

1 _____ BILL NO. _____

2 INTRODUCED BY _____

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO LOBBYING; PROHIBITING
5 LOCAL GOVERNMENTS AND STATE AGENCIES FROM EXPENDING PUBLIC FUNDS FOR LOBBYING ON
6 PROPOSED LEGISLATIVE OR ADMINISTRATIVE ACTIONS; AMENDING SECTION 17-8-108, MCA; AND
7 REPEALING SECTION 5-7-106, MCA."

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9 WHEREAS, the First Amendment of the United States Constitution and Article II, section 7, of the
10 Montana Constitution protect freedom of speech and freedom of expression; and

11 WHEREAS, those valued freedoms include the right to employ one's own resources to lobby and
12 otherwise seek to influence government policy; and

13 WHEREAS, the United States Supreme Court has held that those freedoms also include the right to be
14 free from forced contributions for such activity; and

15 WHEREAS, it has come to the attention of the Legislature that some state agencies and local
16 governments have diverted public resources to legislative and administrative lobbying for policies at the
17 expense of citizens who may oppose those policies; and

18 WHEREAS, in addition to violating the spirit of the guarantees in the United States and Montana
19 Constitutions, a practice in which some may lobby with public funds while their opponents are limited to their
20 own resources creates an unfair distortion in the policymaking process that can result in poor policy decisions;
21 and

22 WHEREAS, Thomas Jefferson states that "to compel a man to furnish contributions of money for the
23 propagation of opinions which he disbelieves and abhors, is sinful and tyrannical"; and

24 WHEREAS, the Legislature fully respects the constitutional right of public agencies and employees to
25 employ their own resources to lobby for their preferred policies but also fully respects the right of those who
26 disagree to not have their resources diverted for such purposes.

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

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2 NEW SECTION. Section 1. Prohibition on use of local government funds for lobbying. (1) A

3 local government may not:

4 (a) pay dues, membership fees, agency fees, or any similar payments to an entity or person that
5 engages in legislative or administrative lobbying on proposed legislation or proposed administrative rules
6 regardless of whether the person is registered as a lobbyist under Title 5, section 7; or

7 (b) provide compensation to any individual for engaging in legislative or administrative lobbying in
8 any capacity.

9 (2) A local government official or other public employee who causes a local government to violate
10 subsection (1) is personally liable for the prohibited payment.

11 (3) Subsection (1) may not be construed to:

12 (a) prevent payment to public employees and contractors for other services rendered; or

13 (b) infringe the right of a person, including a public employee, to lobby or otherwise attempt to
14 influence public policy while not using public time, funds, or other resources.

15 (4) For the purposes of this section, "local government" has the same meaning as provided in 2-6-
16 1002.

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18 **Section 2.** Section 17-8-108, MCA, is amended to read:

19 **"17-8-108. Prohibited uses of public funds.** (1) Public funds or money may not be expended for an
20 abortion. The limitations contained in this section do not apply to an abortion:

21 (4)(a) if the pregnancy is the result of an act of rape or incest; or

22 (2)(b) in the case in which a woman suffers from a physical disorder, physical injury, or physical
23 illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that
24 would, as certified by a physician, place the woman in danger of death unless an abortion is performed.

25 (2) An agency of state government may not:

26 (a) pay dues, membership fees, agency fees, or any similar payments to an entity or person that
27 engages in legislative or administrative lobbying on proposed legislation or proposed administrative rules
28 regardless of whether the person is registered as a lobbyist under Title 5, section 7; or

1 (b) provide compensation to an individual for engaging in legislative or administrative lobbying in
2 any capacity.

3 (3) A state official or other public employee who causes an agency of state government to violate
4 subsection (2) is personally liable for the prohibited payment.

5 (4) Subsection (2) may not be construed to:

6 (a) prevent payment to public employees and contractors for other services rendered; or

7 (b) infringe the right of a person, including a public employee, to lobby or otherwise attempt to
8 influence public policy while not using public time, funds, or other resources."

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10 NEW SECTION. Section 3. Repealer. The following section of the Montana Code Annotated is
11 repealed:

12 5-7-106. Disclosure of local government lobbying contract -- exemption for local government
13 associations.

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15 NEW SECTION. Section 4. Codification instruction. [Section 1] is intended to be codified as an
16 integral part of Title 5, chapter 7, part 1, and the provisions of Title 5, chapter 7, part 1, apply to [section 1].

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