

HB 195 INTRODUCED BY MILES
REDEFINE WORD "PRINCIPAL" IN LAWS REGULATING
LOBBYISTS
BY REQUEST OF COMMISSIONER OF POLITICAL PRACTI

1/14 INTRODUCED
1/14 REFERRED TO STATE ADMINISTRATION
1/20 HEARING
FAILED TO MEET TRANSMITTAL DEADLINE

1 HB BILL NO. 195
 2 INTRODUCED BY Miller
 3 BY REQUEST OF THE COMMISSIONER OF POLITICAL PRACTICES
 4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO REDEFINE THE WORD
 6 "PRINCIPAL" FOR PURPOSES OF THE LAWS REGULATING LOBBYISTS;
 7 AMENDING SECTION 5-7-102, MCA; AND PROVIDING AN IMMEDIATE
 8 EFFECTIVE DATE."
 9
 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 11 Section 1. Section 5-7-102, MCA, is amended to read:
 12 "5-7-102. Definitions. The following definitions apply
 13 in this chapter:
 14 (1) "Individual" means a human being.
 15 (2) "Person" means an individual, corporation,
 16 association, firm, partnership, state or local government or
 17 subdivision thereof, or other organization or group of
 18 persons.
 19 (3) "Public official" means any individual, elected or
 20 appointed, acting in his official capacity for the state
 21 government, but does not include those acting in a judicial
 22 or quasi-judicial capacity or performing ministerial acts.
 23 (4) "Lobbying" includes:
 24 (a) the practice of promoting or opposing the
 25 introduction or enactment of legislation before the

1 legislature or the members thereof by any person other than
 2 a member of the legislature or a public official acting in
 3 his official capacity; and
 4 (b) the practice of promoting or opposing official
 5 action by any public official in the event the person
 6 engaged in such practice expends \$1,000 per calendar year or
 7 more exclusive of personal travel and living expenses.
 8 (5) (a) "Lobbyist" means any person who engages in the
 9 practice of lobbying for hire.
 10 (b) "Lobbyist" does not include:
 11 (i) any individual citizen acting solely on his own
 12 behalf; or
 13 (ii) any individual working for the same principal as a
 14 licensed lobbyist, such individual having no personal
 15 contact involving lobbying with any public official on
 16 behalf of his principal.
 17 (c) Nothing in this section deprives any citizen not
 18 lobbying for hire of the constitutional right to communicate
 19 with public officials.
 20 (6) "Lobbying for hire" includes activities of any
 21 officers, agents, attorneys, or employees of any principal
 22 who are paid, reimbursed, or retained by such principal and
 23 whose duties include lobbying. When an individual is
 24 reimbursed only for his personal living and travel expenses,
 25 which together do not exceed \$1,000 per calendar year, that

1 individual shall not be considered to be lobbying for hire.

2 (7) "Unprofessional conduct" means:

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

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

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

9 (i) promise of financial support; or

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

13 (d) attempting to knowingly deceive any public
14 official with regard to the pertinent facts of an official
15 matter or attempt to knowingly misrepresent pertinent facts
16 of an official matter to any public official.

17 (8) "Principal" means any person who ~~makes payments in~~
18 ~~excess of \$1,000 per calendar year to engage~~ employs a
19 lobbyist.

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

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

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

3 (a) direct or indirect payment to a lobbyist by a
4 principal, as salary, fee, compensation, or reimbursement
5 for expenses, excluding personal living expenses;

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

10 (12) "Business" means:

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

18 (b) present or past employment from which benefits,
19 including retirement allowances, are received.

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

22 (14) "Elected official" means a public official holding
23 a state office filled by a statewide vote of all the
24 electors of Montana or a state district office, including,
25 but not limited to legislators, public service

1 commissioners, and district court judges. The term
2 "official-elect" shall also apply only to such offices."

3 NEW SECTION. Section 2. Extension of authority. Any
4 existing authority of the commissioner of political
5 practices to make rules on the subject of the provisions of
6 this act is extended to the provisions of this act.

7 NEW SECTION. Section 3. Effective date. This act is
8 effective on passage and approval.

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