

MINUTES OF THE MEETING
STATE ADMINISTRATION COMMITTEE
MONTANA STATE SENATE

February 6, 1979

The eighteenth meeting of the Senate State Administration Committee was called to order by Senator Pete Story, Chairman, on the above date, in Room 442 of the State Capitol Building, at 10:00 a.m.

ROLL CALL: All members of the Committee were present; however, Senators Roskie and Brown were late arriving from a previous hearing.

CONSIDERATION OF SENATE BILL NO. 233: The Chairman called on the sponsor of the bill, Senator Tom Towe of Billings, to present his testimony on Senate Bill No. 233.

Senator Towe advised this is the same bill that was passed out of this same committee two years ago as S.B. 127. It is exactly the same now as when it passed through then with the amendments intact. It attempts to require the lobbyists in the State of Montana who attempt to influence legislators to report their expenses. In going through the bill, he explained that "lobbyist" is defined on page 2, line 4. A public official is not to be considered a lobbyist if he is requested by a legislator to speak, and this does not include an individual acting on his own. Other exceptions are spending less than \$1,000.00 or a person not reimbursed \$1,000.00 or an employee who spends less than 40 hours each session performing this type of service. On page 2, the last sentence says no citizen is deprived of his privilege by this bill of contacting his legislators regarding any issue. Going through the bill further, he stated it sets out the reporting procedure through the Secretary of State's Office, and the time within which these reports are to be made. Any person who does not receive a fee for his services is not considered a lobbyist and anyone testifying in committee hearings on his own behalf is not considered a lobbyist. The bill sets up a time limit for the three reports required as the report first due is on the 15th of February, the second is 60 days following adjournment of the session and the last is by the 15th of February of the following year. List of expenditures to be reported was itemized also. It also calls for organizations or groups to list their contributors if they exceed \$500.00. The last part of the bill deals with penalty sections and audit and the authority of the Secretary of State to make regulations in order to have some semblance of management. He mentioned that lobbyists are important and can be very helpful to the legislators as well as the public and they are effective in pointing out errors in bills or if an increase in cost will result on certain issues. He felt they do have a very large impact, but the public wants to know how much they are spending and how much these groups and organizations are spending to influence legislation. He thought it would be more helpful to know what kind of money they are spending and where. The results of a survey taken recently by Jerry Wm. Calvert, Political Science Dept., MSU, regarding his question of lobby expense reporting

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was sent out to 2,000 people. Copies were furnished to the Committee, and a copy is attached to these original minutes. Summarizing the report, Senator Towe stated it showed 1,100 people responded from 27 counties; that it was done on a random sampling basis and commented on by the professor that this was the highest level of agreement on any issue in the survey. He then read portions of the report supporting his contention that the people of the state want to know about lobbyists. He stated the survey indicates 90% of the people want this type of legislation. Senator Towe then handed out copies of material from the Book of States, 1978-79, explaining it listed the states in which expenditures are reported and indicated that Montana is only one of seven which do not require lobby disclosure statements. Copy of this material is also attached. He also commented on the House bill being presented by Representative Steve Waldren which would put the matter on the ballot.

Testifying in support of the bill, Representative Steve Waldren, Missoula, added that he does have a similar bill, but his calls for a referendum to be put on the next ballot. He felt a lobbyist could be considered the fourth branch of government because of their influence and that eventually there would be a bill dealing with this if it wasn't done now. He would prefer a more modest approach than that in California which enacted a very strict law through a referendum issue. He also stated that questioning the integrity of lobbyists or legislators was not the problem and neither was the paper work as set up under this bill as it wasn't too restrictive. He advocated action now rather than study by an interim committee.

John Vincent, Representative from Bozeman, supporting the bill, testified he was involved in lobby disclosure legislation and sponsored a similar bill last session as it was his belief Montanans believe in this type of legislation. He felt that the legislative process should reflect the desires of the people in this particular matter and that the expression of support was so strong and overwhelming that they should try to secure the issue now. Lobbyists have been around for a long time and if the issue isn't handled by the legislators themselves, it may be taken out of their hands.

Al Williams, representing the AFL-CIO, stated they were in total support of the bill and that their national AFL-CIO polich is also supportive.

Jerry Driscoll, representing the Labor Union, Local 98, Billings, stated they were in complete support of the bill and thought that the bookkeeping is simple enough for anyone to comply with.

Len Sargent, rancher from Park County, representing the Environmental Information Center and also testifying on his own behalf, stated he felt this is a good bill which should be supported. He advised most of the groups he lobbied with and helped, the people in them were getting a mazimum of \$600.00 a month or less and were not opposed to reporting this. He felt the citizens would benefit greatly by knowing just how much "hired tongues" were paid and it would also make him more comfortable when taking a

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legislator out to dinner at McDonald's.

Paul Richards, representing Common Cause, testifying in support of the bill stated they have a further breakdown of the questionnaire taken by Prof. Calvert of MSU and handed out copies of this to the Committee. Copy is also attached to these Minutes. He explained in detail the survey taken and the other types of questions it contained. He stressed this was strictly a non-political issue supported by overwhelming margins of both parties and then proposed an amendment as they felt the present bill is far too lenient. They proposed amending page 9, line 2 as \$100.00 was a high figure and on line 10, that this figure was too high also; they also requested it be amended to include administrators as lobbyists. With these amendments, they felt it could more accurately live up to its expectations and would improve the credibility of lobbyists. As for the bookkeeping requirements, he was sure every lobbyist keeps track of his expenditures now if he is very conscientious of his work. Regarding H.B. 49, which is more stringent, the fiscal note indicates it was costing \$2,807.00 for the Secretary of State to do the additional bookkeeping procedures and that Montana should be forward-looking enough to determine that this is a more valuable function to be worth the small cost and was also justified by the people's right to know.

Chairman Story asked if there were any others wishing to testify.

Art Kussman, 129 South Montana, Helena, testifying in support, stated as a candidate for public office from District 30 in the last election, he learned a great deal when visiting with people door-to-door. Most of the people felt there was a lack in the legislative process in general. He then read an article from a news clipping relative to the voting record on the lobby issue from last session. He added the voters were concerned that the bill was defeated so strongly and urged passing of the bill to comply with the wishes of the people.

Bill Bronson, lobbyist for the Associated Students of the Univ. of Montana, submitted written testimony, copy of which is attached to these Minutes, supporting the issue. Summary of his testimony centered on this being a less stringent bill and that it would bring out the credibility of people working in this capacity.

Joy Bruck, representing the League of Women Voters, submitted written testimony, supporting the bill, which dealt with the right of people to be provided with information on lobbying expenses, copy of which is attached to these original Minutes.

Terry Murphy, supporting the bill, stated he was a registered lobbyist this session but was speaking on his own. In the last session, he was influenced against this type of legislation by lobbyists. However, he now finds this type of legislation would not be difficult to live with. Certain record keeping in doing

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the lobbying for his present employer was done at his suggestion, so that would not be as much of a problem as he used to believe it would be. They set up a budget covering the overall expenses, and he submits a statement for itemized expenses every two weeks; most of these are listed in the bill. As he is already doing the bookkeeping, it shouldn't be a problem.

Rose Magnuson, Common Cause Representative from Missoula, testified this bill would be a reasonable way for those employing a lobbyist to check on the work of their employees, and reaffirmed their position of support.

There being no further proponents, the Chairman asked for anyone wishing to make a comment. None volunteered and opponents were then called for.

Joe Crosswhite, representing the Operating Engineers Unions in Montana, testified that if Montana is going to have a lobby bill, it should be a good one. He felt if anyone who needs a license to lobby should be included in the reporting requirements. There should not be any limitations. He expressed concern not so much where the money goes, but where it comes from. We heard an environmentalist speaker propose this is a good bill. They got a grant to educate the public which could be used for lobbying. He stressed that if his tax money is being used for lobbying in this manner, he has a right to know about that also. Referring to the report indicating Montana was one of seven states not having lobby disclosure, he pointed out we didn't have a sales tax either and probably some 90% of the people would vote against having any legislative session also. He asked if the legislators had any of their constituents ask them to put in a lobby disclosure bill this session, and if the committee considers this bill, they also consider providing for a statement on where the money comes from.

Allan Kain, Attorney from Helena, testifying on behalf of the Montana Society of Association Executives, stated they have now 45 members in the Association on a state-wide basis. The policy of the Association in opposition to the bill is that if this type of bill is actually needed, it is a reflection that there is something underhanded. The legislators themselves are more qualified to decide if this type of legislation is necessary. He felt this bill and the term "lobbying" as it was defined would expand so greatly as to include the publication of a newsletter concerning legislation. He felt the impact goes far beyond that anticipated at present, and cited that even the Montana Chamber of Commerce in its publication of its monthly newsletter would be included under the scope of this bill. Regarding the listing of expenses, he stressed the amount of time spend on any type of government reporting takes a great deal of time and the paperwork may involve additional hiring necessary to comply with reporting procedures.

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He referred to a recent television show in which time-consuming and costly paperwork was the subject. Their position was that they saw no abuse and that this type of reporting was not required nor would it give anyone the type of information they really wanted, with the state government, again, picking up the tab in the form of increased work and cost. Other states who have this requirement find it takes a great deal of work to process the reporting procedures. He offered to work with any interim study committee on the matter if the legislators felt this would be worthwhile, but stressed its usefulness and urged that the bill do not pass.

L. R. Hollingsworth, representing the Operating Engineers and Teamsters in Montana and 6 other states, testified that in other states where he works as a professional lobbyist which have the reporting requirements, the bookkeeping takes a great deal of his time. If he does not use his weekends to prepare reports to have in on time, he is sometimes late and subject to a fine of \$250.00. He does not oppose telling anyone what he spends or from whom it is received, but consider the time in complying with formal government reports and also that it will make a large volume of additional work in the Secretary of State's office. He stated he would be willing to help in trying to draw up a simple type of bill dealing with this subject, but without the complicated reporting procedure. He also thought that this type of bill would not get to the heart of the problem.

In closing, Senator Towe read a portion of the written statement from Common Cause, copy of which is attached, and retorting to Mr. Crosswhite's statement, page 9, lines 10 through 14 were referred to as already including these matters and that everyone was included, except private citizens to come to see their legislature in action or talk with their legislator. However, the \$1,000.00 could be reduced to include much more reporting. He stated the people's right to know was the prime concern of the bill. An example of this is the campaign reports they must now submit after the elections. It was done as a result of the people wanting to know what was spent on running for office. He agreed there was enough paperwork and had presented a bill to that effect, but if reporting of expenses was done to employers, a copy of that could be sent to the Secretary of State. Regarding the cost to the Secretary of State, Senator Towe handed out copies of the fiscal note stating that it would only cost \$2,807.00 which did not seem like a very large amount to comply with the wishes of the people of Montana.

The Chairman opened the hearing for questions from the Committee.

Senator Rasmussen questioned the requirements of reporting voluntary

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contributions in organizations such as the Chamber of Commerce, to which Senator Towe responded that they would be covered by the provisions on line 10, page 9.

Senator Jergeson commented he would like to see environmentalists registered also as they have a great deal of influence and are very effective lobbyists. Senator Towe replied they should be registered and required to report; the point of registering was cleared up.

Senator Ryan questioned the procedure on violations; to which Senator Towe responded he thought the usual penalty was about \$200.00. When questioned, Mr. Hollingsworth added that a point should be clarified. As he represented a large number of people involved in the Western Conference of Teamsters and Western Conference of Operating Engineers, in the reporting procedure, would those people who pay contributions into these unions also be required to submit reports. Towe again referred to the \$500.00 limitation, but this would not filter down to the stockholders. but would apply to the principals.

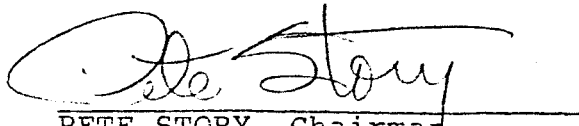
Senator Ryan asked if any of the Committee members asked the lobby disclosure question when campaigning. Senator Jergeson replied he had put the issue on his campaign literature and had many responses.

There being no further questions, the hearing on Senate Bill No. 233 was closed.

Chairman Story announced an executive session would be held on Friday morning to take action on pending bills.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 11:30 a.m.


PETE STORY, Chairman

Date Feb 6, 1979

ROLL CALI.

STATE ADMINISTRATION COMMITTEE

46th LEGISLATIVE SESSION - 1979

[illegible]

Each Day Attach to Minutes.

DATE FEBRUARY 6, 1979

COMMITTEE ON

STATE ADMINISTRATION

SENATE BILL No. 233

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppo
<i>[Signature]</i>	Operating Engineers	233		✓
<i>[Signature]</i>	Secretary of State	233		
PAUL RICHARDS	COMMON CAUSE / INTERM	233	✓	
MIKE KURY	COMMON CASE INTERM	233	✓	
Dean Chin	Mont. Soc. of Assoc. Executives	233		✓
Art Kussman	Myself	233	✓	
<i>[Signature]</i>	Opn. Engineers	233		✓
<i>[Signature]</i>	MT Optometric Assoc	233		✓
<i>[Signature]</i>	MT Funeral Directors Assoc	233		✓
<i>[Signature]</i>	League of Women Voters	233	✓	
Mary Beth Breuninger	Common Cause Number	233	✓	
Bill Brown	Associated Students, UAM	233	✓	
Steve Waldron	House of Rep.	233	✓	
Jerry Orsini	Laborer's Local #198	233	✓	
Al Wilkins	AFL-CIO	233	✓	
Laurie Sullivan	Common Cause	233	✓	
Edward D. Wilson	Mont. Taxpayers Assoc	233		✓
Tim Murphy	Self	233	✓	
Tom Ryan	M.S.K.A.	233	✓	
<i>[Signature]</i>	Self	233	✓	
Rose Magnusson	Common Cause	233		
Leonard Hargrett	Self	233	✓	
John Vincent	Dist 78, Boreman	233	✓	

Arthur F. Kussman

409 South Montana

Helena, Mt. 59601

Phone 442-6642

Feb. 6, 1979

RE: SB 233

Mr. Chairman, Members of the State Administration Committee :

As a candidate for House District 30 in last June's primary election, I visited with almost every family in the district, and in doing so, I had an opportunity to learn.

While we all know that a certain amount of griping can be discounted as a pastime, what I found went far beyond that. There was a shocking lack of confidence in the legislative process and in government in general.

As a result, I wrote some comments for the Independent Record, and I'd like to quote a couple of paragraphs.

"The serious lack of confidence that now exists, in my opinion, results from legislators' failure to deal adequately with problems the people want handled.

An example. Surveys show that our citizens want some knowledge of who's spending what to influence legislation. The 1977 legislature -- members of both parties -- shot the lobbyist disclosure bill down with impunity.

Arguments used by individual legislators to justify the negative vote, in my opinion, weren't acceptable. In considering lobbyist legislation, voters know that we don't need to choose between harrassment and no knowledge at all. There is a middle ground.

Reasonable, common sense information about lobbyist activity in our legislature must be made available to the people of Montana. This can be done through well drawn legislation.

Arthur F. Kussman
409 South Montana
Helena, Mt. 59601
Phone 442-6642

There are many interests, for example utilities, which are clearly opposed to any kind of legislation relating to lobbying. But rank and file citizens want it. They know that legislative lobbying in Montana (and other legislatures) is necessary and that it serves a worthwhile purpose. But they also feel that the people have the 'right to know' -- the extent of it.

Members of the committee, if you want to vote the wishes of the great majority of people -- in your areas and in the state -- not just those you hear from -- you'll vote to pass this legislation.

A handwritten signature in cursive script, reading "Arthur F. Kussman". The signature is written in dark ink and is positioned below the typed text.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

SUGGESTIONS FOR AMENDMENT

Senate Bill No. 233

Presented by Office of Secretary of State

1. Page 8, Section 8, Line 9.
Following: principal
Strike: "need not file an accounting for"
Insert: "shall file a report so stating."
2. Page 8, Section 8, Line 10.
Strike at beginning of line: "that calendar year."

western

WA

WJ

western union

WJ PTL*

WJ AGENT HEL

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4068832660 POM TDMT TOLSON MT 15 02-05 0303P EST

PMS SENIOR TOM TOWE

CAPITOL STATION

HELENA MT 59601

I URGE THE PASSAGE OF SB 233 RELATING TO LOBBY CONTROL LEGISLATION
MY HEARTIEST SUPPORT

HERBERT DEVRIES (RR 1 BOX 44F TOLSON MT 59600)

N*

WJ AGENT HEL

#45

M Pete Stang
TIME 9- DATE 2/5
By Bernice C Brunhau
Please Call In 233 - support
Returned Your Call ☐ Will Call Again ☐

Message:

#45

M Pete Stang
TIME 910 DATE 2/5
By Mr. Vlaty
Please Call SB 233 - In
Returned Your Call ☐ Support Will Call Again ☐

Message:

of.

M Pete Stang
TIME 10:30 DATE 2/5
By Mina Nelson
Please Call SB 233 favor
Returned Your Call ☐ of Will Call Again ☐

Message:

M Pete Stang
TIME 1115 DATE 2/5
By Mrs Virginia Burr
Please Call 656-802
Returned Your Call ☐ Will Call Again ☐

Message:

Billings

L. E. 233

in favor of -
to put gold in the

2-6-79

SUGGESTIONS FOR AMENDMENT

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Following: principal
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SB 233 / 2-6-79

STATE OF MONTANA

REQUEST NO. 42-79

FISCAL NOTE

Form BD-15

In compliance with a written request received January 22, 19 79, there is hereby submitted a Fiscal Note for HB 49 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly. Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

An act requiring statements of expenditures from persons employing lobbyists or making other payments to influence legislation; providing for an audit and reporting requirement; providing that the Act be submitted to the electors and providing an effective date.

ASSUMPTION:

No additional revenues will be collected as a result of the proposed legislation.

FISCAL IMPACT:

Expenditures Under Proposed Legislation	<u>FY81</u>
Personal Services	<u>\$2,407</u>
Operating Expenses	<u>400</u>
Total Expenditures Under Proposed Legislation	<u>\$2,807</u>
Less: Expenditures Under Current Law	<u>0</u>
Increased Expenditures Under Proposed Legislation	<u>\$2,807</u>

The increased cost must be supported with General Fund monies.

TECHNICAL NOTES:

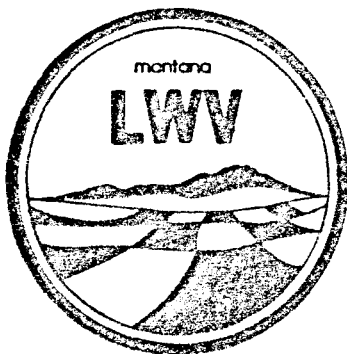
Section 6 states that if no activity took place a report need not be filed. Report should be filed stating this as the Secretary of State has no means of ascertaining whether monies have been spent, thereby requiring the filing of a report. Secretary of State should be required to preserve records for a specified period of time.

Richard L. [Signature]
BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 1/24/79

SB.233
2-6-74



SB 233

Lobby Disclosure

The League of Women Voters has supported lobby disclosure at the national level for some time - League members in Montana feel it is just as important ^{AT THE} state level. Citizens should be provided with information concerning the financial pressures exerted influencing legislative action.

League lobbyists are not paid, however, we are reimbursed for our expenses, and we do send out a newsletter to our members, keeping them informed, and urging them to contact legislators to influence legislative action. We think it is important for the public to know what we do during a session.

Lobbying is an essential and valuable part of the legislative process - and, a big part - lobbyists outnumber legislators, and it is only right that citizens know the effect this has on legislation. The disclosure of funds is for information, not to embarrass anyone. We see lobby disclosure as a parallel to campaign finance reporting by candidates.

The League of Women Voters of Montana supports SB 233, and urges you to do the same.

TESTIMONY IN SUPPORT OF SB 233

Mr. Chairman, members of the Committee: For the record, my name is Bill Bronson, I reside at 2480 E. Broadway in Helena, and I am a registered lobbyist for the Associated Students of the University of Montana (ASUM.)

I rise in support of SB233, and wish to state very briefly the reasons why my association believes this bill to be worthy of your consideration.

I would emphasize two items at the outset of my presentation: (1) Should SB 233 receive a favorable recommendation from the legislature, my organization would fall under its requirements, and we would be more than willing to comply, for reasons I will outline later; and (2) SB 233 is rather mild legislation, when you compare it with similar legislation around the country, and even with related bills in our own legislature. (I refer to HB 49 now being considered by the House Committee on State Administration.) ASUM requests that the Committee keep this in mind when considering the principle of lobbyist financial disclosure.

One of the best reasons given for supporting legislation of this type was given by the late Chief Justice of the Supreme Court and former Republican governor of the state of California, Earl Warren. I quote from his majority opinion of the early 1950s upholding the constitutionality of the federal lobbyist disclosure law:

full realization of the American ideal of government by elected representatives depends to no small extent on (Congress') ability to properly evaluate...pressures (exerted by lobbyists.) Otherwise the voice of the people may all too easily be drowned out by (those)...seeking favored treatment while masquerading as proponents of the public weal. This is the evil which the law was designed to protect. (74 S. Ct. 808, 816)

Further:

Congress has not sought to prohibit these pressures. It has merely provided for a modicum (or small quantity) of information from those who for hire attempt to influence legislation or who collect or spend funds for that purpose. It only wants to know who is being hired, who is putting up the money, and how much. (74 S. Ct. 808, 816.)

At this point, I would shift the focus of my presentation to briefly analyze the threads behind some of the arguments you will hear opposing SB 233. I do this because I think you will find that there remains a balance in favor of the bill, despite the somewhat legitimate concerns the opposition will raise.

First, you will note that the opposition will argue that SB 233 is an unworkable "theory," something which cannot be tested well in practice. I pray that you will reject this reasoning for one major reason: Our foundation for American government is based on a theory--our Constitution, Bill of Rights and Declaration are all based on the theoretical analysis of thinkers like Locke, Rousseau, Voltaire, Adam Smith and others. These men gathered and analyzed the various facts and mysteries around them and came up with a theory or blueprint for humane government. I think you will agree that the blueprint led to a very fine piece of construction. Now, should you accept the arguments advanced by Warren on the previous page, you can see that SB 233 is indeed a theory, but one designed as another blueprint when building and re-enforcing American democracy.

Second, and perhaps more importantly, it will probably be said that SB 233 represents part of a dangerous trend in our society--that being the growth of unreasonable government regulation which unintentionally limits our freedoms. On the face of it, perhaps that is a plausible argument. But let me pursue it one step further.

When you, as legislators, and I and my colleagues, as lobbyists, transact "business" here in Helena, it is not personal, but rather, public business. We are dealing with taxpayer dollars, and by rights, they should have as complete knowledge as is necessary to review and assess our actions. For they are the real recipients of our collective actions.

In the Bible, Christ said that one who bears the responsibility of being a Christian wears a "yoke" of sorts, such as a work animal would wear a yoke in order to pull a cart or plow. But Christ goes on to say that this is an "easy yoke," one which is tempered by the benefits of being a responsible Christian. There is a correspondence here with SB 233. The regulations or "yoke" which we as lobbyists might bear is a comparatively easy yoke, for it further demonstrates our responsibility not only to you, the legislature, but also the general public.

In conclusion, I would submit we have come a long way since the day when State Senator Fred Whiteside stood up on the floor of the Montana Senate and displayed the \$30,000 offered him as a bribe for influencing a legislative action. These gross displays are likely gone forever. But what an advantage for Montanans if we could decide today that lobbyist financial disclosure would indeed be another working tool to allow our citizens to improve even more the governmental process. Thank you.



Bill Bronson,
Associated Students, University
of Montana



COMMON CAUSE/MONTANA

P.O. Box 822

Helena, Montana 59601

Telephone (406) 442-6959

Suggested Amendments

Senate Bill 233 - Lobby Disclosure

Senate State Administration Committee

February 6, 1979

Page 9, subsection 2, line 2: Presently reads \$100. We feel this is too high a figure. Legislators could receive favors up to \$100 at one given time and there would be no individual itemization for the people to find out about this receipt. We feel the individual itemization should take place at any expenditure over \$10 per time per legislator.

Page 9, subsection 3, line 10: Presently reads \$500. We feel this is too high a figure. Big money contributors should be identified. This provision would allow any contributor of under \$500 to retain anonymity. We feel this figure should read: \$50 or more.

In addition, we would like the committee to consider extending coverage of S.B. 233 to include administrative lobbying. There is an extensive amount of lobbying done by professional lobbyists during the 20 months of every 2 years in which the Legislature is not in session. We feel this lobbying should also be covered. Suggested language could define administrative action as:

"Administrative action" means any decision on, or proposal, consideration, enactment, defeat, or taking of any rule, regulation, or other official non-ministerial action or non-action by any executive agency, or any matter which is within the official jurisdiction of an executive agency.

We would then have to broaden the language on page 2, subsection 2, to include administrative action along with legislative action.

With these amendments, we feel the bill could more accurately live up to its responsibility to give the public a clear picture concerning what is being spent to influence and alter our governmental systems.

Thank you for your consideration.

Respectfully submitted,

Paul Richards

State Director

Common Cause/Montana

So to begin. The question was worded thus: "Would you favor or oppose legislation which would require lobbyists to report the amount of money they spend trying to influence legislation?" The constituents replied:

92.0% favor 3.2% opposed 4.8% neutral, no opinion

This was the highest level of agreement I have seen on any of the issues I have looked at in 1975 and 1977. Further, the small number of those who are neutral or have no opinion compared to what is typical (normally in surveys about 15% will have no opinion) indicates the question was understood, the issue was salient, and, by golly, the people want legislation along the lines indicated.

Now to the breakdown of constituents by socioeconomic and political categories (those who were neutral or did not express an opinion are dropped here).

<u>Party:</u>	Favor	Oppose
Republicans	96.4%	3.6%
Democrats	97.6	2.4
Independents	96.5	3.5
<u>Residence:</u>		
urban	95.9%	4.1%
rural	98.1	1.9
<u>Education:</u>		
Less than high school	96.3%	3.2%
High school graduate	97.5	2.5
Some college	96.1	3.9
College graduate	95.4	4.6

<u>Occupation:</u>	Favor	Oppose
Professional & technical	96.7%	3.3%
Business and management	95.3	4.7
Ranchers & farmers	97.3	2.7
Clerical & sales	95.2	4.8
Manual workers	95.4	4.6
<u>Income:</u>		
Less than \$5,000	97.8%	2.2%
\$5,000 - \$9,999	96.8	3.2
\$10,000 - \$14,999	97.8	2.2
\$15,000 - \$24,999	96.0	4.0
\$25,000 plus	92.8	7.2

This was the opinion of a randomly selected sample of 1,100 people. They live in 27 counties which encompassed 30 senate and 41 house districts. I hope this information will be of some use.

Sincerely,

Jerry W. Calvert
 Jerry W. Calvert
 Associate Professor
 of Political Science

SB 233

2-6-79

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LOBBYING LEGISLATION

Activity reported

Who is lobbyist

State	Definition	Exemptions	Refers to	Used with	Frequency	Exemptions	Penalties for noncompliance
Alabama.....	A	H, L, J, L, O	Ethics Commission	Ethics Commission	Monthly (a,b)	•	Fine of not more than \$10,000 or more than 10 years imprisonment, or both.
Alaska.....	A	H, L, M	Public Officers Commission	Public Officers Commission	Monthly (c)	•	Fine of not more than \$1,000 or more than 1 year imprisonment, or both.
Arizona.....	A, B, P	H, N, O	Secretary of State	Secretary of State	Annually (d,e)	•	Prevented as a misdemeanor.
Arkansas.....	A, C	...	Clerk of House, Secy. of Senate	...	...	•	None specified.
California.....	A, F	H, L, M	Secretary of State	Secretary of State	Monthly (f)	•	Prevented as a misdemeanor. Full Practitioners board may also impose civil fines.
Colorado.....	A, P	H, L, N	Secretary of State	Secretary of State	Monthly (f)	•	None specified. Cause and desire order is specified.
Connecticut.....	A	H, M, T	Ethics Commission	Ethics Commission	Quarterly	•	Fine of not more than \$1,000 or more than 1 year imprisonment, or both.
Delaware.....	A, B	H, L, J, L, O	Legislative Council	Legislative Council	Quarterly	•	Prevented as a Class C misdemeanor.
Florida.....	E	...	Clerk of House, Secy. of Senate	Clerk of House, Secy. of Senate	Monthly (g)	•	Reprimand, censure, or prohibition from lobbying (h).
Georgia.....	A, C, D, E, N	H, L, J	Secretary of State	...	Annually	•	Prevented as a misdemeanor.
Hawaii.....	A, P	H, J, M, O	Clerk of either House	Legislative Auditor	Biannually	•	Prevented as a misdemeanor.
Idaho.....	A	H, L, L, M	Secretary of State	Secretary of State	Quarterly (i)	•	Prevented as a misdemeanor subject to civil fines and possible per diem penalty.
Illinois.....	A, C	H, L, L, M, O	Secretary of State	Secretary of State	April & July (during session)	•	Prevented as a Class J felony.
Indiana.....	A, B, C, E, H, I	H, M, P	Secretary of State	Clerk of House, Secy. of Senate	Following session	•	Prevented as a felony.
Iowa.....	II	...	...	...	Monthly	•	House: suspension from lobbying. Senate: cancellation of registration.
Kansas.....	A, B, C	H, R	Secretary of State	Secretary of State	Jan-April (d)	•	Prevented as a Class B misdemeanor.
Kentucky.....	D	T	Attorney General	Attorney General	Following session	•	Fine up to \$5,000 or up to 5 years imprisonment, or both.
Louisiana.....	A	H, L, M	Clerk of House, Secy. of State	...	...	•	Fine of not more than \$1,000 or more than 11 months imprisonment, or both.
Maine.....	A	H, L, J	Secretary of State	Secretary of State	Monthly following session & annually	•	Prevented as a misdemeanor.
Maryland.....	A, B	H, J, L, M, N, O, Q, S, T	Secretary of State	Secretary of State	Semiannually	•	Fine of not less than \$100 or more than \$5,000.
Massachusetts.....	A	H	Secretary of State	Secretary of State	Semiannually	•	Prevented as a felony.
Michigan.....	A, M, N	H, M, L, J	Ethical Practices Board	Ethical Practices Board	Five times yearly	•	Fine of not more than \$1,000 or 6 months in county jail for first offense, or both.
Minnesota.....	A	H, J, M, O	Secretary of State	Secretary of State	Three times/session	•	Prevented as a misdemeanor.
Mississippi.....	A	...	Clerk of House, Secy. of State	...	...	•	Prevented as a misdemeanor.
Missouri.....	A	...	Secretary of State	Secretary of State	...	•	Prevented as a misdemeanor.
Montana.....	A, P	H, L, M	Clerk of Legislature	Clerk of Legislature	Monthly	•	Prevented as a misdemeanor.
Nebraska.....	A, C	H, L, J, M	Secretary of State	Secretary of State	Monthly	•	Prevented as a misdemeanor.
Nevada.....	A	...	Secretary of State	Secretary of State	Following session	•	Prevented as a misdemeanor.
New Hampshire.....	A	H, L, P	Attorney General	Attorney General	Quarterly	•	Prevented as a misdemeanor.

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Book of the States
1978-79 (pub. date - 1978 April)

New Mexico	A	H, O	Secretary of State	Secretary of State	(U)	Proscribed as a misdemeanor; revocation of registration and prohibited from engaging in lobbying activities for up to 3 years.
New York	A	H	N. Y. Temporary State Commission on Regulation of Lobbying	N. Y. Temporary State Commission on Regulation of Lobbying	Following session	Proscribed as a misdemeanor.
North Carolina	A, C	H, J, M, O	Secretary of State	Secretary of State	Annually	Proscribed as a misdemeanor.
North Dakota	A, C, D, E	G, I, J, M, O	Senate Clerk	Senate Clerk	Annually	Proscribed as a Class B misdemeanor.
Ole	F, H, K, L, N, P				Annually	Proscribed as a first or fourth degree misdemeanor.
Oklahoma	A, C	H	Clerk of House, Secy. of Senate	Clerk of House, Secy. of Senate	Annually	Fine of \$500-\$1,000 or 5-10 years imprisonment; (a) Declared in contempt of house; excluded from legislative hall.
Oregon	A, R, P	L, M	Ethics Commission	Ethics Commission	Monthly (a-c)	Civil penalty not to exceed \$1,000.
Pennsylvania	A, N, C, D, E	H, I	Clerk of House, Secy. of Senate	Clerk of House, Secy. of Senate	Monthly	Proscribed as a third degree misdemeanor.
Rhode Island	A, N, E	H, J, L, M, O	Secretary of State	Secretary of State	Three times/annually	Fine of not less than \$100 or more than \$1,000.
South Carolina	A, C	H, J, L, M, O	Secretary of State	Secretary of State	Annually	Proscribed as a misdemeanor.
South Dakota	C, D, P	H, L	Secretary of State	Secretary of State	Annually (m)	Fine of not less than \$200 or more than \$5,000 per offense.
Tennessee	R, F	H, L, M, N	State Library & Archives	State Library & Archives	Following session	Proscribed as a misdemeanor.
Texas	A, B	H, I, M	Secretary of State	Secretary of State	Monthly (d)	Proscribed as a Class A misdemeanor.
Utah	A, B, P	H, I, L, M, N, P	Secretary of State	Secretary of State	Annually (e)	Proscribed as a Class C misdemeanor.
Vermont	A	H, I, M	Secretary of State	Secretary of State	Annually (e)	Fine of not less than \$100 or more than \$500.
Virginia	C	H, I, U	Secretary of Commonwealths	Secretary of Commonwealths	Following session	Penalty of \$501 day for late filing for lobbyist and employer individually.
Washington	E	L, M, T	Public Disclosure Commission	Public Disclosure Commission	Monthly	Proscribed as a civil offense. Fine of not more than \$10,000. Registration can be revoked.
West Virginia	A, C	I	Clerk of House, Clerk of Senate	Clerk of House, Clerk of Senate	Following session	None specified.
Wisconsin	A	H	Director, Legislative Service Agency	Director, Legislative Service Agency	Monthly	Fine ranges from \$100 to \$5,000 depending on offense.
Wyoming	A	H	Director, Legislative Service Agency	Director, Legislative Service Agency	Monthly	Proscribed as a misdemeanor. Subject to fine of not more than \$200.

A-Any

A-Any receiving compensation to influence legislative action

B-Any spending money to influence legislation

C-Any representing someone else's interests

D-Any attempting to influence legislation affecting private pecuniary interests

E-Any attempting to influence legislation

F-Any executive branch employee attempting to influence legislation

G-Any who employs someone to influence legislation

H-Any who acts only before committees or boards

I-Any person with professional knowledge acting as a professional witness

J-Charitable organizations

K-Religious organizations

L-Members of the media

N-Attorneys representing clients on legal matters

O-Professional bill drafters

P-Political parties

Q-Any individual who spends or directs expenditures of less than \$200

R-Nonprofit's in-house organizations

S-Any paid expert witness whose testimony is requested

T-Any lobbyist not compensated and not making expenditures

U-Any individual who spends or directs expenditure of less than \$100

(a) Established by secretary of state.

(b) During session.

(c) In months when lobbying occurs.

(d) During session; quarterly during interim.

(e) Supplemental reports shall be filed monthly, on or before the tenth day of the following month, to list any expenditures in excess of \$25 occurring during the month and which must be reported pursuant to this section.

(f) Two cumulative statements yearly.

(g) Law enforcement only.

(h) Quarterly basis thereafter; only when required returns are made.

(i) Name and address of person retaining records (lobbyist, his employer, or agent).

(j) More than \$250 or 3 hours in any month.

(k) Upon filing of registration statement and prior to the sixth day after the end of any regular or special session.

(l) Following year of registration.

(m) After 1 month of session (see the table on pages 34 and 35).

43610465 - ? don't have it

This report is for your information. It represents a modest effort to compare public opinion with the choices made by the Montana State Legislature in 1977 on a selected range of issues.

SAMPLE SELECTION

There were 2,066 voters selected at random to participate in the survey reported here. These individuals were selected at random from precinct voting lists in 54 precincts. The precincts themselves had previously also been selected at random from the 960 electoral precincts in the state. The 54 selected precincts are located in 27 counties. They also are situated in 30 Senate and 41 House districts.

Random selection means just that. Every registered elector had an equal, though of course small probability of being selected. Random selection should assure that the sample obtained is representative of the universe from which it is drawn.

Of those who were selected by this process, 1,863 actually received a six-page questionnaire sent to them (the remainder having moved, left no forwarding address, and so forth). Of the 1,863, 1,175 returned the questionnaire, a response rate of 63%. 1,113 responses were complete in every respect and returned early enough for computer keypunching. It is the responses of these 1,113 people that will be described here. It should be noted in passing that the response rate is excellent, double the percentage typically achieved with mailed questionnaires sent to the general population, and was achieved by sustained follow-up of individuals who failed to respond initially. The high rate of response in turn contributes to a sample achieved which is hypothetically representative of the total population studied, in this case, the registered electorate in the state, estimated to be 82% of those eligible to vote in 1972.¹

Table One describes the social characteristics of the sample obtained. To the right of the percentage of each sample distribution the best available census estimate of the distribution of the same characteristic in the adult population as a whole is included in parentheses. The characteristics of the sample

¹Hearings: Senate Post Office and Civil Service Committee, "Voter Registration by Mail" (Washington: U.S. Government Printing Office, 1975), p.35.

Table 1: Social Characteristic of the Sample obtained²

Sex:		Occupation:	
Men	50.2% (49.4%)	Professional & technical	17.8% (14.5%)
Women	49.8% (50.6%)	Business & management	20.3% (10.3%)
Age:		Clerical & sales	19.6% (21.1%)
18-24	10.6% (18.9%)	Blue collar workers	23.0% (42.3%)
25-44	38.8% (35.3%)	Ranchers & farmers	14.3% (11.8%)
45-64	33.4% (30.1%)	Place of residence:*	
65 +	17.2% (14.7%)	Urban (places of 2,500 or more)	54.1% (53.4%)
Race:		Rural (places less than 2,500 in population)	35.9% (46.6%)
White	98.0% (96.7%)	Income:*	
Non-white	2.0% (3.3%)	\$ 5,000 or less	13.5%
Marital Status:		5,000-9,999	22.6%
Married	80.1% (63.5%)	10,000-14,999	27.4%
Single	12.4% (25.7%)	15,000-24,999	24.6%
Widowed or divorced	7.5% (10.8%)	25,000 +	6.9%
Education:			
8th grade or less	8.8% (25.2%)		
Some high school	6.4% (15.7%)		
High school graduate	46.2% (34.0%)		
Some college	17.4% (14.0%)		
College graduate	21.2% (11.0%)		

*Based on location of the voting precinct rather than each respondent identifying the type of locale. As such, rural residents are probably underestimated in the above statistics, i.e., those who live adjacent to urban areas. No data for income in Montana that is recent is available.

obtained in comparison to the characteristics of the total adult population conform to what is known about people who tend to register and vote and those who do neither. Political participation is directly related to social class. Those with more education, higher incomes, and who are white tend to participate at higher rates than others without such characteristics. Young people 24 and under are a low participant group. Professional people, business persons, white collar employees, and farmers and ranchers participate a great deal while blue collar workers register and vote at much lower rates. For example, in the United States as a whole, only 41% of those individuals aged 18-24 reported they were registered to vote in 1974 whereas 72% of those aged 45 to 54 had done so. Among blue collar workers 18 and over 54% were registered to vote; among farmers and ranchers 72%. In short

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the available data concerning voters and non-voters in the United States suggests that the particular sample obtained does approximate in social terms the registered electorate in the state, and to whom, by virtue of their being registered to vote, the elected representative is in fact accountable.

THE ISSUES

18. Would you favor or oppose legislation which would require lobbyists to report the amount of money they spend trying to influence legislation?

92.0% favor 3.2% oppose 4.8% neutral, no opinion

19. Would you favor or oppose a bill that would limit the number of pieces of legislation individual legislators might introduce?

57.6% favor 23.5% oppose 18.9% neutral, undecided

20. Would you favor or oppose legislation that would permit public access to state lands which are presently being leased to private individuals?

46.5% favor 39.3% oppose 14.2% neutral, no opinion

21. There are several potential claims for water on the Yellowstone River. How much priority should each claim listed below get?

(Percent Mentioning Each Priority Claim)

	The Highest Priority	High Priority	Some Priority	Little Priority
Industrial Use	3.2%	21.7%	<u>48.3%</u>	26.8%
Agricultural Use	<u>51.4%</u>	30.2%	8.8%	0.6%
Fish & Wildlife Use	27.8%	<u>32.2%</u>	29.7%	10.3%
Domestic & Municipal Uses	28.4%	<u>38.3%</u>	23.5%	4.8%

22. With regard to state environmental laws, which statement below is closest to your own opinion?

24.7% agreed that state environmental laws were too stringent and unnecessarily discouraged needed economic development.

24.2% felt existing laws were not tough enough and did not provide sufficient protection for the environment.

47.2% felt that the laws fairly balance the need to protect the environment with the need for economic growth and resource development.

3.8% offered no preference for any of the above alternatives.

23. With regard to the electoral recall of public officials, which of the following statements do you agree with more?

19.3% only elected state officials should be subject to recall and only for specific statutory cause.

76.9% any public officials whether elected or appointed should be subject to recall for any reason the voters think fit.

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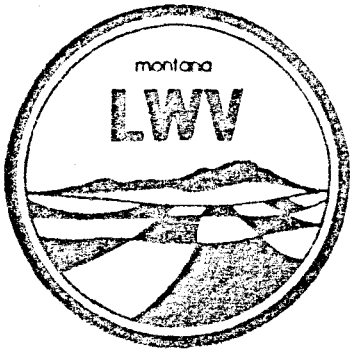
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S.B. 233

2-6-76



SB 233

Lobby Disclosure

The League of Women Voters has supported lobby disclosure at the national level for some time - League members in Montana feel it is just as important ^{AT THE} state level. Citizens should be provided with information concerning the financial pressures exerted influencing legislative action.

League lobbyists are not paid, however, we are reimbursed for our expenses, and we do send out a newsletter to our members, keeping them informed, and urging them to contact legislators to influence legislative action. We think it is important for the public to know what we do during a session.

Lobbying is an essential and valuable part of the legislative process - and, a big part - lobbyists outnumber legislators, and it is only right that citizens know the effect this has on legislation. The disclosure of funds is for information, not to embarrass anyone. We see lobby disclosure as a parallel to campaign finance reporting by candidates.

The League of Women Voters of Montana supports SB 233, and urges you to do the same.

SB 233
2-6-79

TESTIMONY IN SUPPORT OF SB 233

Mr. Chairman, members of the Committee: For the record, my name is Bill Bronson, I reside at 2480 E. Broadway in Helena, and I am a registered lobbyist for the Associated Students of the University of Montana (ASUM.)

I rise in support of SB233, and wish to state very briefly the reasons why my association believes this bill to be worthy of your consideration.

I would emphasize two items at the outset of my presentation: (1) Should SB 233 receive a favorable recommendation from the legislature, my organization would fall under its requirements, and we would be more than willing to comply, for reasons I will outline later; and (2) SB 233 is rather mild legislation, when you compare it with similar legislation around the country, and even with related bills in our own legislature. (I refer to HB 49 now being considered by the House Committee on State Administration.) ASUM requests that the Committee keep this in mind when considering the principle of lobbyist financial disclosure.

One of the best reasons given for supporting legislation of this type was given by the late Chief Justice of the Supreme Court and former Republican governor of the state of California, Earl Warren. I quote from his majority opinion of the early 1950s upholding the constitutionality of the federal lobbyist disclosure law:

full realization of the American ideal of government by elected representatives depends to no small extent on (Congress') ability to properly evaluate...pressures (exerted by lobbyists.) Otherwise the voice of the people may all too easily be drowned out by (those)...seeking favored treatment while masquerading as proponents of the public weal. This is the evil which the law was designed to protect. (74 S. Ct. 808, 816)

Further:

Congress has not sought to prohibit these pressures. It has merely provided for a modicum (or small quantity) of information from those who ~~for their~~ attempt to influence legislation or who collect or spend funds for that purpose. It only wants to know who is being hired, who is putting up the money, and how much. (74 S. Ct. 808, 816.)

Quoted

At this point, I would shift the focus of my presentation to briefly analyze the threads behind some of the arguments you will hear opposing SB 233. I do this because I think you will find that there remains a balance in favor of the bill, despite the somewhat legitimate concerns the opposition will raise.

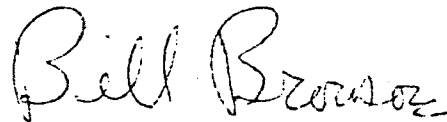
First, you will note that the opposition will argue that SB 233 is an unworkable "theory," something which cannot be tested well in practice. I pray that you will reject this reasoning for one major reason: Our foundation for American government is based on a theory--our Constitution, Bill of Rights and Declaration are all based on the theoretical analysis of thinkers like Locke, Rousseau, Voltaire, Adam Smith and others. These men gathered and analyzed the various facts and mysteries around them and came up with a theory or blueprint for humane government. I think you will agree that the blueprint led to a very fine piece of construction. Now, should you accept the arguments advanced by Warren on the previous page, you can see that SB 233 is indeed a theory, but one designed as another blueprint when building and re-enforcing American democracy.

Second, and perhaps more importantly, it will probably be said that SB 233 represents part of a dangerous trend in our society--that being the growth of unreasonable government regulation which unintentionally limits our freedoms. On the face of it, perhaps that is a plausible argument. But let me pursue it one step further.

When you, as legislators, and I and my colleagues, as lobbyists, transact "business" here in Helena, it is not personal, but rather, public business. We are dealing with taxpayer dollars, and by rights, they should have as complete knowledge as is necessary to review and assess our actions. For they are the real recipients of our collective actions.

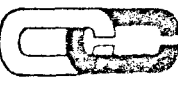
In the Bible, Christ said that one who bears the responsibility of being a Christian wears a "yoke" of sorts, such as a work animal would wear a yoke in order to pull a cart or plow. But Christ goes on to say that this is an "easy yoke," one which is tempered by the benefits of being a responsible Christian. There is a correspondence here with SB 233. The regulations or "yoke" which we as lobbyists might bear is a comparatively easy yoke, for it further demonstrates our responsibility not only to you, the legislature, but also the general public.

In conclusion, I would submit we have come a long way since the day when State Senator Fred Whiteside stood up on the floor of the Montana Senate and displayed the \$30,000 offered him as a bribe for influencing a legislative action. These gross displays are likely gone forever. But what an advantage for Montanans if we could decide today that lobbyist financial disclosure would indeed be another working tool to allow our citizens to improve even more the governmental process. Thank you.



Bill Bronson,
Associated Students, University
of Montana

S.B. 23
2-6-79



COMMON CAUSE/MONTANA

P.O. Box 822

Helena, Montana 59601

Telephone (406) 442-6959

Suggested Amendments

Senate Bill 233 - Lobby Disclosure

Senate State Administration Committee

February 6, 1979

Page 9, subsection 2, line 2: Presently reads \$100. We feel this is too high a figure. Legislators could receive favors up to \$100 at one given time and there would be no individual itemization for the people to find out about this receipt. We feel the individual itemization should take place at any expenditure over \$10 per time per legislator.

Page 9, subsection 3, line 10: Presently reads \$500. We feel this is too high a figure. Big money contributors should be identified. This provision would allow any contributor of under \$500 to retain anonymity. We feel this figure should read: \$50 or more.

In addition, we would like the committee to consider extending coverage of S.B. 233 to include administrative lobbying. There is an extensive amount of lobbying done by professional lobbyists during the 20 months of every 2 years in which the Legislature is not in session. We feel this lobbying should also be covered. Suggested language could define administrative action as:

"Administrative action" means any decision on, or proposal, consideration, enactment, defeat, or taking of any rule, regulation, or other official non-ministerial action or non-action by any executive agency, or any matter which is within the official jurisdiction of an executive agency.

We would then have to broaden the language on page 2, subsection 2, to include administrative action along with legislative action.

With these amendments, we feel the bill could more accurately live up to its responsibility to give the public a clear picture concerning what is being spent to influence and alter our governmental systems.

Thank you for your consideration.

Respectfully submitted,

Paul Richards
State Director
Common Cause/Montana

So to begin. The question was worded thus: "Would you favor or oppose ²⁻⁶⁻² legislation which would require lobbyists to report the amount of money they spend trying to influence legislation?" The constituents replied:

92.0% favor

3.2% opposed

4.6% neutral, no opinion

This was the highest level of agreement I have seen on any of the issues I have looked at in 1975 and 1977. Further, the small number of those who are neutral or have no opinion compared to what is typical (normally in surveys about 15% will have no opinion) indicates the question was understood, the issue was salient, and, by golly, the people want legislation along the lines indicated.

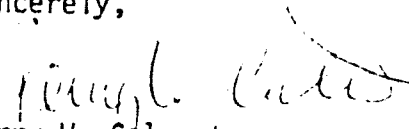
Now to the breakdown of constituents by socioeconomic and political categories (those who were neutral or did not express an opinion are dropped here).

<u>Party:</u>	Favor	Oppose
Republicans	96.4%	3.6%
Democrats	97.6	2.4
Independents	96.5	3.5
<u>Residence:</u>		
urban	95.9%	4.1%
rural	98.1	1.9
<u>Education:</u>		
Less than high school	96.3%	3.2%
High school graduate	97.5	2.5
Some college	96.1	3.9
College graduate	95.4	4.6

<u>Occupation:</u>	Favor	Oppose
Professional & technical	96.7%	3.3%
Business and management	95.3	4.7
Ranchers & farmers	97.3	2.7
Clerical & sales	95.2	4.8
Manual workers	95.4	4.6
<u>Income:</u>		
Less than \$5,000	97.8%	2.2%
\$5,000 - \$9,999	96.8	3.2
\$10,000 - \$14,999	97.8	2.2
\$15,000 - \$24,999	96.0	4.0
\$25,000 plus	92.8	7.2

This was the opinion of a randomly selected sample of 1,100 people. They live in 27 counties which encompassed 30 senate and 41 house districts. I hope this information will be of some use.

Sincerely,


Jerry W. Calvert
Associate Professor
of Political Science

Book of the States
1978-79 (pub. date - 1978 April)

2-6-7

LOBBYING LEGISLATION

Activity reports

State		Definition	Exemptions	Registers with	Filed with	Frequency	Expenditures reported	Penalties for noncompliance
Alabama	A	A	H, I, J, L, O	Ethics Commission	Ethics Commission	Monthly (a,b)	•	Fine of not more than \$10,000 or more than 10 years imprisonment, or both.
Alaska	A	A	H, I, M	Public Officers Commission	Public Officers Commission	Monthly (c)	•	Fine of not more than \$1,000 or more than 1 year imprisonment, or both.
Arizona	A, B, F	A, B, F	H, N, O	Secretary of State	Secretary of State	Annually (d,e)	•	Imprisonment, or both.
Arkansas	A, C	A, C	H, L, M	Clerk of House, Secy. of Senate	...	...	•	Imprisonment, or both.
California	A, F	A, F	H, L, M	Secretary of State	Secretary of State	Monthly (d)	•	Prosecuted as a misdemeanor.
Colorado	A, F	A, F	H, L, M	Secretary of State	Secretary of State	Monthly (f)	•	Prosecuted as a misdemeanor. Fair Practices Board may also impose civil fines.
Connecticut	A	A	H, M, T	Ethics Commission	Ethics Commission	Quarterly	•	None specified. Cease and desist order in specified remedy.
Delaware	A, B	A, B	H, I, J, L, O	Legislative Council	Legislative Council	Quarterly	•	Fine of not more than \$1,000 or more than 1 year imprisonment, or both.
Florida	E	E	I	Clerk of House, Secy. of Senate	Clerk of House, Secy. of Senate	Monthly	•	Prosecuted as a Class C misdemeanor.
Georgia	A, C, D, E, M	A, C, D, E, M	H, L, J	Secretary of State	...	...	•	Reprimand, censure, or prohibit from lobbying (h).
Hawaii	A, F	A, F	H, J, M, O	Clerk of either House	Legislative Auditor	Quarterly	•	Prosecuted as a misdemeanor.
Idaho	A	A	H, L, M	Secretary of State	Secretary of State	Quarterly (e)	•	Prosecuted as a misdemeanor subject to civil fines and possible per diem penalty.
Illinois	A, C	A, C	H, I, J, L, M, O	Secretary of State	Secretary of State	April & July (during sessions)	•	Prosecuted as a Class J felony.
Indiana	A, B, C, E, H	A, B, C, E, H	F, H, P	Secretary of State	Secretary of State	Following sessions	•	Prosecuted as a felony.
Iowa	A, B, C, E, H	A, B, C, E, H	H, M, P	Clerk of House, Secy. of Senate	Clerk of House, Secy. of Senate	Monthly	•	House suspension from lobbying. Senator: cancellation of registration.
Kansas	A, B, C	A, B, C	H, R	Secretary of State	Secretary of State	Jan.-April (h)	•	Prosecuted as a Class B misdemeanor.
Kentucky	D	D	T	Attorney General	Attorney General	Following sessions	•	Fine up to \$3,000 or up to 3 years imprisonment, or both.
Louisiana	A	A	H, I, M	Clerk of House, Secy. of State	Secretary of State	...	•	Fine of not more than \$1,000 nor more than 11 months imprisonment, or both.
Maine	A	A	H, I, J	Secretary of State	Secretary of State	Monthly following session & annually	•	Imprisonment, or both.
Maryland	A, B	A, B	H, I, J, L, M, N, O, Q, S, T	Secretary of State	Secretary of State	Semiannually	•	Prosecuted as a misdemeanor.
Massachusetts	A	A	H	Secretary of State	Secretary of State	Semiannually	•	Fine of not less than \$100 or more than \$3,000.
Michigan	A	A	F, H, I, J	Secretary of State	Secretary of State (d)	...	•	Prosecuted as a felony.
Minnesota	A, B, C	A, B, C	H, J, M, S	Ethical Practices Board	Ethical Practices Board	Five times yearly	•	Prosecuted as a misdemeanor.
Mississippi	A	A	H, J, M, O	Secretary of State	Secretary of State	Following sessions	•	Fine of not more than \$1,000 or 6 months in county jail for first offense, or both.
Missouri	A	A	...	Clerk of House, Secy. of State	Secretary of State	Three times/session	•	Prosecuted as a misdemeanor.
Montana	A	A	I, M	Secretary of State	...	Monthly	•	Prosecuted as a misdemeanor.
Nebraska	A, C	A, C	H, I, J, M	Clerk of Legislature	Secretary of State	Monthly	•	Prosecuted as a misdemeanor.
Nevada	A	A	H, L, P	Secretary of State	Secretary of State	Following sessions	•	Prosecuted as a misdemeanor.
New Hampshire	A	A	...	Attorney General	Attorney General	Quarterly	•	Prosecuted as a misdemeanor.
New Jersey	A	A	H, L, P	Attorney General	Attorney General	Quarterly	•	Prosecuted as a misdemeanor.

New Mexico	A	H, O	Secretary of State	Secretary of State	(7)	
New York	A	H	N.Y. Temporary State Commission on Regulation of Lobbying	N.Y. Temporary State Commission on Regulation of Lobbying	Following session	• Prosecuted as a misdemeanor; revocation of registration and prohibited from engaging in lobbying activities for up to 3 years. • Prosecuted as a misdemeanor.
North Carolina	A, C	H, J, M, O	Secretary of State	Secretary of State	Annually	• Prosecuted as a misdemeanor.
North Dakota	A, B, C, D, E, F, H, K, L, N, P	G, I, J, M, O	Secretary of State	Secretary of State	Annually Jan. & June	• Prosecuted as a Class B misdemeanor. • Prosecuted as a first or fourth degree misdemeanor.
Ohio	A, G, C	H	Clerk of House, Secy. of Senate	Clerk of House, Secy. of Senate	Annually	• Fine of \$500-\$2,000 or 5-10 years imprisonment (g). • Deemed in contempt of house; excluded from legislative halls.
Oklahoma	A, B, F	I, M	Fishes Commission	Fishes Commission	Monthly (a,c)	• Civil penalty not to exceed \$1,000
Oregon	A, B, C, D, E	H, J	Clerk of House, Secy. of Senate	Clerk of House, Secy. of Senate	Annually	• Prosecuted as a third degree misdemeanor
Rhode Island	A, B, E	H, J, L, M, O	Secretary of State	Secretary of State	Three times/annually	• Fine of not less than \$100 or more than \$1,000.
South Carolina	A, C	H, J, L, M, O	Secretary of State	Secretary of State	Annually	• Prosecuted as a misdemeanor.
South Dakota	C, D, F	H, L	Secretary of State	Secretary of State	Annually (m)	• Fine of not less than \$200 or more than \$5,000 per offense.
Tennessee	B, F	H, L, M, N	State Library & Archives	State Library & Archives	Following session	• Prosecuted as a misdemeanor.
Texas	A, B	H, I, L, M, N, P	Secretary of State	Secretary of State	Monthly (d)	• Prosecuted as a Class A misdemeanor.
Utah	A, B, P	H, I, L, M, N, P	Secretary of State	Secretary of State	Annually (n)	• Prosecuted as a Class C misdemeanor.
Vermont	A	H, I, M	Secretary of State	Secretary of State	Annually (n)	• Fine of not less than \$100 or more than \$500.
Virginia	C	H, I, U	Secretary of Commonwealth	Secretary of Commonwealth	Following session	• Penalty of \$50/day for late filing for lobbyist and employer individually
Washington	E	I, M, T	Public Disclosure Commission	Public Disclosure Commission	Monthly	• Prosecuted as a civil offense. Fine of not more than \$10,000. Registrations can be revoked.
West Virginia	A, C	P	Clerk of House, Clerk of Senate	Clerk of House, Clerk of Senate	Following session	• None specified.
Wisconsin	A	I	Secretary of State	Secretary of State	Monthly	• Fine ranges from \$100 to \$5,000 depending on offense.
Wyoming	A	H	Director, Legislative Service Agency	Director, Legislative Service Agency	...	• Prosecuted as a misdemeanor. Subject to fine of not more than \$200.

Key:

- A—Anyone receiving compensation to influence legislative action
- B—Anyone spending money to influence legislation
- C—Anyone representing someone else's interests
- D—Anyone attempting to influence legislation
- E—Anyone attempting to influence legislation
- F—Anyone attempting to influence legislation
- G—Anyone attempting to influence legislation
- H—Anyone who employs someone to influence legislation
- I—Anyone who speaks only before committees or boards
- J—Any person with professional knowledge acting as a professional witness
- K—Charitable organizations
- L—Religious organizations
- M—Members of the media
- N—Anyone representing clients on legal matters
- O—Professional bill drafters
- P—Political parties
- Q—Any individual who spends or directs expenditures of less than \$200
- R—Nonprofit interstate organizations
- S—Any paid expert witness whose testimony is requested
- T—Any lobbyist not compensated and not making expenditures
- U—Any individual who spends or directs expenditure of less than \$100

(a) Established by secretary of state.

- (b) During session.
- (c) In months when lobbying occurs.
- (d) During session; quarterly during interim.
- (e) Supplemental reports shall be filed monthly, on or before the tenth day of the following month, to list any expenditures in excess of \$25 occurring during the month and which must be reported pursuant to this section.
- (f) Then cumulative statement yearly.
- (g) First session only.
- (h) First session only.
- (i) Quarterly basis thereafter; only when required expenses are made.
- (j) Name and address of person retaining records (lobbyist, his employer, or agent).
- (k) More than \$250 or 5 hours in any month.
- (l) Upon filing of registration statement and prior to the sixtieth day after the end of any regular or special session.
- (m) Following year of registration.
- (n) And after 2 months of session (see the table on pages 34 and 35).

43 states - 2 don't have it