

Chapter SS 2

LOBBYING

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Note: Chapter SS 2 as it existed on December 31, 1978 was repealed and a new chapter SS 2 was created effective January 1, 1979.

SS 2.01 Definitions. (1) For purposes of chapter 13, subchapter III, Stats., and these rules, to determine if “administrative action” is involved, the definitions in s. 227.01 (2), (9), (10), and (11), Stats. shall be applied. Matters pertaining to a “contested case” are not “administrative action”. A “proposal” under s. 13.62 (1), Stats. is a written or oral communication which by reasonable interpretation of its terms seeks to initiate rule making by an agency.

(2) As used in ss. 13.62 (12), 13.685 (2) and (6), 13.70 (1) (f) and (6) (b), Stats., “person” has the meaning set forth in s. 990.01 (26), Stats. In the remainder of ss. 13.61 through 13.74, Stats., “person” means a natural person, provided, however, that these rules do not establish any definition of the word “person” where it is used in ss. 13.69 (3) and 13.72 (1), Stats.

History: Cr. Register, December, 1978, No. 276, eff. 1-1-79.

SS 2.02 Lobbyists. (1) Lobbying shall be deemed to be part of the regular duties of any person referred to in s. 13.62 (11), Stats.:

(a) If such person’s relationship to such principal is that of employe, officer, director or similar type of position and such person is paid by such principal on a salary basis, and if such person makes lobbying communications which are not exempted by s. 13.70, Stats., on behalf of such principal, and such communications are made on all or any part of each of 13 days or more in any reporting period referred to in s. 13.68 (intro.), Stats., or

(b) If such person is employed by such principal on some basis such as that of independent contractor on a fee or retainer basis, or any other basis not covered by par. (a), to influence legislative or administrative action.

(2) A lobbyist is deemed to be paid by a principal, within the meaning of s. 13.62 (11), Stats., whether the payment passes directly from the principal to the lobbyist or from the principal to one or more intervening parties who ultimately pay the lobbyist for lobbying activities on behalf of such principal. No intervening party shall, by virtue of such payment, be deemed a principal.

(3) An application for a license to act as a lobbyist shall be made on the Application for Licensing as a Lobbyist form prescribed by the secretary of state. A separate application form shall be submitted for each principal on whose behalf the lobbyist will lobby. All blanks in the form shall be completed and the form shall be signed by the lobbyist..

(4) In order for a lobbyist to be reinstated to the practice of lobbying, under s. 13.63 (3), Stats., the documents and fees, referred to in ss. 13.63 (1), 13.64, and 13.65 (3), Stats., shall be submitted to the secretary of state as though the lobbyist were being licensed for the first time.

(5) The authorization referred to in s. 13.65 (3), Stats., shall be filed on an Authorization of Lobbyist form prescribed by the secretary. A separate authorization form shall be submitted by the lobbyist for each principal by whom the lobbyist is employed to lobby. All blanks in the form shall be completed and the form shall be signed by or on behalf of the principal.

(6) The name of a lobbyist is deemed entered in the file of the secretary of state, as referred to in s. 13.66 (1), Stats., only after a registration form has been filed with the secretary in accordance with subsection SS 2.03 (2), Wis. Adm. Code. A lobbyist is deemed licensed, as referred to in s. 13.66 (1), Stats., only after a license has been issued to such lobbyist under s. 13.63, (1), Stats.

History: Cr. Register, December, 1978, No. 276, eff. 1-1-79.

SS 2.03 Principals. (1) A director of a corporation referred to in s. 13.62 (12), Stats., shall not be considered a principal.

(2) Registration of principal and lobbyist under s. 13.64, Stats. shall be accomplished by filing with the secretary of state the Registration of Principal and Lobbyist form prescribed by the secretary. A separate registration form shall be submitted for each lobbyist who has been employed to lobby on behalf of the principal. All blanks in the form shall be completed and the form shall be signed by or on behalf of the principal.

(3) Upon termination of the lobbyist's employment by the principal under s. 13.64 Stats., the principal shall file with the secretary of state the Lobbying Termination Statement form prescribed by the secretary. A separate termination form shall be submitted for each lobbyist whose employment has been terminated. All blanks in the form shall be completed and the form shall be signed by or on behalf of the principal.

(4) A principal shall make additional entries in the secretary of state's file under s. 13.65 (2), Stats., by submitting to the secretary a Registration Amendment form prescribed by the secretary. A separate amendment form shall be submitted for each lobbyist employed by the principal. All blanks in the form shall be completed and the form shall be signed by or on behalf of the principal.

(5) A copy of a lobbyist's report, filed with the secretary of state under s. 13.67, Stats., shall be carbon copy or a photocopy of the report submitted by the lobbyist to the principal.

(6) (a) A statement of expense by principal, under s. 13.68 (intro.), Stats., shall be submitted on the Statement of Expense by Principal form prescribed by the secretary of state. All blanks shall be completed and the form shall be signed by or on behalf of the principal. The statement shall set forth the opening and closing dates of the period covered by the statement.

(b) Each item listed in s. 13.68 (3) (a), (d), and (e), Stats. is a separate category. For instance, salaries is one category, fees is another, office rent is a third, office utilities is a fourth, etc.

(c) If a principal filing an expense statement under s. 13.68 (intro.), Stats. has not filed such a statement previously, or within the last 7 months, then the statement shall cover the 6 month period immediately prior to the next preceeding January 1 or July 1. This rule does not apply to statements due January 30, 1979.

(d) The expense statements under s. 13.68 (intro.), Stats., are required only of those principals whose names appeared in the file 30 days prior to the filing deadlines indicated in said section.

(7) The amount expended, as referred to in s. 13.68 (5), Stats., shall be set forth as the total expenditures made and obligations incurred for each officer, employe, official or candidate, referred to in said section, who was invited and did in fact attend the meeting or function, to the extent that such a breakdown is reasonably possible. Any portion of the amount expended which is not reasonably susceptible of breakdown may be set forth as a single amount together with a statement of the number of the beneficiaries thereof.

History: Cr. Register, December, 1978, No. 276, eff. 1-1-79.

SS 2.04 State agencies. (1) Attempting to influence legislative action shall be deemed to be part of the regular duties of any officer or employe referred to in s. 13.695 (1), Stats.:

(a) If such officer or employe makes lobbying communications which are not exempted by s. 13.70, Stats., on behalf of such agency, with any party or body referred to in s. 13.62 (8), Stats.; and

(b) Such communications are made on all or any part of each of 13 days or more in any reporting period referred to in s. 13.695 (1), Stats.

(2) A statement, under s. 13.695 (1), Stats., shall be submitted on the Statement of Legislative Activities of a State Agency form prescribed by the secretary of state. All blanks shall be completed and the form shall be signed by the agency head or his or her designee. Such statement shall recite the opening and closing dates of the period covered by the statement.

(a) If an agency filing a statement under s. 13.695 (1), Stats. has not filed such a statement previously, then the statement filed shall cover the 6 month period immediately prior to the next preceeding January 1 or July 1.

(b) Each item listed in s. 13.695 (1) (c), 1, 4, and 5, Stats. is a separate category. For instance, salaries is one category, fees is another, office rent is a third, office utilities is a fourth, etc.

(3) An agency shall report any change under s. 13.695 (2), Stats., by submitting to the secretary of state a Change Statement of Legislative Activities of a State Agency form prescribed by the secretary of state. All blanks in the form shall be completed and the form shall be signed by the agency head or his or her designee. Such report shall recite the date on which such change occurred.

History: Cr. Register, December, 1978, No. 276, eff. 1-1-79.

SS 2.05 Secretary of state. A document must be entitled, "Formal Opinion" or specifically state that it constitutes a formal opinion in order to qualify as such under s. 13.685 (6), Stats.

Any advice or assistance from the office of the secretary of state is not a formal opinion whether given orally or in writing and whether signed or unsigned.

History: Cr. Register, December, 1978, No. 276, eff. 1-1-79.

SS 2.06 Prohibited practices. (1) The items referred to in s. 13.625 (2) Stats. are also made available to the general public if:

(a) They are available to the general public on the same terms as they are made available to any officer, employe, official or candidate referred to in s. 13.625 (1) (b), Stats.; and

(b) Conditions or prerequisites to obtaining such items do not include being such officer, employe, official or candidate.

(2) The prohibitions in s. 13.625, Stats. do not apply to the activities authorized in s. 11.38 (1) (a) 2, Stats.

History: Cr. Register, December, 1978, No. 276, eff. 1-1-79.

SS 2.07 Exemptions. (1) (a) The exemption under s. 13.70 (1) (c), Stats. applies only to information that is reasonably responsive to a request referred to in said section. Information volunteered on subjects other than those raised by the requester is not covered by such exemption even though furnished at the same time that responsive information is furnished.

(b) The exemption under s. 13.70 (1) (f), Stats. applies only to information that is reasonably responsive to such a request. Information volunteered on subjects other than those raised by the official is not covered by such exemption even though furnished at the same time that responsive information is furnished.

(2) If a revocation of a statement under s. 13.70 (5), Stats. is filed with the secretary of state, then a report under s. 13.67, Stats. and a statement under s. 13.68, Stats. shall cover the entire period of time established by s. 13.68 (intro.), Stats. and SS 2.03 (6) (c), Wis. Adm. Code.

(3) The residence of a person referred to in s. 13.70 (6) (b), Stats. shall be the person's legal residence if Wisconsin law determines one; otherwise, such person may select one address, from among any of its Wisconsin addresses that could reasonably be considered to be its residence, as its residence address and shall then be committed to such selection throughout the balance of the current legislative session for purposes of such section.

(4) The exemption referred to in s. 13.70 (1) (a), Stats. applies both to the persons and the activities described therein.

(5) An appearance at a public hearing under s. 13.70 (1) (a), Stats. includes both a personal appearance before the committee and any written statement submitted not more than 10 days before or after the hearing.

History: Cr. Register, December, 1978, No. 276, eff. 1-1-79.

SS 2.08 Miscellaneous. (1) For purposes of ss. 13.62 through 13.74, Stats. and chapter SS 2, Wis. Adm. Code, a document is deemed to be filed with the secretary of state if:

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(a) It meets the form and content requirements of such statutes and rules; and

(b) It has been received in the secretary's office in legible condition.

Note: It shall not be considered filed when deposited in the mail for delivery to the secretary's office.

(2) All forms and documents submitted for filing under ss. 13.63 (1), 13.64, 13.65 (3) and 13.68, Stats., shall uniformly set forth the names of both lobbyist and principal without variance as to wording and spelling.

(3) Nothing in subchapter III of ch. 13 or in these rules shall be interpreted to limit or abridge in any way any privilege provided for in s. 905.03, Stats.

History: Cr. Register, December, 1978, No. 276, eff. 1-1-79.