

# The Voice of Bureaucracy

WRITTEN BY  
Rae Grulkowski

With 1417 total pieces of legislation in both House and Senate being introduced in Helena this Legislative Session, it is hard not to notice how large government is growing. As a matter of fact, the Montana Legislature website reports 373 pieces of legislation were introduced under the “Government Structure and Administration” title and 172 were introduced under the “Local Government” title.

But government isn’t the only entity gaining momentum during recent legislative sessions. So are lobbyist groups, which are self-appointed boards whose members are mostly comprised of your Elected Officials. Think of the irony of this practice.

On February 11, 2025, Cascade County Commissioners unanimously approved Resolution #25-12; A Resolution Opposing Legislation Limiting or Prohibiting Montana Association of Counties Lobbying on behalf of its Members. Montana Association of Counties (MACo) rallied 52 of our 56 Montana counties to sign such resolutions in an effort to work toward defeating Senate Bill 254 (SB254).

SB254’s short title is “A Bill To Prohibit Direct or Indirect Expenditure of Public Money to Hire Lobbyists”, and was introduced by Senator Greg Hertz (R) SD7, from Polson. Senator Hertz had written the Bill in prior sessions but brought it forward for the first time, this year. He had no misgivings about how hard this Bill would be lobbied against, although his hope through this legislation, was to get more Elected Officials in Helena testifying, rather than lobbyists. In his opening statements, he told the Senate State Administration Committee, *“I don’t have an issue with lobbyists, I think they do a good job. We all have to remember that when lobbyists are up here, they’re up here for their clients and they represent their clients. They help us a lot and provide good and valuable information as do some of the taxpayer funded lobbyists also.”*

With the Bill receiving much pushback from those clients, which are Elected Officials and lobbyists, Hertz also stated he believed SB254 allowed these statewide, taxpayer funded organizations, to participate in session and provide information and feedback to the organizations they represent.

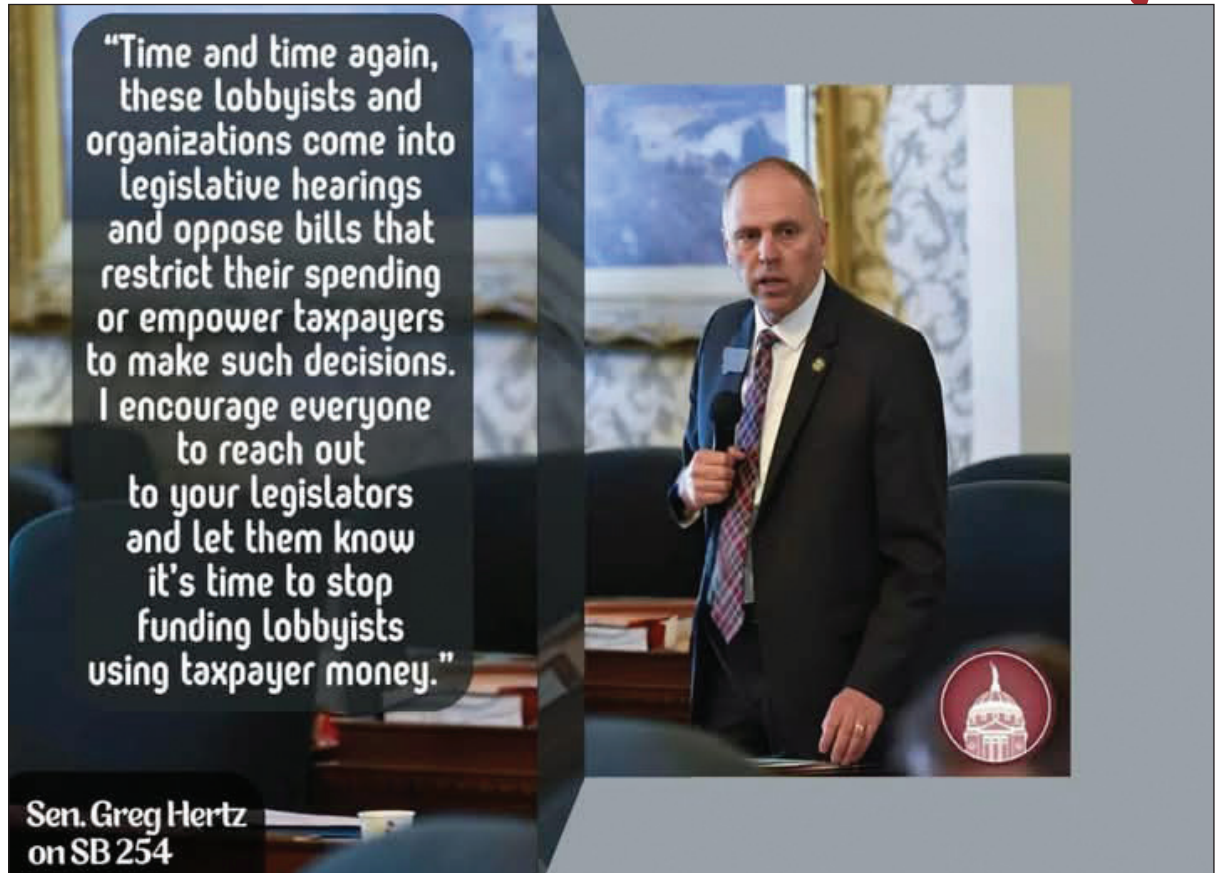
Hertz began with an example that *“If I’m a member of an organization and I pay dues to a business organization and I don’t like . . . what they are supporting or what they are lobbying for, I can quit paying my dues. . . I’ll find somebody else to represent my business . . . but, if I’m a taxpayer and my taxpayer funds are being used to hire lobbyists up here, if I’m not happy with what those taxpayer funded lobbyists are doing, I still have to pay my taxes. I can’t change that.”*

He then clarified, *“I’m not going after any particular organization or group, . . . I’m not upset with them . . . but, I know they are not representing all the constituents, all the taxpayers in their particular community . . . they just can’t do that and in the case of some of these statewide organizations . . . County Commissioners come up to me and say, ‘Greg, I like your Bill’. We may even have a couple online that will be supporting this Bill.”*

And how did that hearing go? Of the 7 Proponents that gave testimony, 3 were Elected Officials and 4 were citizens. 36 Opponents then gave testimony during the 2 hour hearing, of which 21 were Elected Officials and 25 were lobbyists. 10 Opponents testifying, did so as both an Elected Official and as a representative of a lobbying group, including Cascade County Attorney and President of the Montana County Attorneys Association, Josh Racki. Zero citizens testified against SB254.

SB254 addresses prohibitions on use of public funds for lobbying and injunctive and other relief for violation as follows;

Section 3 (1) *“Political subdivisions and judicial officers as defined in 1-1-202 may not spend public funds to:*  
Hire or contract with an individual for the purpose of lobbying as defined in 5-7-102; or  
Pay a nonprofit state association or organization that:  
Primarily represents political subdivisions; and  
Hires or contracts with an individual for the



purpose of lobbying as defined in 5-7-102”

Elected officials testifying as Proponents to this Bill pointed out the Elected Official is already paid by taxpayers to represent them and the drive to Helena is now readily curbed by Zoom attendance. Thus, it is expected they would participate in legislative sessions.

Most Opponents commented that Elected Officials had a long drive time and often had jobs they had to leave in order to attend session and testify, mostly in regard to part-time County Commissioners in small population counties. Comments were also made that elected members of lobbyist organizations do not have the time to represent and put up with scheduling changes to Bills. Lobbyists testifying agreed that they work for their members, the Elected Official. What is that saying about the way the citizen is represented when you have corrupt Elected Officials?

During the hearing, Committee Chair, Senator Theresa Manzella (R), SD44 from Hamilton, asked the sponsor, *“If they cannot spend public dollars and citizens united prevents them from mandating dues, how do these organizations continue?”* Senator Hertz replied, *“Under this Bill they can still pay dues to the organizations for the work they do other than lobbying. It just does not allow those organizations to hire a lobbyist. They can still track Bills, collect information, get their members to testify. Instead of a lobbyist, it’s the elected official testifying.”*

Chair Manzella then questioned Nanette Gilbertson, Executive Director of the Montana Sheriff and Police Officers Association (MSPOA) and also Executive Director of the Montana County Attorney’s Association. Gilbertson testified as an Opponent to SB254 on behalf of her organizations. These two organizations represent 55 County Attorneys (Musselshell and Golden Valley counties share a County Attorney) and 55 County Sheriffs (1 not-named Montana Sheriff is not a member). Manzella stated that as long as she had been there, legislators have supported the ‘Sheriffs First Bill’. She stated the citizens want ‘Sheriffs First’ and they also want constitutional Sheriffs. She said lobbyist organizations come in against these Bills every session. Asking Gilbertson how her organizations are working for the citizens in these situations, Gilbertson responded the MSPOA works for the Elected Sheriffs of Montana. As such, they answer to the Board and members of MSPOA. Gilbertson explained that in the last two sessions the MSPOA Board of Directors did not oppose the ‘Sheriffs First Act’. She said there was not consensus among the Board and members and when there is not consensus, they do not take

a position. They have independently elected Sheriffs who will take a position on the matter and they had individual Sheriffs both oppose and support ‘Sheriffs First’ in last session.

Chair Manzella then referenced her Bill SB127, Justifiable Defense of Lethal Force, stating the MSPOA opposed this Bill which provides that no person may be placed in legal jeopardy when defending against a serious crime and also provides for attorney fees and costs in certain justifiable use of force cases. Manzella assimilated that 55 Montana County Attorneys and 55 Montana Sheriffs opposed all gun owners in Montana, as that Bill represented all gun owners in Montana. Manzella then asked Gilbertson why she should support Gilbertson as a lobbyist when they are not representing the citizens. Gilbertson then reiterated that they are representing the Elected Officials and those Elected Officials review the legislation in front of them and make a determination on the position they are going to take on a Bill. Gilbertson then admitted MSPOA did make a decision to oppose Senate Bill 127. Manzella concluded by stating, *“If you are wondering why I am going to support this Bill (SB254), that’s why I’m going to support this Bill. We could do the same thing with every organization in here if we want to.”*

Sponsor Hertz closed with recalling his own County Commissioner testifying with a suggestion that Senator Hertz brought the Bill forward because Hertz believed there was abuse of tax dollars. Hertz said he brought the Bill for the reason Manzella just pointed out saying, *“These organizations are representing their ‘clients’ – County Commissioners, Sheriffs, City Council members, School Board members, BUT are they representing the taxpayers? Are they representing some of them but they are not representing all of them?”* Hertz addressed the multitude of resolutions handed out in the hearing, from County Commissioners, again stating, *“The majority of County Commissioners support opposing this legislation, but do majority of the taxpayers?”*

Hertz’s summary statements also captured that the Bill *“still allows Freedom of Speech, just not a lobbyist paid by taxpayer dollars.”* He stated there are a lot of ways to communicate during legislative sessions for opposing or supporting Bills. Hertz summarized that the Bill is a ‘principle thing’. *“Using taxpayer dollars supporting or opposing Bills that don’t even support majority of the taxpayers. I suspect that if this was on the ballot in Montana, ‘Would you support using taxpayer dollars to hire lobbyists?’ ‘I suppose the voters of Montana would say ‘No, we do not support that’.”*

SB254 was originally scheduled to be heard in



**Ron Marshall**  
@MarshallMT87

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I will be resigning from my position as representative for Montana House District 87, effective @ 12 noon today. The corruption is more than I can stand. Lobbyists run this country. The people have no voice.

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