent
15 \$5,000 or more and shall include all payments made during
16 the prior calendar month; and

17 (c) within 60 days following adjournment of such
18 session and shall include all payments made during such
19 session, except as has previously been reported.

20 (3) If such payments are made to influence any other
21 official action by a public official or made to influence
22 such other action and legislative action, such accounting
23 shall be made:

24 (a) before February 16th of the calendar year
25 following such payments and shall include all payments made

1 during the prior calendar year and

2 (b) before the 16th day of the calendar month
3 following any calendar month in which the principal spent
4 \$5,000 or more and shall include all payments made during
5 the prior calendar month.

6 (3) IE SUCH PAYMENTS ARE MADE TO INFLUENCE ANY OTHER
7 OFFICIAL ACTION BY A PUBLIC OFFICIAL OR MADE TO INFLUENCE
8 SUCH OTHER ACTION AND LEGISLATIVE ACTION, SUCH ACCOUNTING
9 SHALL BE MADE:

10 (a) BEFORE FEBRUARY 16TH OF THE CALENDAR YEAR
11 FOLLOWING SUCH PAYMENTS AND SHALL INCLUDE ALL PAYMENTS MADE
12 DURING THE PRIOR CALENDAR YEAR; AND

13 (b) BEFORE THE 16TH DAY OF THE CALENDAR MONTH
14 FOLLOWING ANY CALENDAR MONTH IN WHICH THE PRINCIPAL SPENT
15 \$5,000 OR MORE AND SHALL INCLUDE ALL PAYMENTS MADE DURING
16 THE PRIOR CALENDAR MONTH.

17 (4) If no such payments are made during the
18 reporting periods provided in subsections (2)(a) and
19 (2)(c) and (3)(a), AND (3)(a) above, the principal shall
20 file a report stating such.

21 (5) Each accounting filed under this section shall:

22 (a) list all payments for lobbying in each of the
23 following categories:

24 (i) original and derivative research (for which the
25 cost may be estimated if necessary) done to support a

1 lobbying argument or presentation;
 2 ~~(iii) publication and distribution of each publication~~
 3 ~~except that the cost of a newsletter or leaflet distributed~~
 4 ~~to the membership of a principal need not be reported unless~~
 5 ~~over one-half of that newsletter or leaflet is devoted to~~
 6 ~~lobbying matters;~~
 7 ~~(iii)(ii) other printing;~~
 8 ~~(iv) news media;~~
 9 ~~(v)(iii) advertising, including production costs;~~
 10 ~~(v)(iii) postage;~~
 11 ~~(vi) travel and personal living expenses;~~
 12 ~~(iv) SALARIES AND FEES, INCLUDING ALLOWANCES, REMARDS,~~
 13 ~~AND CONTINGENCY FEES;~~
 14 ~~(viii) salaries and fees including allowances~~
 15 ~~rewards and contingency fees;~~
 16 ~~(ix)(ix)(iv) entertainment, including all foods and~~
 17 ~~refreshments;~~
 18 ~~(x)(ix)(vii) telephone and telegraph; and~~
 19 ~~(x)(ix)(viii) other office expenses;~~
 20 (b) itemize, identifying the payee and the
 21 beneficiary:
 22 (i) each separate payment conferring \$10 \$25 or more
 23 benefit to any public official when the payment was made for
 24 the purpose of lobbying; and
 25 (ii) each separate payment conferring \$100 ~~\$250~~ \$100 or

1 more benefit to more than one public official, regardless of
 2 individual benefit when the payment was made for the purpose
 3 of lobbying, except that in regard to a dinner or other
 4 function to which all senators or all representatives have
 5 been invited, the beneficiary may be listed as all members
 6 of that group without listing separately each person who
 7 attended;
 8 (c) list each contribution and membership fee which
 9 amounts to \$250 or more when aggregated over the period of 1
 10 calendar year paid to the principal ~~regardless of whether~~
 11 ~~it was paid solely~~ for the purpose of lobbying, with the
 12 full address of each payer and the issue area, if any, for
 13 which such payment was earmarked;
 14 ~~(d) list each political contribution including~~
 15 ~~anything of value paid to any candidate for elective public~~
 16 ~~officer to any committee established to support or oppose a~~
 17 ~~candidate for elective public officer or to any committee to~~
 18 ~~support or oppose any initiative referendum or other~~
 19 ~~ballot issue whether such payment is made directly or~~
 20 ~~indirectly by the principal or any lobbyist who received~~
 21 ~~compensation or reimbursement for such payment from the~~
 22 ~~principal;~~
 23 ~~(e)(d) list each official action bill resolution or~~
 24 ~~joint resolution in OFFICIAL ACTION~~ which the principal or
 25 his agents exerted a major effort to support, oppose, or

1 modify, together with a statement of the principal's
2 position for or against such action; and

3 ~~(f)(2)~~ be kept by the commissioner for a period of 10
4 years."

5 Section 4. Section 5-7-302, MCA, is amended to read:

6 "5-7-302. Unprofessional conduct -- prohibited
7 compensation. (1) No lobbyist or principal shall engage in
8 or directly or indirectly authorize any unprofessional
9 conduct.

10 ~~(2) No person may be employed as a lobbyist for a~~
11 ~~compensation dependent in any manner upon the passage or~~
12 ~~defeat of any proposed or pending official action by a~~
13 ~~public official or upon any other contingency connected with~~
14 ~~such actions"~~

15 ~~NEW SECTION. Section 5. Repeater. Section 5-7-213,~~
16 ~~MCA, is repealed.~~

17 NEW SECTION. Section 5. Effective date. This act is
18 effective on passage and approval.

-End-

HOUSE OF REPRESENTATIVES

March 18, 1983

State Administration Committee amendments to Senate Bill 309, 3rd Reading Copy, as follows:

1. Title, line 8.
Strike: "DEFINITIONS"
Insert: "DEFINITION"
Strike: "'LOBBYIST" AND"
2. Page 2, line 2.
Following: "BUSINESS"
Insert: ", financial, and occupational"
3. Page 3, line 3.
Strike: "BEFORE"
4. Page 3, lines 10 through 13.
Strike: "OTHER" on line 10 through "PURPOSES" on line 13
Insert: "in the event the person engaged in such practice
expends \$1,000 per calendar year or more exclusive of
personal travel and living expenses"
5. Page 6, line 4.
Following: "expenses"
Insert: "excluding personal living expenses"
6. Page 6, line 9.
Following: "means"
Insert: ":(a)"
7. Page 6, line 16.
Following: "organizations"
Insert: "; and (b) present or past employment from which benefits,
including retirement allowances, are received"
8. Page 9.
Following: line 11
Insert: "(iv) travel expenses;"
Renumber: subsequent subsections
9. Page 11.
Following: line 16.
Insert: NEW SECTION. Section 5. Coordination instruction
(1) If Senate Bill No. 339, including a section of that
bill amending 5-7-101, is passed and approved, the following
language contained in 5-7-101 as amended in section 1 of this
act is stricken: "to require elected officials to make public
their business, financial, and occupational interests,".
(2) If Senate Bill No. 339, including a section of that bill
amending 5-7-102, is passed and approved, the amendments to
5-7-102(12) contained in section 2 of this act are void.
Renumber: subsequent section

AND AS AMENDED, BE CONCURRED IN

SENATE BILL NO. 309

INTRODUCED BY GRAHAM, BOYLAN, HIMSL,

GOODOVER, SEVERSON, LANE

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE PROVISIONS OF THE LOBBYIST DISCLOSURE LAWS; DELETING PROVISIONS DECLARED TO BE UNCONSTITUTIONAL BY THE MONTANA SUPREME COURT; CLARIFYING THE DEFINITIONS DEFINITION OF "LOBBYIST" AND "LOBBYING"; DELETING THE REQUIREMENT FOR THE REPORTING OF EXPENSES UNRELATED TO INFLUENCING LEGISLATION; INCREASING THE THRESHOLD AMOUNTS FOR REPORTING ENTERTAINMENT EXPENSES FROM \$10 TO \$25 AND FROM \$100 TO \$250; AND DELETING THE DISCLOSURE OBLIGATION IMPOSED ON PUBLIC OFFICIALS; AMENDING SECTIONS 5-7-101, 5-7-102, 5-7-208, AND 5-7-302, MCA; REPEALING SECTION 5-7-213, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 5-7-101, MCA, is amended to read:

"5-7-101. Purposes of chapter -- applicability. (1)

The purposes of this chapter are to promote a high standard of ethics in the practice of lobbying, to prevent unfair and unethical lobbying practices, to provide for the licensing of lobbyists and the suspension or revocation of the licenses, to require elected officials to make public their

business interests, TO REQUIRE ELECTED OFFICIALS TO MAKE PUBLIC THEIR BUSINESS, FINANCIAL, AND OCCUPATIONAL INTERESTS, and to require disclosure of the amounts of money spent for lobbying.

(2) Nothing in this chapter subjects any Montana citizen lobbying on his own behalf to any reporting requirements nor deprives any such citizen of the constitutional right to communicate with public officials."

Section 2. Section 5-7-102, MCA, is amended to read:

"5-7-102. Definitions. The following definitions apply in this chapter:

(1) "Individual" means a human being.

(2) "Person" means an individual, corporation, association, firm, partnership, state or local government or subdivision thereof, or other organization or group of persons.

(3) "Public official" means any individual, elected or appointed, acting in his official capacity for the state or local government or any political subdivision thereof, but does not include those acting in a judicial or quasi-judicial capacity or performing ministerial acts.

(4) "Lobbying" includes INCLUDES:

(a) (1) the practice of promoting or opposing the introduction or enactment of legislation before by direct written or oral or any informative or persuasive action;

communicated directly to 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; and OR BEFORE A PUBLIC OFFICIAL ACTING IN HIS OFFICIAL CAPACITY; AND

(b) the practice of promoting or opposing official action by any public official in the event the person engaged in such practice expends \$1,000 per calendar year or more exclusive of personal travel and living expenses

(c) THE PRACTICE OF PROMOTING OR OPPOSING OFFICIAL ACTION BY ANY PUBLIC OFFICIAL OTHER THAN A LEGISLATOR; LOBBYING DOES NOT INCLUDE THE APPEARANCE BY A PUBLIC OFFICIAL BEFORE A COMMITTEE OF THE LEGISLATURE FOR INFORMATIONAL PURPOSES IN THE EVENT THE PERSON ENGAGED IN SUCH PRACTICE EXPENDS \$1,000 PER CALENDAR YEAR OR MORE EXCLUSIVE OF PERSONAL TRAVEL AND LIVING EXPENSES.

(5) (a) "Lobbyist" means any person who engages in the practice of lobbying for hire.

(b) "Lobbyist" does not include:

(i) any individual Montana citizen acting solely on his own behalf; or OR

(ii) any individual working for the same principal as a licensed lobbyist, such individual having no personal contact involving lobbying with any public official on behalf of his principal; or

that any person who limits his lobbying solely to appearances before legislative committees and registers his appearance in the written records of the committees.

(c) Nothing in this section deprives any citizen not lobbying for hire of the constitutional right to communicate with public officials.

(6) "Lobbying for hire" includes activities of any officers, agents, attorneys, or employees of any principal who are paid, reimbursed, or retained by such principal and whose duties include lobbying. When an individual is reimbursed only for his personal living and travel expenses, which together do not exceed \$1,000 per calendar year, that individual shall not be considered to be lobbying for hire.

(7) "Unprofessional conduct" means:

(a) a violation of any of the provisions of this chapter;

(b) instigating action by any public official for the purpose of obtaining employment in opposition thereto;

(c) attempting to influence the action of any public official on any measure pending or to be proposed by:

(i) the promise of support or opposition at any future election;

(ii) promise of financial support; or

(iii) making public any unsubstantiated charges of improper conduct on the part of any other lobbyist, any

1 principal, or any legislator;

2 ~~(iv) any improper economic reprisal or other unlawful~~
3 ~~retaliation against any public official or~~

4 ~~(v) any means other than argument on the merits~~
5 ~~thereof~~

6 ~~(d) attempting to influence a decision or vote by a~~
7 ~~hearing examiner or quasi-judicial officer in any contested~~
8 ~~case proceeding under title 2, chapter 4, part 6, except as~~
9 ~~provided therein~~

10 (e)(d) attempting to knowingly deceive any public
11 official with regard to the pertinent facts of an official
12 matter or attempt to knowingly misrepresent pertinent facts
13 of an official matter to any public official or

14 ~~(f) engaging in practices which reflect discredit on~~
15 ~~the practice of lobbying.~~

16 (6) "Principal" means any person who makes payments in
17 excess of \$1,000 per calendar year for any of the followings:

18 (a) to engage a lobbyist or

19 (b) in the case of a person other than an individual
20 to solicit, directly, indirectly, or by an advertising
21 campaign, the lobbying efforts of another person.

22 (9) "Docket" means the register and reports of
23 lobbyists and principals maintained by the commissioner
24 pursuant to 5-7-201.

25 (10) "Payment" means distribution, transfer, loan,

1 advance, deposit, gift, or other rendering made or to be
2 made of money, property, or anything of value.

3 (11) "Payment to influence official action" means any
4 of the following types of payment:

5 (a) direct or indirect payment to a lobbyist by a
6 principal, as salary, fee, or compensation, OR REIMBURSEMENT
7 for expenses or for any other purpose, EXCLUDING PERSONAL
8 LIVING EXPENSES;

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

13 (12) "Business" means:

14 (A) any holding or interest whose fair market value is
15 greater than \$1,000, in any corporation, partnership, sole
16 proprietorship, firm, enterprise, franchise, association,
17 self-employed individual, holding company, joint stock
18 company, receivership, trust, or other entity or property
19 held in anticipation of profit, but does not include
20 nonprofit organizations; AND

21 (B) PRESENT OR PAST EMPLOYMENT FROM WHICH BENEFITS,
22 INCLUDING RETIREMENT ALLOWANCES, ARE RECEIVED.

23 (13) "Commissioner" means the commissioner of political
24 practices.

25 (14) "Elected official" means a public official holding

a state office filled by a statewide vote of all the electors of Montana or a state district office, including, but not limited to legislators, public service commissioners, and district court judges. The term "official-elect" shall also apply only to such offices."

Section 3. Section 5-7-208, MCA, is amended to read:

"5-7-208. Principals to file accountings. (1) A principal subject to this chapter shall file with the commissioner an accounting of payments made ~~to influence the official action of a public official~~ for the purpose of lobbying.

(2) ~~If such payments are made solely to influence legislative action, such~~ IF SUCH PAYMENTS ARE MADE SOLELY TO INFLUENCE LEGISLATIVE ACTION, SUCH accounting shall be made:

(a) before February 16th of any year the legislature is in session and shall include all payments made in that calendar year prior to February 1;

(b) before the 16th day of the calendar month following any calendar month in which the principal spent \$5,000 or more and shall include all payments made during the prior calendar month; and

(c) within 60 days following adjournment of such session and shall include all payments made during such session, except as has previously been reported.

~~(1) if such payments are made to influence any other official action by a public official or made to influence such other action and legislative action, such accounting shall be made:~~

~~(a) before February 16th of the calendar year following such payments and shall include all payments made during the prior calendar year; and~~

~~(b) before the 16th day of the calendar month following any calendar month in which the principal spent \$5,000 or more and shall include all payments made during the prior calendar month;~~

(3) IF SUCH PAYMENTS ARE MADE TO INFLUENCE ANY OTHER OFFICIAL ACTION BY A PUBLIC OFFICIAL OR MADE TO INFLUENCE SUCH OTHER ACTION AND LEGISLATIVE ACTION, SUCH ACCOUNTING SHALL BE MADE:

(a) BEFORE FEBRUARY 16TH OF THE CALENDAR YEAR FOLLOWING SUCH PAYMENTS AND SHALL INCLUDE ALL PAYMENTS MADE DURING THE PRIOR CALENDAR YEAR; AND

(b) BEFORE THE 16TH DAY OF THE CALENDAR MONTH FOLLOWING ANY CALENDAR MONTH IN WHICH THE PRINCIPAL SPENT \$5,000 OR MORE AND SHALL INCLUDE ALL PAYMENTS MADE DURING THE PRIOR CALENDAR MONTH.

~~(4) (1) If no such payments are made during the reporting periods provided in subsections (2)(a) and (2)(c) and (3)(a) and (3)(b) above, the principal shall~~

1 file a report stating such.

2 (5) Each accounting filed under this section shall:

3 (a) list all payments for lobbying in each of the
4 following categories:

5 ~~(i) original and derivative research (for which the~~
6 ~~cost may be estimated if necessary) done to support a~~
7 ~~lobbying argument or presentation;~~

8 ~~(ii) publication and distribution of each publication,~~
9 ~~except that the cost of a newsletter or leaflet distributed~~
10 ~~to the membership of a principal need not be reported unless~~
11 ~~over one-half of that newsletter or leaflet is devoted to~~
12 ~~lobbying matters;~~

13 ~~(iii) other printing;~~

14 ~~(iv) news media;~~

15 ~~(v) advertising, including production costs;~~

16 ~~(vi) postage;~~

17 ~~(vii) travel and personal living expenses;~~

18 (ix) TRAVEL EXPENSES;

19 (x) SALARIES AND FEES, INCLUDING ALLOWANCES,

20 REWARDS, AND CONTINGENCY FEES;

21 ~~(iii) salaries and fees, including allowances,~~
22 ~~rewards and contingency fees;~~

23 ~~(x) entertainment, including all foods and~~
24 ~~refreshments;~~

25 ~~(xi) telephone and telegraph; and~~

1 ~~(xii) other office expenses;~~

2 (b) itemize, identifying the payee and the
3 beneficiary:

4 (i) each separate payment conferring \$10 \$25 or more
5 benefit to any public official ~~when the payment was made for~~
6 ~~the purpose of lobbying;~~ and

7 (ii) each separate payment conferring \$100 \$250 \$100 or
8 more benefit to more than one public official, regardless of
9 individual benefit ~~when the payment was made for the purpose~~
10 ~~of lobbying,~~ except that in regard to a dinner or other
11 function to which all senators or all representatives have
12 been invited, the beneficiary may be listed as all members
13 of that group without listing separately each person who
14 attended;

15 (c) list each contribution and membership fee which
16 amounts to \$250 or more when aggregated over the period of 1
17 calendar year paid to the principal ~~regardless of whether~~
18 ~~it was paid solely~~ for the purpose of lobbying, with the
19 full address of each payer and the issue area, if any, for
20 which such payment was earmarked;

21 ~~(d) list each political contribution including~~
22 ~~anything of value paid to any candidate for elective public~~
23 ~~office to any committee established to support or oppose a~~
24 ~~candidate for elective public office or to any committee to~~
25 ~~support or oppose any initiative, referendum, or other~~

1 ~~be it~~ ~~not~~ ~~issue~~, whether such payment is made directly or
2 indirectly by the principal or any lobbyist who received
3 compensation or reimbursement for such payment from the
4 principal;

5 (e) ~~(d)~~ list each official action ~~bill, resolution or~~
6 ~~joint resolution in~~ OFFICIAL ACTION which the principal or
7 his agents exerted a major effort to support, oppose, or
8 modify, together with a statement of the principal's
9 position for or against such action; and

10 (f) ~~(e)~~ be kept by the commissioner for a period of 10
11 years."

12 Section 4. Section 5-7-302, MCA, is amended to read:

13 "5-7-302. Unprofessional conduct -- prohibited
14 compensation. (1) No lobbyist or principal shall engage in
15 or directly or indirectly authorize any unprofessional
16 conduct.

17 (2) ~~No person may be employed as a lobbyist for a~~
18 ~~compensation dependent in any manner upon the passage or~~
19 ~~defeat of any proposed or pending official action by a~~
20 ~~public official or upon any other contingency connected with~~
21 ~~such actions"~~

22 ~~NEW SECTION. Section 5. Repeaters. Section 5-7-223,~~
23 ~~MCA, is repealed.~~

24 SECTION 5. COORDINATION INSTRUCTION. (1) IF SENATE
25 BILL NO. 339, INCLUDING A SECTION OF THAT BILL AMENDING

1 5-7-121, IS PASSED AND APPROVED, THE FOLLOWING LANGUAGE
2 CONTAINED IN 5-7-101 AS AMENDED IN SECTION 1 OF THIS ACT IS
3 STRICKEN: "TO REQUIRE ELECTED OFFICIALS TO MAKE PUBLIC THEIR
4 BUSINESS, FINANCIAL, AND OCCUPATIONAL INTERESTS."

5 (2) IF SENATE BILL NO. 339, INCLUDING A SECTION OF
6 THAT BILL AMENDING 5-7-102, IS PASSED AND APPROVED, THE
7 AMENDMENTS TO 5-7-102(12) CONTAINED IN SECTION 2 OF THIS ACT
8 ARE VOID.

9 NEW SECTION. Section 6. Effective date. This act is
10 effective on passage and approval.

-End-