

SENATE BILL NO. 1  
INTRODUCED BY D. WEINBERG

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THAT WRITTEN MATERIAL TO BE DISTRIBUTED TO MEMBERS OF THE LEGISLATURE BE IDENTIFIED AS TO THE AUTHOR, SOURCE, AND DATE OF THE MATERIAL; REQUIRING APPROVAL OF THE WRITTEN MATERIAL BY A PRESIDING OFFICER OF A HOUSE OR COMMITTEE OF THE LEGISLATURE BEFORE THE IDENTIFIED WRITTEN MATERIAL MAY BE DISTRIBUTED TO MEMBERS OF THAT HOUSE OR COMMITTEE; REQUIRING THE ADOPTION OF RULES BY THE LEGISLATURE AND CERTAIN COMMITTEES OF THE LEGISLATURE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

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

**NEW SECTION. Section 1. Identification and approval of written material required before distribution -- rules -- penalties -- exceptions -- definitions.** (1) Except as provided in this section, a person may not generally distribute, or have generally distributed, written material to members of a house of the legislature or a committee of the legislature unless the material is identified, as provided in subsection (2), and approved for distribution, as provided in subsection (3).

(2) Written material referred to in subsection (1) must:

(a) identify the individual distributing the material and, if different from the distributing individual, identify the person who obtained, gathered, or prepared the material for distribution to the member;

(b) identify the source of the material, if different from a person identified pursuant to subsection (2)(a);  
and

(c) identify the date on which the material was obtained, gathered, or prepared for distribution. If the material was written by or collected from a person other than the person distributing the material, the date on which the material was originally prepared for publication must be included.

(3) Before written material referred to in subsection (1) and identified as required by subsection (2) is distributed to members of a house of the legislature or a committee of the legislature, distribution must be approved by the presiding officer of the house or committee of the legislature in which the material is to be distributed. However, identified material to be distributed to members of a subcommittee need be approved only by the presiding officer of the subcommittee.

(4) The presiding officer of a house or committee may not refuse to approve properly identified written material only because the presiding officer disagrees with the conclusions or recommendations of the material or the position of the person seeking distribution on any proposed legislation.

(5) (a) Each house of the legislature and each committee, as defined in subsections (8)(a)(ii) through (8)(a)(vii), shall adopt reasonable rules implementing this section.

(b) Rules adopted by a committee as defined in subsections (8)(a)(ii) through (8)(a)(vii), must be effective no later than October 1, 2007.

(6) Rules adopted pursuant to subsection (5) must provide for an appropriate penalty for a violation of subsection (1), (2), or (3). Penalties must be limited to suspension or revocation of permission to distribute written material and must require a minimum suspension of 5 days and a maximum revocation of 2 years.

(7) This section does not apply to:

(a) an official copy of a bill placed on the desk of, or otherwise given to, a member of the legislature by a legislative staff member; or

(b) written material provided only to a member of the legislature at the request of that member.

(8) As used in this section, unless the context requires otherwise, the following definitions apply:

(a) "Committee" means:

(i) a standing committee of either house of the legislature;

(ii) an interim committee of the legislature created in Title 5, chapter 5, part 2;

(iii) the legislative council provided for in 5-11-101;

(iv) the legislative finance committee provided for in 5-12-201;

(v) the legislative audit committee provided for in 5-13-201;

(vi) the legislative consumer committee provided for in 5-15-101;

(vii) the environmental quality council provided for in 5-16-101; and

(viii) a subcommittee of any of the entities listed in subsections (8)(a)(i) through (8)(a)(vii).

(b) "Written material" means anything in writing, including an electronic mail message.

**NEW SECTION.** **Section 2. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 5, chapter 5, and the provisions of Title 5, chapter 5, apply to [section 1].

**NEW SECTION.** **Section 3. Effective date.** [This act] is effective on passage and approval.

NEW SECTION. **Section 4. Applicability.** [This act] applies to written material distributed or intended to be distributed to a member of a house or committee of the legislature after [the effective date of rules adopted for that house or committee].

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