

1 S.93

2 Senator Sirotkin moves that the bill be amended as follows, and that this
3 amendment be a substitute to the amendment offered by Senators White,
4 Benning, Bray, Collamore, and Pollina:

5 First: By striking out in its entirety Sec. 1 (findings) and inserting in lieu
6 thereof a new Sec. 1 to read:

7 Sec. 1. FINDINGS

8 (a) The effective public disclosure of the identity and extent of the efforts
9 of registered lobbyists, lobbying firms, and lobbyist employers to influence
10 Vermont’s legislators during the legislative session will increase public
11 confidence in the integrity of the governmental process.

12 (b) Responsible representative government requires public awareness of the
13 efforts of registered lobbyists, lobbying firms, and lobbyist employers to
14 influence the public decision-making process in the Legislative Branch of
15 Vermont’s government.

16 (c) Requiring registered lobbyists, lobbying firms, and lobbyist employers
17 to report significant advertising campaigns that are intended, designed, or
18 calculated, to directly or indirectly influence legislative enables the public and
19 legislators to evaluate better the pressures and content of the message when
20 considering that action.

1 (d) The lack of detail in current required lobbying disclosure filings does
2 not provide the public and legislators with enough relevant information about
3 who is attempting to influence the legislative process through advertising, and
4 the timing of current required lobbying disclosure filings prevents the public
5 and legislators from evaluating the pressures and content of lobbying
6 advertising at the time public policy is being debated.

7 (e) Requiring registered lobbyists, lobbying firms, and lobbyist employers
8 to designate clearly the name of the lobbyist, lobbying firm, or lobbyist
9 employer paying for an advertisement within the advertisement allows the
10 public and legislators to determine who is attempting to influence the
11 legislative process through advertising, to evaluate the pressures and content of
12 lobbying advertising at the time when public policy is being debated, to trace
13 coordinated advertising buys, and to track such spending over time.

14 Second: By striking out in its entirety Sec. 2, 2 V.S.A. § 264c
15 (identification in and report of certain lobbying advertisements), and inserting in
16 lieu thereof the following:

17 Sec. 2. 2 V.S.A. § 264c is added to read:

18 § 264c. IDENTIFICATION IN AND REPORT OF CERTAIN LOBBYING

19 ADVERTISEMENTS

1 (a) Identification.

2 (1) An advertisement that is intended, designed, or calculated to directly
3 or indirectly influence legislative action and made at any time prior to final
4 adjournment of a biennial or adjourned legislative session shall contain the
5 name of any lobbyist, lobbying firm, lobbyist employer, or political committee
6 that made an expenditure for the advertisement and language that the
7 advertisement was paid for, or paid in part, by the lobbyist, lobbying firm,
8 lobbyist employer, or political committee; provided, however:

9 (A) if there are more than three such names, only the three lobbyists,
10 lobbying firms, lobbyist employers, or political committees that made the
11 largest expenditures for the advertisement shall be required to be identified;
12 and

13 (B) if a lobbyist or lobbying firm made the expenditure on behalf of a
14 lobbyist employer, the identification information set forth in subdivision (1) of
15 this subsection shall be in the name of that lobbyist employer.

16 (2) This identification information shall appear prominently and in a
17 manner such that a reasonable person would clearly understand by whom the
18 expenditure has been made.

19 (b) Report.

20 (1) In addition to any other reports required to be filed under this
21 chapter, a lobbyist, lobbying firm, lobbyist employer, or political committee

1 shall file an advertisement report with the Secretary of State if he, she, or it
2 makes an expenditure or expenditures:

3 (A) for any advertisement that is described in subsection (a) of this
4 section and that has a cost totaling \$1,000.00 or more; or

5 (B) for any advertising campaign that contains advertisements
6 described in subsection (a) of this section and that has a cost totaling \$1,000.00
7 or more.

8 (2) The report shall be made for each advertisement or advertising
9 campaign described in subdivision (1) of this subsection and shall identify the
10 lobbyist, lobbying firm, lobbyist employer, or political committee that made
11 the expenditure; the amount and date of the expenditure and to whom it was
12 paid; and a brief description of the advertisement or advertising campaign.

13 (3) The report shall be filed within 48 hours of the expenditure or the
14 advertisement or advertising campaign, whichever occurs first.

15 (4) If a lobbyist or lobbying firm made an expenditure described in
16 subdivision (1) of this subsection on behalf of a lobbyist employer and that
17 lobbyist or lobbying firm filed the report required by this subsection, the report
18 shall specifically identify the employer on whose behalf the expenditure was
19 made.

1 (c) Definitions. As used in this section:

2 (1) “Advertisement” means any form of advertising, including
3 television, radio, print, and electronic media.

4 (2) “Advertising campaign” means advertisements substantially similar
5 in nature, regardless of the media in which they are placed.

6 (3) “Political committee” shall have the same meaning as in
7 17 V.S.A. § 2901.

8 Third: By striking out in its entirety Sec. 3, 2 V.S.A. § 264 (reports of
9 expenditures, compensation, and gifts; employers; lobbyists) and inserting in
10 lieu thereof a new Sec. 3 to read:

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

12 § 264. REPORTS OF EXPENDITURES, COMPENSATION, AND GIFTS;
13 EMPLOYERS; LOBBYISTS

14 (a) Every employer and every lobbyist registered or required to be
15 registered under this chapter shall file disclosure reports with the Secretary of
16 State as follows:

17 (1) on or before January 5, for the preceding period beginning on July 1
18 and ending with December 31;

19 (2) on or before February 5, for the preceding period beginning on
20 January 1 and ending with January 31;

1 (1) to employ a lobbyist or lobbying firm, or accept employment as a
2 lobbyist or lobbying firm, for compensation that is dependent on a
3 contingency;

4 (2) for a legislator or administrative official to solicit a gift, other than a
5 political contribution, from a registered employer or registered lobbyist or a
6 lobbying firm engaged by an employer, except that charitable contributions for
7 nonprofit organizations qualified under ~~Section 26 U.S.C. § 501(c)(3) of the~~
8 ~~federal Internal Revenue Code~~ may be solicited from registered employers and
9 registered lobbyists or lobbying firms engaged by an employer; ~~or~~

10 (3) when the ~~general assembly~~ General Assembly is in session, until
11 adjournment sine die, for a legislator or administrative official to solicit a
12 ~~political campaign~~ contribution as defined in ~~17 V.S.A. § 2801~~ from a
13 registered lobbyist or a lobbying firm engaged by an employer or registered
14 employer, or for a registered lobbyist or registered employer or a lobbying firm
15 engaged by an employer to make or promise a ~~political campaign~~ contribution
16 to any member of the ~~general assembly~~ General Assembly or any member's
17 campaign committee; or

18 (4) at any time prior to final adjournment of a biennial or adjourned
19 legislative session, for a political committee that has the primary purpose of
20 electing or supporting legislators to solicit a contribution from a registered
21 lobbyist or a lobbying firm engaged by an employer or registered employer, or

1 for a registered lobbyist or a lobbying firm engaged by an employer or
2 registered employer to make or promise a contribution to a political committee
3 that has the primary purpose of electing or supporting legislators.

4 (b) As used in this section, “political committee” shall have the same
5 meaning as in 17 V.S.A. § 2901.

6 Sec. 6b. 17 V.S.A. § 2941a is added to read:

7 § 2941a. POLITICAL COMMITTEES; LEGISLATORS; CONTRIBUTION

8 RESTRICTION

9 (a) At any time prior to final adjournment of a biennial or adjourned
10 legislative session:

11 (1) a political committee that has the primary purpose of electing or
12 supporting legislators shall not solicit or accept a contribution from another
13 political committee;

14 (2) a member of the General Assembly shall not solicit or accept a
15 contribution from a political committee; and

16 (3) a political committee shall not make or offer to make a contribution
17 to a member of the General Assembly or a political committee that has the
18 primary purpose of electing or supporting legislators.

19 (b) As used in this section, “lobbyist,” “lobbying firm,” and “lobbyist
20 employer” shall have the same meaning as in 2 V.S.A. § 261.