

Changes in State Lobbying Laws

November 2003

Indiana

The Indiana legislature passed amendments to its lobbying laws earlier this year. Effective July 1, 2003, lobbyist activity reports are due from lobbyists and employer lobbyists on May 31 and November 30 of each year (replacing the previous July 31 and January 31 reports). Senate Enrolled Act No. 280. The May 31 report covers activity from the preceding November 1 through the current April 30, and the November 30 report covers activity from May 1 through October 31. For 2003 only, the Indiana Lobby Registration Commission eliminated the July 31, 2003 report. As a result, the November 30, 2003 report will include activity from January 1, 2003 to October 31, 2003.

In addition, lobbyists making a purchase from a member of or candidate for the general assembly in excess of \$100 (or in excess of \$1,000 from the member's partner) or making a gift of cash or gift with a value in excess of \$100 must file a Report of Legislative Gift or Purchase within seven days of the transaction. This is a change from the previous 30-day time limit. Furthermore, the lobbyist must file a copy of this report with the principal clerk of the house of representatives or the secretary of the senate, recipients which are in addition to the previously required Lobbying Commission and recipient member. Gifts aggregating in excess of \$250 must be reported in the same manner.

Finally, earlier this year, the Indiana Lobby Registration Commission approved Advisory Opinion 2002-1, which addressed grass roots lobbying. In short, the Commission ruled that a corporation may send postcards to individuals, urging them to contact their state legislators and support or oppose proposed or pending legislation. Such activity, in addition to similar door-to-door and phone banking

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contacts, are not reportable activities. However, the sending of pre-printed postcards and the connection of a phone call to a state legislator are reportable activities that trigger lobbyist registration and reporting.

Iowa

Earlier this year, Iowa Governor Vilsack signed House File 583, which amended the state's lobbying laws effective July 1, 2003. First, lobbyist employers or clients (both executive branch and legislative) now need only file one report per year on July 1, covering the previous 12 months. Second, public officials and employees may now accept gifts of entertainment, food, and beverages at receptions to which all members of the legislature are invited and which occur during a regular session of the legislature. Within five days of the reception, however, the sponsor of such a reception must file a special report disclosing the expenses for the reception. This report must be filed with secretary of the senate, the chief clerk of the house, and the Iowa Ethics and Campaign Disclosure Board.

Maryland

By virtue of Chapter 283 of state legislation (former H.B. 191), the annual lobbyist registration fee in Maryland increased from \$20 to \$50 on October 1 of this year.

Montana

Two somewhat inconsistent statutes passed earlier this year by the Montana legislature (Ch. 572 (May 5, 2003) & Ch. 52 (Feb. 26, 2003)) have been harmonized through the state's annual codification process. Through these amendments, Montana has eliminated its definition of "lobbyist for hire" and expanded the definition of "lobbyist" to include all persons engaged in "lobbying." Mont. Code Ann. 5-7-102(12). However, Montana has also added a monetary threshold to the definition of "lobbyist." Now, if an individual receives total payments of less than \$2,150 in the aggregate per year from one or more persons, he or she is not a lobbyist. Id. 5-7-102(12)(b)(iii). See also 5-7-103(5) (applying same threshold to the lobbyist license requirement). Furthermore, a lobbyist principal or employer is not required to file lobbying reports unless it makes payments of more than \$2,150 to one or more lobbyists. Id. 5-7-208(1). This \$2,150 lobbyist registration and principal reporting threshold will be adjusted for inflation after every general election by the the Commissioner for Political Practices. Id. 5-7-112. Importantly, "payment" does not include personal and necessary living expenses, nor does it include travel expenses if the principal is not otherwise required to file lobbying reports. Id. 5-7-102(13).

Ohio

As part of the budget signed by Governor Taft (House Bill 95), Ohio increased its lobbyist registration fee from \$10 to \$25. This change took effect on October 1, 2003.