

1 S.150

2 Introduced by Senator White

3 Referred to Committee on

4 Date:

5 Subject: Legislature; registration of lobbyists; reports

6 Statement of purpose: This bill proposes to amend lobbyist reporting forms
7 and deadlines.

8 An act relating to amending lobbyist reporting forms and deadlines

9 It is hereby enacted by the General Assembly of the State of Vermont:

10 Sec. 1. 2 V.S.A. § 263 is amended to read:

11 § 263. REGISTRATION OF LOBBYISTS AND EMPLOYERS; FEES

12 (a) On forms provided by the secretary of state, every lobbyist shall register
13 with the secretary of state before, ~~or within 48 hours of,~~ commencing lobbying
14 activities. A lobbyist shall file a separate registration statement for each of the
15 lobbyist's employers.

16 (b) On forms provided by the secretary of state, every employer shall
17 register with the secretary of state before, ~~or within 48 hours of,~~ engaging a
18 lobbyist. If an employer engages an additional lobbyist, the employer shall file
19 a supplemental registration statement.

1 (c) A registration statement filed by a lobbyist shall be signed by the
2 lobbyist and shall contain the following information:

3 (1) The name, mailing address, and telephone number of the lobbyist.

4 (2) The name of the employer and date of employment for the biennium.

5 (3) A description of the matters for which lobbying has been engaged by
6 the employer.

7 (4) If a lobbyist is compensated, in whole or in part, by an employer for
8 the purpose of lobbying on behalf of another person, ~~or~~ group, or coalition, the
9 lobbyist shall provide the name of the employer; the name of the person,
10 group, or coalition on whose behalf he or she lobbies; and a description of the
11 matters for which lobbying has been engaged by the employer.

12 (5) A current passport-type photograph of the lobbyist.

13 (6) All subject areas for which lobbying is performed.

14 (d) A registration statement filed by an employer shall be signed by the
15 employer and shall contain the following information:

16 (1) The name of the employer.

17 (2) The trade name, if any, of the employer.

18 (3) The mailing address and the telephone number of the employer.

19 (4) The contact person for the employer.

20 (5) The name and mailing address of each lobbyist engaged by the
21 employer and date of employment or contract for the biennium.

1 (e) A registration shall be valid from the date of filing to December 31 of
2 the second year of a biennium, except that a registration may be made in
3 December of an even-numbered year for the ensuing biennium.

4 (f) Every employer and every lobbyist shall pay an initial registration fee of
5 \$25.00.

6 (g) An employer shall pay a fee of \$5.00 for each lobbyist engaged by the
7 employer. A lobbyist shall pay a fee of \$5.00 for each employer represented.

8 (h) A person who fails to file on time a statement required by this section
9 shall pay a late registration fee of \$25.00 plus \$10.00 for each day the
10 statement is late, not to exceed \$175.00.

11 (i) A registration shall be terminated by the secretary of state upon written
12 notification by the employer or lobbyist that lobbying has ceased by or on
13 behalf of the employer or lobbyist and that the registrant has filed a final
14 disclosure report under section 264 of this title.

15 (j) The secretary of state shall prepare a list of names and addresses of
16 lobbyists and their employers and the list shall be published at the end of the
17 second legislative week of each regular or adjourned session. Supplemental
18 lists shall be published monthly during the remainder of the legislative session.
19 No later than March 15 of the first year of each legislative biennium, the
20 secretary of state shall publish no fewer than 500 booklets containing an
21 alphabetical listing of all registered lobbyists, including, at a minimum, a

1 current passport-type photograph of the lobbyist, the lobbyist's business
2 address, telephone, and fax numbers, a list of the lobbyist's clients, and a
3 subject matter index.

4 Sec. 2. 2 V.S.A. § 264 is amended to read:

5 § 264. REPORTS OF EXPENDITURES, COMPENSATION, AND GIFTS;
6 EMPLOYERS; LOBBYISTS

7 (a) Every employer and every lobbyist registered or required to be
8 registered under this chapter shall file disclosure reports with the secretary of
9 state as follows:

10 (1) on or before April 25, for the preceding period beginning on
11 January 1 and ending with March 31;

12 (2) on or before July 25, for the preceding period beginning on April 1
13 and ending with June 30;

14 (3) on or before January 25, for the preceding period beginning on
15 July 1 and ending with December 31.

16 (b) An employer shall disclose for the period of the report the following
17 information:

18 (1) A total of all lobbying expenditures made by the employer in each of
19 the following categories:

20 (A) advertising, including television, radio, print, and electronic
21 media;

1 (B) expenses incurred for telemarketing, polling, or similar activities
2 if the activities are intended, designed, or calculated, directly or indirectly, to
3 influence legislative or administrative action. The report shall specify the
4 amount, the person to whom the amount was paid, and a brief description of
5 the activity;

6 (C) contractual agreements in excess of \$100.00 per year or direct
7 business relationships that are in existence or were entered into within the
8 previous 12 months between the employer and:

9 (i) a legislator or administrator;

10 (ii) a legislator's or administrator's spouse or civil union
11 partner; or

12 (iii) a legislator's or administrator's dependent household
13 member;

14 (D) the total amount of any other lobbying expenditures.

15 (2) The total amount of compensation paid to lobbyists or lobbying
16 firms for lobbying. The employer shall report the name and address of each
17 lobbyist or lobbying firm to which the employer pays compensation. It shall
18 be sufficient to include a prorated amount based on the value of the time
19 devoted to lobbying where compensation is to be included for a lobbyist or
20 lobbying firm whose activities under this chapter are incidental to regular
21 employment or other responsibilities to the employer.

1 (3) An itemized list of every gift the value of which is greater than
2 ~~\$15.00~~ \$10.00, made by or on behalf of the employer to or at the request of one
3 or more legislators or administrative officials or a member of a legislator's or
4 administrative official's immediate family. With respect to each gift, the
5 employer shall report the date the gift was made, the nature of the gift, the
6 value of the gift, the identity of any legislators or administrative officials who
7 requested the gift, and the identity of any recipients of the gift. Monetary gifts,
8 other than political contributions, shall be prohibited.

9 (c) A lobbyist shall disclose for the period of the report the following
10 information:

11 (1) A total of all lobbying expenditures made by the lobbyist in each of
12 the following categories:

13 (A) advertising, including television, radio, print, and electronic
14 media;

15 (B) expenses incurred for telemarketing, polling, or similar activities
16 if the activities are intended, designed, or calculated, directly or indirectly, to
17 influence legislative or administrative action. The report shall specify the
18 amount, the person to whom the amount was paid, and a brief description of
19 the activity;

1 (C) contractual agreements in excess of \$100.00 per year or direct
2 business relationships that are in existence or were entered into within the
3 previous 12 months between the lobbyist and:

4 (i) a legislator or administrator;

5 (ii) a legislator's or administrator's spouse or civil union
6 partner; or

7 (iii) a legislator's or administrator's dependent household
8 member;

9 (D) the total amount of any other lobbying expenditures.

10 (2) The total amount of compensation paid to a lobbyist, who is not
11 employed by, subcontracted by, or affiliated with a lobbying firm, for
12 lobbying, including the name and address of each registered employer who
13 engaged the services of the lobbyist reporting. It shall be sufficient to include
14 a prorated amount based on the value of the time devoted to lobbying where
15 compensation is to be included for a lobbyist whose activities under this
16 chapter are incidental to other responsibilities to the employer. A lobbyist who
17 is employed by, subcontracted by, or affiliated with a lobbying firm shall not
18 report individual compensation. The total compensation paid to the lobbying
19 firm shall be reported pursuant to section 264b of this title.

20 (3) An itemized list of every gift, the value of which is greater than
21 ~~\$15.00~~ \$10.00, made by or on behalf of a lobbyist to or at the request of one or

1 more legislators or administrative officials or a member of the legislator's or
2 administrative official's immediate family. With respect to each gift, the
3 lobbyist shall report the date the gift was made, the nature of the gift, the value
4 of the gift, the identity of any legislators or administrative officials who
5 requested the gift, and the identity of any recipients of the gift. Monetary gifts,
6 other than political contributions, shall be prohibited.

7 (d) Reports for the period July 1 through December 31 shall include, in
8 addition to the totals for the period of the report, totals for the calendar year.

9 (e) At the same time a report itemizing gifts is filed, the employer or
10 lobbyist shall mail or deliver a copy of the report to the legislators and
11 administrative officials identified in the report.

12 (f) If an unsolicited gift is given to a legislator or administrative official by
13 a lobbyist or employer and the recipient does not use it and returns it to the
14 donor within 30 days or the donor is reimbursed for its fair market value, it
15 shall not be considered a "gift" and shall not be required to be reported as such
16 by the donor to the secretary of state. If the item has already been reported as a
17 gift, the lobbyist or employer shall file an amended report with the secretary of
18 state.

19 (g) [Repealed.]

20 (h) Disclosure reports shall be made on forms published by the secretary of
21 state and shall be signed by the employer or lobbyist. The secretary of state

1 shall mail those forms to registered employers and lobbyists not later than 30
2 days before each filing deadline.

3 (i) A lobbyist, lobbying firm, or employer who fails to file a disclosure
4 report on time shall pay a late reporting fee of \$25.00 plus \$10.00 for each day
5 the disclosure report is late, not to exceed \$175.00.

6 (j) A gift from a member of an interest group to, or for the benefit of, a
7 legislator or administrative official, which is made in connection with lobbying
8 as defined in subdivision 261(9)(D) of this title, shall be deemed to be made on
9 behalf of the employer or lobbyist who sponsored the activity and shall be
10 reported and itemized.

11 Sec. 3. 2 V.S.A. § 264b is amended to read:

12 § 264B. LOBBYING FIRM LISTINGS; REPORTS OF EXPENDITURES,
13 COMPENSATION, AND GIFTS; LOBBYING FIRMS

14 (a) On forms provided by the secretary of state, every lobbying firm shall
15 file a listing of all lobbyists who are employed by, subcontracted by, members
16 of, or affiliated with the lobbying firm ~~within 48 hours of~~ before any such of
17 the lobbyists commencing commence lobbying activities. The lobbying firm
18 shall file an updated listing before any new lobbyist commences lobbying
19 activities and within 48 hours of ~~any changes to the listing a lobbyist's~~
20 termination of employment, subcontract, membership, or affiliation.

1 (b) Every lobbying firm shall file a disclosure report on the same day as
2 lobbyist disclosure reports are due under subsection 264(a) of this title which
3 shall include:

4 (1) A total of all lobbying expenditures made by the lobbying firm in
5 each of the following categories:

6 (A) advertising, including television, radio, print, and electronic
7 media;

8 (B) expenses incurred for telemarketing, polling, or similar activities
9 if the activities are intended, designed, or calculated, directly or indirectly, to
10 influence legislative or administrative action. The report shall specify the
11 amount, the person to whom the amount was paid, and a brief description of
12 the activity;

13 (C) contractual agreements in excess of \$100.00 per year or direct
14 business relationships that are in existence or were entered into within the
15 previous 12 months between the lobbying firm and:

16 (i) a legislator or administrator;

17 (ii) a legislator's or administrator's spouse or civil union
18 partner; or

19 (iii) a legislator's or administrator's dependent household
20 member;

21 (D) the total amount of any other lobbying expenditures.

1 (2) The total amount of compensation paid to a lobbying firm for
2 lobbying with the name and address of each registered employer who engaged
3 the services of the lobbying firm reporting. It shall be sufficient to include a
4 prorated amount based on the value of the time devoted to lobbying where
5 compensation is to be included for a lobbying firm whose activities under this
6 chapter are incidental to other responsibilities to the employer.

7 (3) An itemized list of every gift the value of which is greater than
8 ~~\$15.00~~ \$10.00, made by or on behalf of the lobbying firm to or at the request
9 of one or more legislators or administrative officials or a member of a
10 legislator's or administrative official's immediate family. With respect to each
11 gift, the lobbying firm shall report the date the gift was made, the nature of the
12 gift, the value of the gift, the identity of any legislators or administrative
13 officials who requested the gift, and the identity of any recipients of the gift.
14 Monetary gifts, other than political contributions, shall be prohibited.

15 Sec. 4. EFFECTIVE DATE

16 This act shall take effect on July 1, 2012.