

# ~~State Agency Lobbying Reform Act~~ No Taxpayer Money for Lobbying or Political Campaigns Act

## Summary

This Act may be cited as the No Taxpayer Money for Lobbying or Political Campaigns Act ~~State Agency Lobbying Reform Act.~~

## Section 1.

The Legislature finds that citizens are opposed to state agencies using public funds to influence the Legislature to protect themselves and their employees from meaningful reforms. Lobbying by state agencies is often conducted to increase the size, scope and cost of the state agencies, or to prevent budget cuts. Citizens should not be forced to fund the same lobbyists they may have to compete with at public hearings where state agency reductions and reforms are proposed. Therefore, the Legislature finds that taxpayer-funded lobbying should be restricted, and that when such lobbying does occur, citizens are given a full accounting of an agency's lobbying activities.

The Legislature also finds that citizens are opposed to the use of public funds to fund political campaigns to influence the outcomes of elections, whether of candidates or ballot measures. Therefore, the Legislature finds that taxpayer-funded political donations should be restricted.

## Section 2. {Definitions}

~~(A) "State Agency" means every state office, department, division, bureau, board, commission, or other state agency.~~

(A) "Deputy director" means the individual appointed to act on behalf of the director in the administration of the affairs of the agency and who shall have charge and general supervision of the department in the absence or disability of the director, and who, in case a vacancy occurs in the office of director, shall continue in charge of the department until a director is appointed and qualified, or the governor appoints an acting director.

(B) "Director" ~~shall~~ means the head of a state agency or equivalent position.

~~(C) "Deputy director" means the individual appointed to act on behalf of the director in the administration of the affairs of the agency and who shall have charge and general supervision of the department in the absence or disability of the director, and who, in case a vacancy occurs in the office of director, shall continue in charge of the department until a director is appointed and qualified, or the governor appoints an acting director.~~

(DC) "Lobby" and "lobbying" ~~each~~ mean attempting to influence the passage or defeat of any legislation by the ~~state~~ Legislature or the United States Congress, or the adoption or rejection of any rule, standard, rate, or other ~~legislative~~ enactment of any state or federal agency.

(ED) "Lobby" and "lobbying" do not include:

- 1) Recommendations, ~~or~~ reports, or testimony to the Legislature or the United States Congress in response to a legislative member or staff member of the applicable legislative body request expressly requesting or directing a specific study, recommendation, ~~or report, or testimony by an agency on a particular subject.~~
- 2) Official reports including recommendations submitted to the Legislature on a regular basis by a state agency as required by law.
- 3) Requests, recommendations, or communication between or within state agencies.

~~(F) "Lobbyist" includes any person who lobbies either in his or her own or another's behalf.~~

(E) "Pension Fund" means an entity established by [applicable state statute] to collect, invest, and manage contributions from employers, employees, or both for the purpose of providing retirement benefits, disability benefits, survivor benefits, or other specified benefits to individuals who are members of a defined benefit plan.

(F) "Political Campaign" means any effort to influence the outcome of an election, including but not limited to the nomination or election of candidates for public office, ballot measures, or referenda. Activities such as fundraising and any communications that advocate for or against a candidate, political party, measure, or referendum are included within a political campaign.

(G) "Public Funds" means all revenues derived from taxes, fees, fines, or other government-imposed charges, borrowing, or any other funds coming into the lawful possession, custody or control of the state, any state agency, any political subdivision of the state, or any officer, employee, or agent of any of the foregoing. Public funds includes all income, interest, or anything else of value generated from public property, investments, and funds held by a pension fund.

(H) "State Agency" means every state office, department, division, bureau, board, commission, or other state agency.

### Section 3. {Prohibition of lobbying}

(A) No elected official, appointed official, ~~or~~ employee of any state agency, or state agency shall perform lobbying activities while representing said state agency or expend or use public funds for lobbying activities, except in accordance with the provisions of this article, or as otherwise provided by law;

~~(B) No state agency shall expend public funds for the purpose of lobbying activities, except in accordance with the provisions of this article, or as otherwise provided by law.~~

~~(B)~~ Only the Director and Deputy Director of a State Agency are permitted to engage in lobbying activities and may not receive any extra compensation for lobbying activities. The Director or Deputy Director may be assisted by agency staff, but may not delegate lobbying activities to staff.

(C) No state agency may accept or use a gift of funds or anything of value for the purpose of engaging in lobbying activities.

(D) No state agency may enter into a contract for lobbying activities;

(E) No state agency may pay dues for membership in any organization, public or private, that engages in lobbying activities.

### Section 4. {Disclosure}

~~(A) {Disclosure} Any~~ A state agency which lobbies as permitted in Section 3 of this article shall file quarterly statements with the state agency regulating lobbying providing the following information for the quarter just completed:

- (1) The name of the agency filing the statement;
- (2) The name, title, job description and salary of each elected official, officer, or employee who lobbied; a general description of the nature of the lobbying; and the proportionate amount of time spent on the lobbying;
- (3) An itemized list of any expenditures of public funds on lobbying activities, including but not limited to travel, food, drinks, and publications, the purpose of which is to influence legislation;
- (4) A listing of specific issues and/or legislation which were the subject of the public agency's lobbying activities, and a listing of specific lobbying activities undertaken related to each specific issue and/or legislation, as well as a listing of specific legislators, committees, or state agencies with whom these issues were discussed;
- (5) The state agency director or a designee of the state agency director must prepare and file the statement.
- (6) The statement must be signed by the state agency director.

Section 5. {Prohibition of use or expenditure of public funds for political campaigns}

No person shall expend or use public funds for a political campaign or transfer any public funds to any third party, public or private, for the purpose of such funds ultimately being used for a political campaign. Nothing in this section limits any rights that otherwise exist for a private party to receive payments or transfers of public funds for a reason unrelated to political campaigns.

~~(B)~~Section 6. {Penalties}

- (1) Any ~~state agency official, officer, or employee~~ person who expends or uses public funds in violation of this ~~chapter~~ article may be subject to a civil penalty equivalent to the amount of funds expended.
- (2) Any state agency director or deputy director that fails to disclose lobbying activities as required in this ~~chapter~~ article may be subject to a civil penalty equivalent to the amount of funds expended but not disclosed.
- (3) Any state agency found in violation of this ~~chapter~~ article may be prohibited from any and all lobbying activities for not more than two years.
- (4) The penalties in this section are in addition to any other applicable penalties provided by law.

Section 7. {Enforcement}

This article may be enforced by the attorney general, and to investigate any potential violations of this article the attorney general may:

- (1) Examine and copy any account, book, computer, document, minutes, paper, recording or record;
- (2) Require any person to file on prescribed forms a statement or report in writing and under oath of all the facts and circumstances requested by the attorney general; and

(3) Examine under oath any person in connection with the investigation of the alleged violation of this article.

Section **58**. {Severability clause.}

Section **69**. {Repealer clause.}

Section **710**. {Effective date.}

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