

HOUSE BILL NO. 804

INTRODUCED BY S. FITZPATRICK

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO LOBBYING; INCREASING THE PAYMENT THRESHOLD TO \$3,000 FOR LOBBYISTS; REVISING WHEN AND HOW THE COMMISSIONER ADJUSTS THE PAYMENT THRESHOLD FOR LOBBYISTS TO ACCOUNT FOR INFLATION; REQUIRING ELECTRONIC REPORTS; PROVIDING THAT A PRINCIPAL IS REQUIRED TO FILE A REPORT BASED ON THE PAYMENT THRESHOLD PROVIDED IN 5-7-112; AND AMENDING SECTION SECTIONS 5-7-112, AND 5-7-208, MCA."

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

Section 1. Section 5-7-112, MCA, is amended to read:

"5-7-112. Payment threshold -- inflation adjustment. For calendar year ~~2004~~ 2025, the payment threshold referred to in 5-7-102(12)(b)(iii), 5-7-103, and 5-7-208 is ~~\$2,150~~ \$3,000. The commissioner shall adjust the threshold amount ~~following a general election~~ each even-numbered year by multiplying the threshold amount valid for the even year in ~~which the general election was held~~ by an inflation factor, ~~adopted by the commissioner by rule. The rule must be written to reflect the annual average change in the consumer price index from the prior year to the year in which the general election is held. The inflation factor is determined by dividing the consumer price index for June of the even-numbered year by the consumer price index for June of the prior year.~~ The resulting figure must be rounded up or down to the nearest \$50 increment. The commissioner shall adopt the adjusted amount by rule, effective on January 1 of the following odd year."

SECTION 2. SECTION 5-7-208, MCA, IS AMENDED TO READ:

"5-7-208. Principals to file report. (1) A principal subject to this chapter shall file with the commissioner ~~a report~~ electronic reports of payments made for the purpose of lobbying. A principal is subject to the reporting requirements of this section only if the principal makes total payments for the purpose of lobbying that exceed the amount specified under 5-7-112 during a calendar year.

(2) If payments are made solely to influence legislative action, a report must be made:

(a) by February 15th of any year the legislature is in session and must include all payments made in that calendar year prior to February 1;

(b) by the 15th day of the calendar month following a calendar month in which the principal spent ~~\$5,000~~ the amount specified under 5-7-112 or more and must include all payments made during the prior calendar month; and

(c) no later than 30 days following adjournment of a legislative session and must include all payments made during the session, except as previously reported.

(3) If payments are made to influence any other official action by a legislator or made to influence other action and legislative action, a report must be made:

(a) by February 15th of the calendar year following the payments and must include all payments made during the prior calendar year; and

(b) by the 15th day of the calendar month following a calendar month in which the principal spent ~~\$5,000~~ the amount specified under 5-7-112 or more and must include all payments made during the prior calendar month.

(4) If payments are not made during the reporting periods provided in subsections (2)(a), (2)(c), and (3)(a), the principal shall file a report stating that fact.

(5) Each report filed under this section must:

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

(i) printing;

(ii) advertising, including production costs;

(iii) postage;

(iv) travel expenses;

(v) salaries and fees, including allowances, rewards, and contingency fees;

(vi) entertainment, including all foods and refreshments;

(vii) voice or any electronic communication; and

(viii) other office expenses;

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

1 (i) each separate payment conferring \$25 or more benefit to any legislator when the payment was
2 made for the purpose of lobbying; and

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

7 (c) list each contribution and membership fee that amounts to \$250 or more when aggregated over
8 the period of 1 calendar year paid to the principal for the purpose of lobbying, with the full address of each
9 payer and the issue area, if any, for which the payment was earmarked;

10 (d) list each official action on which the principal or the principal's agents exerted a major effort to
11 support, oppose, or modify, together with a statement of the principal's position for or against the action; and

12 (e) be kept by the commissioner for a period of 4 years."

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