



ADMINISTRATIVE RULES OF MONTANA



44.12.212 LICENSES--FEES--WAIVER--HEARING

- (1) A lobbyist employed by one or more principals must complete and file with the commissioner a lobbyist license application (form L-1) within five business days after receiving payment or payments from one or more principals equaling or exceeding the amount specified in [5-7-112](#), MCA. Forms are available upon request from the office of the Commissioner of Political Practices, P.O. Box 202401, Helena, Montana 59620-2401, telephone (406) 444-2942. The forms may also be downloaded from the office's web site at <http://politicalpractices.mt.gov/>.
 - (a) The application must be accompanied by an application fee of \$150 and by a principal authorization statement (form L-2) . An applicant may apply for a waiver of the fee based on hardship pursuant to the procedure set forth in (2) .
 - (b) A principal's authorization will not be approved if that principal has failed to file reports required by [5-7-208](#), MCA.
 - (c) Upon approval of the lobbyist's application, payment of the \$150 application fee, and filing of a principal's authorization statement, a license will be issued that entitles the lobbyist to practice lobbying on behalf of the principal or principals designated on the application.
 - (d) Licenses expire on December 31 of each even numbered year, or may be terminated earlier upon submission of a written request by the lobbyist. The commissioner is not authorized to refund the application fee or a portion of the fee if a license is terminated early upon the request of the lobbyist.
- (2) An applicant who believes that payment of the application fee may constitute a hardship may request a waiver of the fee by filing a lobbyist license fee waiver request with the commissioner. The fee waiver request must include a detailed description of the circumstances that justify waiver of the fee, and must be accompanied by supporting evidentiary material. The commissioner may request additional information prior to making a determination.
 - (a) After considering the request and any accompanying evidentiary material, the commissioner may:
 - (i) deny the request;
 - (ii) waive the entire fee; or
 - (iii) waive a portion of the fee.
 - (b) The commissioner's decision will be based on consideration of factors including but not limited to:
 - (i) whether the applicant is a full-time or part-time lobbyist;

- (ii) whether the applicant is employed or retained by more than one principal;
 - (iii) the amount of compensation received by the applicant through lobbying compared to compensation received through other employment or business activities within the preceding 12 months; and
 - (iv) the total amount of compensation for lobbying received by the applicant during the preceding 12 months.
- (3) An applicant who is denied a license for any reason other than those provided in (1) (b) or (2) may request a hearing by submitting a written request with the commissioner. Upon receipt of a request the commissioner shall, within ten days of the filing of the application, hold an informal contested case hearing as provided in Title 2, chapter 4, part 6, MCA, and issue a decision.

Authorizing statute(s): 5-7-103, 5-7-111, MCA

Implementing statute(s): 5-7-103, MCA

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