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Chapter SS 2

Lobbying

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SS 2.01 Definitions. In chapter 13, subchapter III, Wis. Stats., and these rules, and unless the context otherwise requires:

(1) With respect to lobbying as defined in section 13.62, Wis. Stats.:

(a) "Lobbying" means the attempt to promote or oppose the introduction or enactment of legislation before the legislature or before a legislative committee or any members of the legislature.

(b) "Lobbyist" means any person who engages in the practice of lobbying for hire which includes the activities of any agents, attorneys, employees, or officers of any principal who are paid a regular salary for full time lobbying, or who are paid a regular salary for performing services which include, but are not limited to lobbying, or who are paid a retainer by such principal for lobbying.

(c) "Unprofessional conduct" as defined in section 13.62(3), Wis. Stats. includes:

1. A violation of sections 13.60 to 13.71, Wis. Stats.
2. Instigating the introduction of legislation for the purpose of gaining employment from any principal.
3. Attempting to influence the vote of legislators by a promise of support or opposition at any future election.
4. Making public any unsubstantiated charges of improper conduct on the part of another lobbyist or legislator.
5. Engaging in activities which discredit the practice of lobbying or the legislature.
6. Furnishing anything of pecuniary value to the governor, any legislator, any employe of the state, or any candidate for state office.

(d) "Principal" means:

1. Any person, corporation, or association who engages a person in lobbying.
2. Any board, department, commission or other agency of the state, or any county or municipal corporation which engages a person in lobbying.

History: Cr. Register, July, 1975, No. 235, eff. 8-1-75

SS 2.02 Licenses for Lobbyists. (1) A separate license to lobby shall be obtained for each principal. Payment of \$10.00 shall be made

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for each license. A lobby license, under section 13.63, Wis. Stats. shall contain the following information:

(a) The applicant's name, permanent business address and telephone number, date of the preparation of the license, and the anticipated duration of the applicant's employment.

(b) The applicant's temporary address in Dane county during the legislative session and telephone number.

(c) The name and address of the applicant's principal and the nature of business of said principal.

(d) The amount received as compensation for lobbying which shall be the prorated amount of a regular salary based on the estimated percent of the lobbyist's time spent engaged in lobbying activities, amount of the regular salary received for lobbying, or the amount of a retainer. If the applicant serves as legal council as well as a lobbyist for said principal, the prorated amount of compensation based on the estimated percent of time spent engaged in lobbying activities, or the hourly, daily, weekly or monthly rate of compensation or retainer received in conjunction with lobbying activities shall be reported.

(e) The type of expenditures to be reimbursed by the principal.

(Note: this shall include, for example, meals, lodging, travel, postage, or printing expenses.)

(em) The maximum amount of reimbursement.

(Note: If the applicant maintains an expense account, the amount shall be reported. If the applicant is reimbursed for any amount of expenditures, "100%" shall be reported. If the applicant is not reimbursed for any expenditures, "none" shall be reported.)

(f) A statement of explanation if any members of an applicant's business associates or immediate family are in the legislature, employed by the state, or by the applicant's principal.

(g) The occupation of the applicant other than lobbying, if any.

(h) A list of the applicant's principals, other than stated principal, if any.

(i) A statement of the applicant's capacity of employment as a lobbyist which includes information that the applicant will be employed solely as a lobbyist or as a regular employe performing services for his or her employer which include, but are not limited to lobbying, and the position held by the applicant in this capacity. If the applicant serves as legal counsel as well as a lobbyist for said principal, state "Legal Counsel".

(j) A list of the general subjects of legislative interest of the applicant under the employment of the stated principal.

(k) A list of the specific legislative interests and the position, for or against, of the applicant serving in the capacity as a lobbyist for the stated principal.

(1) The application shall be signed and dated.

History: Cr. Register, July, 1975, No. 235, eff. 8-1-75

SS 2.03 Authorization of lobbyist. (1) Within 10 days after the lobbyist's registration, any principal employing any lobbyist shall file Register, July, 1975, No. 235

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with the secretary of state under section 13.65 Wis. Stats. an authorization of said lobbyist which shall contain the following information:

(a) The name, permanent business address and telephone number of the lobbyist, the date the authorization was prepared and the anticipated duration of the lobbyist's employment.

(b) The name and address of the principal, the nature of the principal's business and telephone number.

(c) The amount the lobbyist receives as compensation for lobbying which shall be a prorated amount of a regular salary based on the estimated percent of the employe's time spent lobbying, the amount of a regular salary received by the lobbyist, or the amount of a retainer paid to the lobbyist. If the lobbyist serves as legal counsel as well as a lobbyist for the principal making such authorization, the prorated amount of compensation based on the estimated percent of time spent engaged in lobbying activities, or the hourly, daily, weekly or monthly rate of compensation or retainer paid in conjunction with lobbying activities shall be reported.

(d) The type of expenditures to be reimbursed by the principal.

(Note: this shall include, for example, meals, lodging, travel, postage, or printing expenses.)

(dm) The maximum amount of reimbursement paid to the lobbyist.

(Note: If the lobbyist maintains an expense account, the amount shall be reported. If the lobbyist is reimbursed for all expenditures, "100%" shall be reported. If the lobbyist is not reimbursed for any expenditures, "none" shall be reported.)

(e) A list of the general subjects of legislative interest in relation to which the lobbyist is employed. This list shall be kept current and additional entries shall be made as additional subjects of legislative interest arise.

(f) The statement shall be signed and dated with information including the group this signer represents and the title of the signer.

History: Cr. Register, July, 1975, No. 235, eff. 8-1-75

SS 2.04 Statement of expense by lobbyist. (1) Within 10 days after the end of each calendar month of the legislative session, every lobbyist shall file with the secretary of state, under section 13.67, Wis. Stats., a sworn statement of financial standing which shall contain the following information:

(a) The lobbyist's name, permanent business address and telephone number, the date of preparation, and the period covered by the statement.

(b) The lobbyist's temporary address in Dane county and telephone number, if any.

(c) A separate itemized list for each principal of reimbursements and receipts from lobbying activities. If the lobbyist bills his or her principal(s) based on the amount of time spent lobbying, the billed amount shall be reported on the expense statement covering the month in which the bill was issued. The total receipts from each principal and the overall total receipts to date shall be reported.

(d) The amount of all loans received or repayed by the lobbyist or principal in connection with lobbying activities, the date of the transaction and the creditor's name and whether the transaction was a receipt or a repayment.

(e) A separate itemized list for each principal of all expenditures made by the lobbyist or principal in conjunction with lobbying activities. This list shall include office expenses, printed or duplicated material, telephone or telegraph expenses, postage, travel, food, entertainment, living accommodations, wages, salaries or retainers, public relations and advertising, gifts and contributions. If the lobbyist pays for lobbying expenses directly out of his or her retainer, salary, or compensation, the lobbying expenses shall be itemized as stated, the balance of which shall be reported as an expense of the principal in the form of compensation. The total expenditures made for each principal and the overall total expenditures to date shall be included.

(Note: in estimating office expenses, a reasonable estimate of the dollar amount spent on rent, supplies and other office expenses based on the percent of time spent engaged in lobby related activities shall be included.)

(Note: the lobbyist's compensation and the estimated dollar amount spent on research backup, clerical staff or assistants based on the percent of time they spend on lobby related activities shall be reported.)

(f) The amounts of all individual expenditures of over \$50.00 made by the lobbyist or principal in conjunction with lobbying activities. The total expenditures made for each principal and the overall total expenditures to date shall be included.

(g) The statement shall be signed, dated and notarized.

(h) Should a registered lobbyist receive no compensation or reimbursements and incur no expenses in conjunction with lobbying activities for the entire legislative session, he or she may file with the secretary of state a statement, signed under oath, indicating the same. Subsequent to this statement, the lobbyist need not file the lobbyist's monthly expense statements for the balance of the legislative session.

History: Cr. Register, July, 1975, No. 235, eff. 8-1-75

SS 2.05 Statement of expense by principal. (1) Within 30 days of the sine die adjournment of the legislature, every principal shall file with the secretary of state under section 13.68 Wis. Stats. a complete and detailed expense statement under oath which shall include the following information:

(a) The lobbyist's name, address and telephone number, date of the preparation of the statement, and the duration of the lobbyist's employment.

(b) The name and address of the principal, the nature of the principal's business and telephone number.

(c) A separate itemized list for each lobbyist of all expenses paid or incurred by such principal in connection with the employment of a lobbyist or with lobbying activities. This separate and itemized list shall include the amount of compensation or retainer paid to each lobbyist. If the lobbyist is a regular employe who performs services for his or her principal which include, but are not limited to lobbying, a prorated amount of regular salary based on the percent of the

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lobbyist's time spent engaged in lobbying activities shall be reported. If the lobbyist serves as legal counsel as well as a lobbyist for the reporting principal, the prorated amount of compensation based on the percent of time spent engaged in lobbying activities, or the total compensation based on an hourly, daily, weekly or monthly rate of compensation, or the total amount of retainers paid to the lobbyist shall be reported. The list shall also include reimbursements paid or expenses incurred itemized by office expense, printed or duplicated material, telephone or telegraph reimbursements, postage, travel, food, entertainment, living accommodations, wages, salaries, or retainers paid to the lobbyist and the estimated dollar amount spent or research backup, clerical staff or assistants employed by the lobbyist or principal based on the percent of time they spent on lobby related activities, public relations and advertising, gifts and contributions. The total expenses paid or incurred for each lobbyist and the total of all expenses paid or incurred in connection with lobbying efforts shall be reported.

(Note: In estimating office expenses for a regular employe who performs services for the principal which include but are not limited to lobbying activities, report the prorated amount of office overhead based on the percent of time the lobbyist spent engaged in lobbying activities. In estimating office expenses paid for a lobbyist who also serves as legal counsel for the reporting principal, report the prorated amount of office overhead based on the percent of time the lobbyist spent engaged in lobbying activities.)

(d) The statement shall be signed, dated and notarized.

History: Cr. Register, July, 1975, No. 235, eff. 8-1-75.

SS 2.06 Terminations. (1) Should a lobbyist and principal wish to terminate a lobbying license, the lobbyist may file with the secretary of state a signed statement of termination which shall include the name and address of the principal for which the termination is sought. A principal's expense statement shall be filed with the secretary of state within 30 days of the sine die adjournment of the legislature for any portion of the legislative session in which the lobbyist was engaged in lobbying activities.

History: Cr. Register, July, 1975, No. 235, eff. 8-1-75.