



ADMINISTRATIVE RULES OF MONTANA



44.12.105 STATE GOVERNMENT AGENCIES--LOBBYING--DEFINITIONS AND REPORTING

- (1) Agencies of state government as defined in 2-15-102 (2), MCA, and the offices of elected and appointed public officials designated in ARM 44.12.106 and 44.12.106A that engage in lobbying are principals subject to the requirements of Title 5, chapter 7, MCA, and this chapter. State agencies and the offices of public officials designated in ARM 44.12.106 and 44.12.106A are exempt from reporting the following actions as lobbying activities:
 - (a) recommendations or reports to the legislature or a committee thereof, or a public official, in response to a request expressly requesting or directing a specific study, recommendation, or report by an agency on a particular subject;
 - (b) any duty that is mandated by law, rule, or executive order, such as the governor's annual message to the legislature;
 - (c) budget preparation activities related to preparation and submittal of the governor's executive budget as required by Article VI, section 9 of the Montana Constitution (5-7-211, MCA);
 - (d) the actions of elected and appointed public officials designated in ARM 44.12.106 and 44.12.106A while acting in their official capacity for state government to promote or oppose the introduction or enactment of legislation before the legislature or the members of the legislature (5-7-102(11)(b), MCA); and
 - (e) information or testimony provided in response to a request from the legislature, a legislative committee, or a public official if the information or testimony does not support or oppose the official action under consideration.
- (2) Except as provided in (1) and unless otherwise exempted by Title 5, chapter 7, MCA, or other provisions of this chapter:
 - (a) the employees, agents, officers, and attorneys of a public official designated in ARM 44.12.106 and 44.12.106A and a state agency defined in 2-15-102(2), MCA, who are paid, reimbursed, or retained to lobby must register as lobbyists if they receive payments equal to or greater than the amount specified under 5-7-112 , MCA; and
 - (b) each agency of state government and each office of a public official must file reports under Title 5, chapter 7, MCA, and these rules concerning the activities of their lobbyists or individuals who lobby or support or assist a lobbying activity. State agencies and the offices of elected or appointed public officials shall file consolidated lobbying reports covering the lobbying activities of all lobbyists or individuals engaged in lobbying activities as follows:

- (i) The offices of an elected or appointed public official shall file a consolidated lobbying report covering the lobbying activities of all lobbyists or individuals who lobby or assist or support a lobbying activity. If an elected public official is a member of a multi-member tribunal (e.g., the Montana supreme court) or a board or commission (e.g., the Montana public service commission) , the tribunal, board, or commission shall file a consolidated report including the lobbying activities of the lobbyists or the individuals engaged in lobbying activities for each elected public official who is a member of the tribunal, board, or commission.
- (ii) A state agency shall file a consolidated lobbying report covering the lobbying activities of all its lobbyists or individuals who lobby or support or assist a lobbying activity. However, a state agency may elect not to file a report concerning lobbying activities by boards, commissions, or entities that are attached for administrative purposes only as defined in 2-15-121, MCA, or that have otherwise been granted autonomy to act under Montana law. If an agency elects not to include in its lobbying report the lobbying activities of any boards, commissions, or entities that are attached for administrative purposes only or entities that exercise autonomous powers, the agency shall specifically identify the boards, commissions, or entities not included in the state agency's lobbying report.

Authorizing statute(s): 5-7-111, MCA

Implementing statute(s): 5-7-111, 5-7-208, 5-7-211, MCA

History: NEW, 1982 MAR p. 1208, Eff. 6/18/82; AMD, 2002 MAR p. 2458, Eff. 9/13/02; AMD, 2004 MAR p. 1979, Eff. 8/20/04.