

United States Department of the Interior

In Reply Refer To:

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Instruction Memorandum No. MT-2015-015

Expires: 9/30/2018

To: Montana Dakotas Leadership

From: State Director

Subject: Involvement in State Legislative Processes

Program Area: All

Purpose: This Instruction Memorandum (IM) provides guidance for involvement in state legislative processes. Montana is one of only four remaining states—Montana, Nevada, North Dakota and Texas—to hold session every other year. All biennial legislatures hold their regular sessions in the odd year.

Policy/Action: For the purposes of this IM, involvement in state legislative processes is divided into two categories: formal and informal.

Formal involvement is defined as presenting testimony before a legislature or any of its subordinate divisions, normally a committee or subcommittee. This testimony is further divided into two categories: informational (testimony that provides factual information only) and positional (testimony that expresses a position either in favor of or against legislation). Expressions of a Bureau position on legislation should be provided only through formal involvement.

Formal testimony by BLM employees is expected to be extremely limited. When formal involvement is required, the requesting party must send a written proposal, also known as a Touhy request, to the Chief of Communications, who will in turn work with the appropriate Deputy State Director and Washington Office (WO) Legislative Affairs for approval (DOI regulations, 43 CFR 2, Subpart H).

All testimony, both positional and informational, must be reviewed by the Office of Communications (OC) and approved by the State Director and WO Legislative Affairs. In both situations, there must be adequate time for the issue to be researched, and the testimony prepared and approved. Therefore, OC should be notified of all requests for testimony as soon as they are received.

In addition, the State Director, Associate State Director, or the appropriate Deputy State Director or District Manager must approve the person who will present the testimony. Generally, the most appropriate employee for the situation should present the testimony (often the testimony is provided in writing). For example, positional testimony or BLM policy information of a statewide nature might best be presented by the State Director or Associate State Director. Local policy questions might best be presented by a District Manager. Informational testimony of a technical nature might best be presented by a specialist. In some cases it may also be appropriate for the Montana/Dakotas legislative liaison, located in the Western Montana District Office, to deliver verbatim testimony.

Informal involvement is defined as any involvement that does not meet the test of formal involvement outlined above. Informal involvement is the preferred method of interaction, but care must be taken not to engage in any action that could be considered lobbying. Questions about lobbying rules should be referred to the Branch of Human Resources. Generally, responding to a legislator's request for information is appropriate. When possible, specialists should have information reviewed by their supervisors before delivering it to a legislator, and all informal requests and responses should be reported as they occur to the State Director and the legislative liaison with a copy to OC. This is especially important during regular legislative sessions.

Managers at all levels of the organization should strive to develop good working relationships with their local state legislators. These relationships can be effective tools in carrying out BLM's mission in harmony with state government and can often reduce the need to provide formal testimony.

Timeframe: These policies are effective immediately.

Budget Impact: None

Background: This IM reissues standing policies related to involvement in state legislative processes and Touhy requests.

Manual/Handbook Sections Affected: None

Coordination: This IM was coordinated with the Montana/Dakotas legislative liaison.

Contact: Chief, Office of Communications, (406) 896-5260.

Signed by:
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