

Lobbyists vie for attention at Texas' 78th legislature

By Kelley Shannon
THE ASSOCIATED PRESS

Outside the Texas House chamber, chatter rises from a cluster of smartly dressed men and women who wait for precisely the right moment to ply their trade.

They come here on behalf of oil companies, banks, utilities, hospitals and newspapers. Their mission: To meet with state lawmakers to make sure certain bills are passed — or killed.

Collectively these folks are known as the lobby.

During every legislative session, paid lobbyists flood the Capitol to influence legislation in the state House and Senate. The timeworn tradition will carry on Tuesday when the 78th Texas Legislature convenes for its 140-day run.

"I imagine that there were probably lobbyists when it was the Republic of Texas. They probably just didn't wear as nice of clothes," said Tony Proffitt, an Austin consultant and former aide to the late Democratic Lt. Gov. Bob Bullock.

Spending on lobbying grew to a record \$230 million during the 2001 legislative session, according to a report by Texans for Public Justice.

Lately, consumer advocates have criticized Gov. Rick Perry, Lt. Gov.-elect David Dewhurst and presumptive House speaker Tom Craddick, for placing lobbyists in key staff and transition-team positions. But lobbyists and others say sweeping criticism of the profession is unfair.

"I think most people have a rather jaded view of lobbyists because they hear about lobbyists representing, quote, special interests, unquote," said Ralph Wayne, a former legislator and now the president and a registered lobbyist for the Texas Civil Justice League, a tort reform group.

But Wayne noted that teachers, doctors, grocers and people in other fields hire lobbyists.

"Lobbyists represent a lot of good people who need assistance in Austin," he said.

Some lobbyists spend hours in legislative committee meetings, where much of the work of lawmaking is done before a bill reaches the House or Senate floor for a vote, and they meet with legislators and their aides.

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— Craig McDonald
Texans for Public Justice

These days, a lobbyist's work can include computer research on issues, lawmakers and their districts. Successful lobbyists, Wayne said, are those who supply legislators with accurate information.

When the Legislature is in full swing and the contents of bills are changing rapidly, many lobbyists linger outside the House and Senate chambers to meet for a few minutes with a targeted lawmaker. Lobbyists aren't allowed on the floors of the chambers.

The crowded lobby scene outside the Texas House is known to Capitol insiders as "the pit."

"You have to go out there and hang out and wait and wait and wait. Lobbying is sometimes like stalking," said Proffitt, the Bullock aide turned consultant.

Lobbyists register with the Texas Ethics Commission, stating whom they represent and their range of pay. Some have

salary ranges as low as \$10,000 or less. Others are \$200,000 or more.

At the beginning of December, there were 1,288 registered lobbyists in Texas — more than seven for each of the 181 state legislators.

Big businesses such as Exxon Mobil Corp. and Phillip Morris have lobbyists. So do industry groups such as the Texas Automobile Dealers Association and the Texas Restaurant Association.

The United Way, Public Citizen, Common Cause and other charitable or consumer groups do too. But consumer lobbyists aren't nearly as numerous as business lobbyists in Texas, said Craig McDonald, director of Texans For Public Justice, a government-watch-dog group.

McDonald contends the corporate lobby goes virtually unchallenged in Texas.

"We've had lots of instances where it's clear that the lobbyists write the laws," he said, citing a pollution regulation law enacted in the 1990s as an example.

Lobbyists also can affect lawmakers by coming up with campaign donations or threatening to give to a lawmaker's opponent, McDonald said.

Dewhurst, who will preside over the Senate, and Craddick each held fund-raisers in December where lobbyists were welcome. Legislators and state elected officials may not accept campaign contributions during the legislative session. That ban began Dec. 14.

Spending on lobbying keeps rising. In 2001, SBC Communications Inc., parent company of Southwestern Bell Telephone, was the biggest spender, shelling out up to \$7 million on 96 lobbyists, according to Texans for Public Justice.

Texan takes copyright case to U.S. Supreme Court for ruling

CLEVELAND (AP) — The son of a former Cleveland Indians owner is doing what he believes his maverick father would have done if he had seen an injustice: He sued.

The copyright dispute involving Peter Veeck, son of former Indians owner Bill Veeck, has gone all the way to the U.S. Supreme Court, which is expected to decide by May whether it will take the case.

The 61-year-old retired airline pilot runs an Internet site from his home in Denison, Texas, that provides residents in northern Texas and southern Oklahoma with free news and information about their communities.

His site used to include the municipal building codes of Anna and Savoy, Texas, until a group that he never heard of, the Southern Building Code Congress International, said it had a copyright on the codes and that he was violating it.

The 5th U.S. Circuit Court of Appeals ruled 9-6 in Veeck's favor in June.

Veeck told The Plain Dealer for a story on Sunday that the question over who owns the law is simple.

"How can the law be owned by somebody?" asked Veeck, whose father owned the Indians when they won their last World Series in 1948. "In a monarchy, we have the king's law, where the king owns the law. In a dictatorship, the dictator owns the law. In a democracy, the people are supposed to own the law."

Ohio Attorney General Betty Montgomery is one of 11 attorneys general who has filed court papers agreeing with Veeck.

"You've got to pay some exorbitant fee to have

access to the law," said Montgomery's spokesman, Joe Case. "That's just not right. We're saying it makes no sense for an independent organization to have such power over what is the people's law, what is the property of the people."

It isn't so simple, said Brad Ware, staff lawyer for the group.

Evidence shows that the government has relied on private agencies to write standards for years and that those copyrights always have been respected.

"No one was trying to hide anything," he added. "It's kind of a red herring, the argument that access to the law was not made available. That's simply not the case."

Lakewood Building Commission Charles Barrett said his office used to provide copies of building codes for anyone who wanted them until he found he was not supposed to.

"People still come in and say, 'I want a copy of this and a copy of that,' and I have to tell them, 'I can't give you a copy.'"

Ohio's model building code was written by a nonprofit organization known as Building Officials and Code Administrators International, which charges nonmembers \$83 for a copy of the 2002 state code.

The Ohio plumbing and mechanical codes are another \$61 apiece. All three together run \$189.

The legal question of who owns the law is complicated by the fact that the groups that write the model building codes adopted by states and municipalities perform a service that public agencies lack the resources and expertise to match.

NEWS IN BRIEF

Texas women sent harassing letters

SHREVEPORT, La. (AP) — Police investigating a series of harassing letters sent to women in the East Texas area have told Shreveport police to be on the lookout for similar letters.

However, there have been no reports or indications that any have shown up in Shreveport or Bossier City, police said.

They said they got the alert from police in Tyler, Texas, where pharmaceutical salesman Tommy Dale Woodard, 52, was arrested last week on nine counts of harassment.

Plane still missing after four days

FLAGSTAFF, Ariz. (AP) — Rescue crews still had not located a missing small plane Sunday, more than four days after it vanished from radar near here.

Coconino County sheriff's officials were continuing to search an 81-square-mile area. The search for the white twin-engine Piper PA-23 was made more difficult because they were looking in an area covered by

snow, officials said.

South Padre set to get a new causeway

The Texas Department of Transportation has finalized a contract with a Houston-based consulting firm to begin looking for a potential location for a new causeway to South Padre Island.

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