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FILE NO. S-1319

GOVERNMENTAL ETHICS:
Lobbyist Registration Act

Honorable Don Wooten
Illinois State Senator
Chairman, Senate Committee on Executive
Room 306
224 - 18th Street
Rock Island, Illinois 61201

Dear Senator Wooten:

I have your letter concerning the interpretation of certain provisions of the Lobbyist Registration Act. (Ill. Rev. Stat. 1975, ch. 63, par. 171 et seq.) You ask the following specific questions:

1. Are the entities listed in section 2 of the Act required to register under section 3?

2. If a registered lobbyist arranges for expenditures to be made to promote or oppose legislation via credit card or by directly billing the entity he

represents, should this expenditure be reported by the registered lobbyist pursuant to section 6?

3. As used in sections 3 and 6 of the Act, should "legislation" be interpreted to mean a specific bill, amendment, resolution, or nominee, or as a general phrase covering the activities of the legislative process?

4. Under section 6, which states that expenditures of less than $25 "may be reported in total amounts rather than in detail", need only the total of all such expenditures be reported or must the total of such expenditures as to each particular person or legislator be reported?

5. When an entity retains the services of a law firm to represent it as a lobbyist, may the attorney or attorneys actually lobbying register pursuant to section 3 declaring the person employing the registrant as the law firm rather than the entity?

There is no existing case law which interprets the pertinent provisions of the Lobbyist Registration Act. The language of a statute, however, provides the best means for its exposition, and, if the intent of a provision can be ascertained from the language of the provision, there is no need to resort to other aids for construction. (Barrett v. Fritz (1969), 42 Ill. 2d 529, 539; Schoellkopf v. DeVry (1937), 366 Ill. 39, 49.) Furthermore, the language of a

statute must be given its plain and ordinary meaning. (Franzese v. Trinko (1977), 66 Ill. 2d 136, 139.) Therefore, the provisions of the Lobbyist Registration Act must be interpreted in accordance with the plain meaning of the language of those provisions.

In response to your first question it is my opinion that, because the provisions of section 3 of the Act (Ill. Rev. Stat. 1975, ch. 63, par. 173) apply to all persons, that section applies to all entities listed in the definition of "person" contained in section 2 of the Act. (Ill. Rev. Stat. 1975, ch. 63, par. 172.) When an Act defines the terms therein used, those terms must be construed in accordance with the definitions contained in the Act. (Krebs v. Thompson (1944), 387 Ill. 471, 478.) Section 2 clearly defines "person" as "any individual, firm, partnership, committee, association, corporation, or any other organization or group of persons". That definition applies unless the context in which the word is used otherwise requires. (Ill. Rev. Stat. 1975, ch. 63, par. 172(a).) The context in which the words "person" and "persons" are used in section 3 does not require the application of a definition different

from that set forth in the statute. Therefore, section 3 applies to all entities enumerated under the statutory definition of "person".

In response to your second question it is my opinion that lobbyist expenditures billed directly or via credit card to the entity a lobbyist represents must be reported by the lobbyist in the report which he makes under section 6 of the Act. (Ill. Rev. Stat. 1975, ch. 63, par. 176.) Section 6 requires that a lobbyist make "a report under oath of all expenditures made by him for the purpose of promoting or opposing the passage of any legislation * * * showing in detail the person or legislator to whom or for whose benefit such expenditures were made". This language applies to all expenditures made by a lobbyist in pursuit of his objectives regardless of whether the expenditures are billed directly to the entity which the lobbyist represents, or paid in cash or by check by the lobbyist. To exempt directly billed expenditures from the reporting requirements would be contrary to the plain language of the statute and to the intention of the General Assembly.

In response to your third question it is my

opinion that the term "legislation", as that term is used in sections 3 and 6 of the Act, encompasses all aspects of the legislative process. Section 2 of the Act, in defining the term "legislation", provides as follows:

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* * *

> (c) 'Legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of the General Assembly, and includes any other matter which may be the subject of action by either House.
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> * * *

"

It is clear from the above definition that the legislature intended that the Act cover lobbying on all matters which might come before the General Assembly.

With regard to your fourth question, section 6 provides in pertinent part as follows:

> "Every person so registering shall, * * * file with the Secretary of State * * * a report under oath of all expenditures made by him for the purpose of promoting or opposing the passage of any legislation by the General Assembly or committee thereof, showing in detail the person or legislator to whom or for whose benefit such expenditures were made. * * *
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> Expenditures of $25 or less necessary to be reported as described herein for

> particular items may be reported in total amounts rather than in detail.
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> * * *

A lobbyist must report each of his expenditures showing not only the amount but also the person or legislator to whom or for whose benefit such expenditure was made. While all expenditures must be listed, expenditures of $25 or less do not have to be itemized by amount, but may be aggregated and reported in total amounts. The exemption from reporting in detail expenditures under $25 does not go beyond this limited aggregation, and the report must still show the person or legislator to whom or for whose benefit expenditures under $25 were made.

In response to your fifth question it is my opinion that, when a law firm is retained as a lobbyist, the attorney or attorneys employed by the firm who actually carry on the lobbying activity should disclose the name of the entity for which lobbying is being done. Section 5 of the Act (Ill. Rev. Stat. 1975, ch. 63, par. 175) requires that a registrant disclose the name and address of the person employing or retaining the registrant to perform lobbying services or on whose behalf the registrant appears. This language is

clearly intended to reach to the person actually interested in the particular matter which is being promoted or opposed by the lobbyist. Therefore, merely reporting the name and address of the law firm employing the attorney-lobbyist would be insufficient. Furthermore, the law firm would have to register under the Act because it is within the section 2 definition of "person" and because it has undertaken to perform lobbying services for its client.

Very truly yours,

ATTORNEY GENERAL