

SENATE BILL 181

Introduced by Doherty, et al.

1/18	Introduced
1/18	Referred to State Administration
1/18	First Reading
1/27	Hearing
1/29	Committee Report--Bill Not Passed
1/29	Adverse Committee Report Adopted

1 *Senate* BILL NO. *181*
2 INTRODUCED BY *Dohererty* *AK*
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT LIMITING THE NUMBER OF
5 YEARS THAT AN INDIVIDUAL MAY BE LICENSED AS A LOBBYIST; AND
6 AMENDING SECTION 5-7-103, MCA."
7

8 WHEREAS, in the general election in November 1992, the
9 people of Montana passed Constitutional Initiative No. 64,
10 which established limitations on the number of years that an
11 individual may serve in public office; and

12 WHEREAS, the Montana Legislature is made up of citizen
13 legislators who serve on a part-time basis; and

14 WHEREAS, legislators rely on a dedicated and talented,
15 but small staff; and

16 WHEREAS, the Legislature recognizes that lobbyists
17 perform a legitimate role in representing clients before the
18 Legislature; and

19 WHEREAS, the Legislature recognizes a need for
20 legislators to arrive at deliberative legislative decisions
21 in the public interest without undue influence from any
22 sector; and

23 WHEREAS, the passage of Constitutional Initiative No. 64
24 will have the result of forcing part-time, citizen
25 legislators, who will necessarily lack experience normally

1 gained through cumulative service in the Legislature, to
2 rely unduly on experienced lobbyists, including nonelected
3 government employees; and

4 WHEREAS, this will result in an imbalance of influence
5 between part-time, citizen legislators and experienced
6 lobbyists who will have a disproportionate amount of
7 knowledge and power in relation to the legislators; and

8 WHEREAS, this imbalance of influence may adversely
9 affect the deliberative legislative process by allowing
10 lobbyists to enjoy undue influence on the legislative
11 process; and

12 WHEREAS, due to the unique circumstances created by
13 passage of the term limitation initiative, the Legislature
14 finds that there is a compelling state interest in limiting
15 the number of years that an individual may be a lobbyist;
16 and

17 WHEREAS, it is the legitimate role of the Legislature to
18 make these findings.

19 THEREFORE, the Legislature finds it is appropriate to
20 enact the following legislation.

21
22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

23 **Section 1.** Section 5-7-103, MCA, is amended to read:

24 "5-7-103. Licenses -- fees -- eligibility. (1) Any
25 adult of good moral character who is otherwise qualified

1 under this chapter may be licensed as a lobbyist. The
2 commissioner shall provide a license application form. The
3 application form may be obtained from and filed in the
4 office of the commissioner ~~and-filed-therein~~. Upon approval
5 of the application and receipt of the license fee of \$10 by
6 the commissioner, a license ~~shall~~ must be issued which that
7 entitles the licensee to practice lobbying on behalf of one
8 or more enumerated principals. Each license ~~shall--expire~~
9 expires on December 31 of each even-numbered year or may be
10 terminated at the request of the lobbyist.

11 (2) (a) Except as provided in subsection subsections
12 (2)(b) and (4), an application may not be disapproved
13 without affording the applicant a hearing. The hearing must
14 be held and the decision entered within 10 days of the date
15 of the filing of the application.

16 (b) An application may not be approved if a principal
17 has failed to file reports required under 5-7-208.

18 (3) The fines and license fees collected under this
19 chapter ~~shall~~ must be deposited in the state treasury.

20 (4) The commissioner may not issue a license to an
21 applicant if, at the end of the license period for which a
22 license is sought, the applicant will have been licensed as
23 a lobbyist under this chapter for 8 years or more in any
24 16-year period."

-End-