

No. 572, S.]

[Published August 30, 1947.]

CHAPTER 609.

AN ACT to repeal and recreate 346.20 to 346.29 of the statutes, defining and regulating lobbying before the legislature, and providing a penalty.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 346.20 to 346.29 of the statutes are repealed and recreated to read:

346.20 LEGISLATIVE PURPOSE. The purpose of sections 346.20 to 346.29 is to promote a high standard of ethics in the practice of lobbying, to prevent unfair and unethical lobbying practices and to provide for the licensing of lobbyists and the suspension or revocation of such licenses.

346.205 DEFINITIONS. The following words and phrases shall have the meaning respectively ascribed to them:

(1) LOBBYING. The practice of promoting or opposing the introduction or enactment of legislation before the legislature or the legislative committees or the members thereof.

(2) LOBBYIST. Any person who engages in the practice of lobbying for hire except in the manner authorized by section 346.27. Lobbying for hire shall include activities of any officers, agents, attorneys or employes of any principal who are paid a regular salary or retainer by such principal and whose duties include lobbying.

(3) UNPROFESSIONAL CONDUCT. A violation of any of the provisions of sections 346.19 to 346.28, or soliciting employment from any principal, or instigating the introduction of legislation for the purpose of obtaining employment in opposition thereto, or attempting to influence the vote of legislators on any measure pending or to be proposed by the promise of support or opposition at any future election, or by any other means than a full and fair argument on the merits thereof, or by making public any unsubstantiated charges of improper conduct on the part of any other lobbyist or of any legislator, or engaging in practices which reflect discredit on the practice of lobbying or the legislature.

(4) PRINCIPAL. (a) Any person, corporation or association which engages a lobbyist or other person in connection with any legislation, pending before the legislature or to be proposed,

affecting the pecuniary interest of such person, corporation or association.

(b) Any board, department, commission or other agency of the state, or any county or municipal corporation, which engages a lobbyist or other person in connection with any legislation pending or to be proposed affecting the statutory powers, duties or appropriation of such agency, county, or municipal corporation.

(5) **DOCKET.** The register of licensed lobbyists maintained by the secretary of state pursuant to section 346.23.

(6) **REPORT.** The statement of expenses filed with the secretary of state by lobbyists pursuant to section 346.245.

(7) **PECUNIARY INTEREST.** This term includes without limitation any legislation which creates, alters or repeals any statutory charge by way of tax, license fee, registration fee or otherwise, or which creates, alters or repeals any statutory privilege, power, restriction or obligation of any principal, or which creates, alters or repeals the powers or duties of any court or governmental agency before which the principal does business.

346.21 LICENSES FOR LOBBYISTS; SUSPENSION OR REVOCATION.

(1) **LICENSES; FEES; ELIGIBILITY.** Any person of full age and good moral character who is a citizen of the United States and otherwise qualified under sections 346.20 to 346.29 shall be licensed as a lobbyist as herein provided. The secretary of state shall provide for the form of application for license. Such application may be obtained in the office of the secretary of state and filed therein. Upon approval of such application and payment of the license fee of \$10 to the secretary of state, a license shall be issued which shall entitle the licensee to practice lobbying on behalf of any one or more principals. Each license shall expire on December 31 of each even-numbered year. No application shall be disapproved without affording the applicant a hearing which shall be held and decision entered within 10 days of the date of filing of the application. Denial of a license may be reviewed under the provisions of chapter 227.

(2) **SUSPENSION OR REVOCATION OF LICENSE.** Upon verified complaint in writing to the district attorney of Dane county charging the holder of a license with having been guilty of unprofessional conduct or with having procured his license by fraud or perjury or through error, the district attorney is hereby authorized to bring civil action in the circuit court for Dane county against the holder and in the name of the state

as plaintiff to revoke the license. Hearing shall be held by the court unless the defendant licensee demands a jury trial. The trial shall be held as soon as possible and at least 20 days after the filing of the charges and shall take precedence over all other matters pending before the court. If the court finds for the plaintiff judgment shall be rendered revoking the license and the clerk of the court shall file a certified copy of the judgment with the secretary of state. Costs shall be paid by the county, but if the court shall determine that the complaint made to the district attorney was without proper cause, it shall enter judgment against the person making the complaint for the costs of the action and the payment of the same may be enforced by execution against the body as in civil action. The licensing authority may commence any such action on his own motion.

(3) **SUSPENSION OF LOBBYING PRIVILEGES.** No lobbyist whose license has been suspended or revoked and no person who has been convicted of a violation of any provision of sections 346.20 to 346.29 shall engage in any activity permitted by section 346.27 until he has been reinstated to the practice of lobbying and duly licensed.

346.22 **LOBBY REGISTRY.** Except as provided in section 346.27 (2) every principal who employs any lobbyist shall within one week after such employment cause the name of said lobbyist to be entered upon the docket. It shall also be the duty of the lobbyist to enter his name upon the docket. Upon the termination of such employment such fact may be entered opposite the name of the lobbyist either by the lobbyist or the principal.

346.23 **DOCKET; AUTHORIZATION.** (1) The secretary of state shall prepare and keep a docket in which shall be entered the name and business address of each lobbyist, the name and business address of his principal, and the subject or subjects of legislation to which the employment relates. Such docket shall be a public record and open to the inspection of any citizen upon demand at any time during the regular business hours of the office of the secretary of state.

(2) Any principal employing any lobbyist shall when further subjects of legislation are introduced or arise which such lobbyist is to promote or oppose, make or cause to be made additional entries in the docket stating such employment so that the docket will show at all times all subjects of legislation in relation to which the lobbyist is employed. The docket may also show the number or designation of bills, resolutions or other measures in

relation to which the lobbyist is employed.

(3) Within 10 days after his registration in the docket, a lobbyist shall file with the secretary of state a written authorization to act as such signed by his principal.

346.24 RESTRICTIONS ON PRACTICE OF LOBBYING. (1) No person shall practice as a lobbyist unless he has been duly licensed under the provisions of section 346.21 and unless his name appears upon the docket as employed in respect to such matters as he shall be promoting or opposing. No principal shall directly or indirectly authorize or permit any lobbyist employed by him to practice lobbying in respect to any legislation affecting the pecuniary interest of such principal until such lobbyist is duly licensed and the name of such lobbyist is duly entered on the docket. No person shall be employed as a lobbyist for a compensation dependent in any manner upon the passage or defeat of any proposed or pending legislation or upon any other contingency connected with the action of the legislature or of either branch thereof or of any committee thereof.

(2) Before or within 5 days after delivering any written or printed statement, argument or brief to the entire membership of either or both houses of the legislature, 3 copies shall be deposited with the secretary of state.

(3) The restrictions upon the practice of lobbying provided by sections 346.20 to 346.29 shall be effective only during the regular and special sessions of the legislature and for the period between the general election and the commencement of the regular session.

346.245 REPORTS BY LOBBYISTS; REPORTS TO LEGISLATURE. (1) Every lobbyist required to have his name entered upon the docket shall, within 10 days after the end of each calendar month of any regular or special session of the legislature, file with the secretary of state a sworn statement of expenses made and obligations incurred by himself or any agent in connection with or relative to his activities as such lobbyist for the preceding month or fraction thereof, except that he need not list his own personal living and travel expenses in such statement.

(2) Beginning with the third Tuesday following the beginning of any regular or special session of the legislature and on every Tuesday thereafter for the duration of such session, the secretary of state shall from his records report to each house of the legislature the names of lobbyists registered under section 346.22 who were not previously reported, the names of the per-

sons whom they represent as such lobbyist, and the subjects of legislation in which they are interested. Such reports shall be incorporated into the journal of each house. The secretary of state shall also forward to each house a copy of each statement required to be filed under subsection (1). Such copy shall be open to public inspection but shall not be incorporated in the journal unless the house so orders. Any expenditures made or obligations incurred by any lobbyist in behalf of or for the entertainment of any state official or employe concerning pending or proposed legislative matters shall be reported according to the provisions of this section.

346.25 STATEMENT OF EXPENSE BY PRINCIPAL. Within 30 days after the sine die adjournment of the legislature, every principal whose name appears upon the docket or who has employed any person to engage in any activity permitted under section 346.27 shall file with the secretary of state a complete and detailed statement verified under oath by the person making the same, or in the case of a corporation by its president or treasurer, of all expenses paid or incurred by such principal in connection with the employment of lobbyists or in connection with promoting or opposing in any manner the passage by the legislature of any legislation affecting the pecuniary interest of such principal. The accounts shall be rendered in such form as shall be prescribed by the secretary of state. Such accounts shall be open to public inspection.

346.26 PENALTIES. (1) Any principal violating any of the provisions of sections 346.20 to 346.25 shall for such offense be fined not less than \$200 nor more than \$5,000.

(2) Any lobbyist who shall fail to comply with any of the provisions of said sections or any person who shall act as lobbyist without being duly licensed shall be fined not less than \$100 nor more than \$1,000 and shall be disbarred from acting as a lobbyist for the period of 3 years from the date of such conviction.

(3) Any lobbyist who fails to make and file the statement required by section 346.245 shall be punished by a fine not to exceed \$500 or by imprisonment in the county jail not to exceed 6 months or by both such fine and imprisonment. Any lobbyist who shall file a false statement shall be punished by a fine of not less than \$500 nor more than \$1,000 or by imprisonment in the county jail for not less than 30 days nor more than one year. It shall be the duty of the attorney-general upon informa-

tion to bring prosecutions for the violation of the provisions of sections 346.20 to 346.27.

346.27 PERSONAL LOBBYING PROHIBITED, EXCEPTIONS. (1) It shall be unlawful for any person other than a licensed lobbyist to attempt personally and directly to influence any member of the legislature to vote for or against any measure pending therein, or to be proposed, otherwise than by appearing before the regular committees thereof when in session, or by newspaper publications, or by public addresses to persons other than legislators, or by written or printed statements, arguments or briefs delivered to each member of the legislature; provided, that before or within 5 days after delivering such statement, argument or brief, 3 copies thereof shall be deposited with the secretary of state. No officer, agent, appointee or employe, in the service of the state of Wisconsin, or of the United States, shall attempt to influence any member of the legislature to vote for or against any measure pending therein, affecting the pecuniary interests of such person, excepting in the manner authorized herein in the case of lobbyists. Nothing in this section shall be construed to deprive any citizen not lobbying for hire of his constitutional right to communicate with members of the legislature.

(2) Any person who limits his lobbying solely to appearances before legislative committees or either house in committee of the whole and registers his appearance on the records of such committee or house in writing, shall not be required to be licensed as a lobbyist, pay a license fee, register with the secretary of state or make any reports of expenditures.

346.28 LOBBYISTS RESTRICTED DURING DAILY SESSIONS. It shall be unlawful for any person lobbying to go onto the floor of the chamber of either house of the legislature during the daily sessions, except upon the invitation of such house.

346.29 PENALTY. Any person violating the provisions of sections 346.27 and 346.276 shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by imprisonment in the county jail, not more than 6 months, and by a fine not exceeding \$200.

SECTION 2. This act shall take effect January 1, 1948.

Approved August 25, 1947.