

Legislative Engagement Policy

Category Human Resources
Revised December 2024

The following policy guidelines apply to all Montana Department of Commerce employees and employees or members of boards, councils/commissions, and authorities (“Boards”) that are administratively attached to Commerce by statute (collectively, “Commerce Employees”), unless an exception established by statute or contract applies. If you serve at or are employed by a Board and are unsure if an exception applies to you, please contact Commerce’s Deputy Director or the Governor’s Office.

Commerce Employees may only participate in the legislative process as official representatives of the State of Montana under specific conditions and direction by the Director’s Office or Governor’s Office.

EMPLOYEE/CITIZEN: Commerce Employees have the right to advocate for any personal position they have before the Legislature on any issue. Commerce Employees choosing to participate in the legislative process as a citizen must take pre-approved annual leave or compensatory time to do so. It must be clear in their testimony they are not testifying as a Commerce Employee, but as an individual. At no time are Commerce Employees allowed to testify or lobby on matters related to the Department of Commerce or its administratively attached Boards without prior authorization by the Director, the Director’s designee, or the Governor’s Office.

POLICY: Policy positions are developed by the Director’s Office in coordination with division leadership and the Governor’s Office. Commerce Employees may not take a policy position on behalf of the Department or Boards administratively attached to the Department without prior approval from either: (i) the Governor’s Office; or (ii) Commerce leadership, including the employee’s supervisor, Division Administrator, and Director’s Office. This includes signing on to public letters, signing petitions, advocating for or against a policy proposal, or testifying for or against a policy proposal in an official capacity representing the Department or the Boards administratively attached to the Department.

MEMBERS OF ENTITIES ADMINISTRATIVELY ATTACHED TO COMMERCE: Members of Boards, Councils/Commissions, and Authorities (“Boards”) that are administratively attached to Commerce by statute may testify on legislation on behalf of the Board if: (i) the Board has requested the member to comment on its behalf; and (ii) the Board has received prior approval from the Governor’s Office. At the beginning of this testimony, the Board Member should identify themselves as a member of the Board and state that they are testifying at the request of the Board. Board members also may testify on legislation as private citizens or in their other professional roles, but it must be clear in their testimony they are not testifying as a Board Member.



GENERAL LEGISLATION: Hundreds of bills are introduced independently of the executive branch each legislative session. If a bill is identified through Commerce’s normal review process as having an impact on your program, the Division Administrator in concert with the Director's Office and the Governor’s Office will determine when, if, and how the Department will address that legislation.

LEGISLATIVE REQUESTS: Any requests for information or technical assistance submitted to a Commerce Employee by a member of the legislature to an agency should be referred to Commerce’s Director, the Director’s designee, or the Governor’s Office. Requests for information also may fall under the Department’s Public Information Request policy; questions regarding the Department’s Public Information Request policy should be directed to the Department’s legal team.

If a Commerce Employee receives an information request from a legislator or legislative staff member, that employee must notify their immediate supervisor and Division Administrator as soon as possible and wait for further guidance. The Division Administrator must notify the Director’s Office as soon as possible by sending an email to the Department’s Deputy Director summarizing the request.

If a Commerce Employee receives a request to provide testimony or an informational presentation during a bill hearing, committee hearing, or interim committee meeting, that Commerce Employee must first receive approval to participate from the Director’s Office or Governor’s Office. When possible, presentation materials must be reviewed in advance by the Director’s Office or Governor’s Office.

If a Commerce Employee is interested in initiating contact with a legislator regarding official State of Montana business, that communication must be approved by either: (i) the Director or their designee through the employee’s supervisor and/or Division Administrator; or (ii) the Governor’s Office.