

SENATE BILL NO. 105

INTRODUCED BY J. POMNICHOWSKI

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A BILL FOR AN ACT ENTITLED: "AN ACT CREATING A LOBBYIST CODE OF CONDUCT; PROVIDING FOR A HARASSMENT TRAINING REQUIREMENT; AMENDING SECTION 5-7-103, MCA; AND PROVIDING AN APPLICABILITY DATE."

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

**NEW SECTION. Section 1. Code of conduct.** A lobbyist shall:

- (1) conduct lobbying activities with honesty and integrity;
- (2) comply fully with all laws, regulations, and rules applicable to the lobbyist;
- (3) conduct lobbying activities in a fair and professional manner;
- (4) avoid all representations that may create conflicts of interest;
- (5) vigorously and diligently advance the principal's, client's, or employer's interests;
- (6) have a written agreement with the client regarding terms and conditions of services;
- (7) maintain appropriate confidentiality of client or employer information;
- (8) ensure better public understanding and appreciation of the nature, legitimacy, and necessity of lobbying in our democratic governmental process;
- (9) fulfill duties and responsibilities to the principal, client, or employer; and
- (10) exhibit proper respect for the governmental institutions before which the lobbyist represents and advocates the principal's and client's interest.

**NEW SECTION. Section 2. Harassment prevention training required.** (1) A lobbyist shall successfully complete the harassment prevention training described in subsection (2) and provide proof of the training on the license application form provided for in 5-7-103. The commissioner may grant a grace period to complete the training, but the training must be completed by the 10th legislative day during a legislative session or 5 days after the application is filed, whichever is later.

(2) (a) Training must provide instruction on the prevention of harassment. In order for a training to qualify, the training must include compliance with state and federal law, how to avoid harassment and retaliatory

1 behavior, and the processes for filing a complaint and cooperation with any investigation.

2 (b) The training may be provided by an employer, a principal, a contractor, or an online course that fulfills  
3 the requirements of this section. The commissioner shall provide a copy of any legislative policies on harassment  
4 prevention to the lobbyist.

5 (c) Training must be attended at least once within the period of licensure that expires on December 31  
6 of each even-numbered year.

7 (3) (a) If the lobbyist fails to complete the training within the specified time period, the commissioner may  
8 suspend the lobbyist's license as provided for in Title 5, chapter 7, part 1, for the remainder of the licensure  
9 period.

10 (b) Harassment or retaliation regarding a complaint or the investigation of harassment are considered  
11 unprofessional conduct as provided for in 5-7-302.

12 (4) As used in this section, "harassment" means unwelcome verbal or physical conduct that denigrates  
13 or shows hostility or aversion toward an individual on the basis of race, creed, color, culture, social origin, religion,  
14 sex, sexual orientation, age, pregnancy, disability, genetic information, gender identity or expression, marital  
15 status, military service or veteran status, citizenship, or any other characteristic protected by law and has the  
16 purpose or effect of creating an intimidating, hostile, or offensive work environment or has the purpose or effect  
17 of unreasonably interfering with an individual's work performance.

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19 **Section 3.** Section 5-7-103, MCA, is amended to read:

20 **"5-7-103. Licenses -- fees -- eligibility -- waiver.** (1) Any adult of good moral character who is  
21 otherwise qualified under this chapter may be licensed as a lobbyist. The commissioner shall provide a license  
22 application form. The application form may be obtained from and must be filed in the office of the commissioner.  
23 Upon approval of the application and receipt of the license fee by the commissioner, a license must be issued  
24 that entitles the licensee to practice lobbying on behalf of one or more enumerated principals. The license fee  
25 is \$150 for each lobbyist except as provided in subsection (5) or unless the fee is waived for hardship reasons  
26 under this subsection. Each license expires on December 31 of each even-numbered year or may be terminated  
27 at the request of the lobbyist. A lobbyist who believes that payment of the license fee may constitute a hardship  
28 may apply to the commissioner for a waiver of the fee required by this section. The commissioner may waive all  
29 or a portion of the license fee upon proof by the lobbyist that payment of the fee constitutes a hardship.

30 (2) (a) Except as provided in subsection (2)(b), an application may not be disapproved without affording

1 the applicant a hearing. The hearing must be held and the decision entered within 10 business days of the date  
2 of the filing of the application, excluding the date on which the application is filed.

3 (b) An application may not be approved if a principal has failed to file reports required under 5-7-208 or  
4 failed to provide proof of training on the prevention of harassment required under [section 2].

5 (3) The fines collected under this chapter must be deposited in the state treasury.

6 (4) The commissioner shall deposit the license fee provided for in subsection (1) as follows:

7 (a) \$50 in the general fund; and

8 (b) \$100 in the state special revenue account provided for in 5-11-1112.

9 (5) A lobbyist who receives payments from one or more principals that total less than the amount  
10 specified under 5-7-112 in a calendar year is not required to pay the license fee or file an application form as  
11 provided for in subsection (1).

12 (6) The commissioner may adopt rules to implement the waiver provisions of subsections (1) and (5)."

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14 NEW SECTION. Section 4. Codification instruction. [Sections 1 and 2] are intended to be codified  
15 as an integral part of Title 5, chapter 7, part 3, and the provisions of Title 5, chapter 7, part 3, apply to [sections  
16 1 and 2].

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18 NEW SECTION. Section 5. Applicability. [This act] applies to applications received by the  
19 commissioner for calendar year 2021 and subsequent years.

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