

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Government Operations to which was referred Senate Bill  
3 No. 93 entitled “An act relating to lobbying disclosures” respectfully reports  
4 that it has considered the same and recommends that the House propose to the  
5 Senate that the bill be amended by striking out all after the enacting clause and  
6 inserting in lieu thereof the following:

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 advertisements and advertising campaigns that are  
18 intended, designed, or calculated to influence legislative action or to solicit  
19 others to influence legislative action enables the public and legislators to  
20 evaluate better the pressures and content of the message when considering that  
21 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. The requirement in this  
7        act to report significant lobbying advertisements and advertising campaigns  
8        within 48 hours provides the public and legislators with specific and timely  
9        information regarding who is spending money to influence the legislative  
10       process, and the amount being spent to do so.

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

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

2 § 264c. IDENTIFICATION IN AND REPORT OF CERTAIN LOBBYING  
3 ADVERTISEMENTS

4 (a) Identification.

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

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

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

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

1        (b) Report.

2            (1) In addition to any other reports required to be filed under this  
3        chapter, a lobbyist, lobbying firm, or lobbyist employer shall file an  
4        advertisement report with the Secretary of State if he, she, or it makes an  
5        expenditure or expenditures:

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

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

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

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

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

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

2            (1) “Advertisement” means a television commercial, radio commercial,  
3            mass mailing, mass electronic or digital communication, literature drop,  
4            newspaper or periodical advertisement, robotic phone call, or telephone bank.

5            As used in this subdivision, “telephone bank” means more than 500 telephone  
6            calls of an identical or substantially similar nature that are made to the general  
7            public within any 30-day period.

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

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

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

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

16            (1) on or before January 25, for the preceding period beginning on  
17            July 1 and ending with December 31;

18            (2) on or before February 25, for the preceding period beginning on  
19            January 1 and ending with January 31;

20            (3) on or before March 25, for the preceding period beginning on  
21            February 1 and ending with the last day of February;

1           (4) on or before April 25, for the preceding period beginning on ~~January~~  
2           + March 1 and ending with March 31;

3           ~~(2)~~(5) on or before May 25, for the preceding period beginning on  
4           April 1 and ending with April 30; and

5           (6) on or before July 25, for the preceding period beginning on ~~April~~  
6           May 1 and ending with June 30;

7           ~~(3) on or before January 25, for the preceding period beginning on July~~  
8           ~~+ and ending with December 31.~~

9           (b) An employer shall disclose for the period of the report the following  
10          information:

11           (1) A total of all lobbying expenditures made by the employer 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.

20           (C) Contractual agreements in excess of \$100.00 per year or direct  
21          business relationships that are in existence or were entered into within the  
22          previous 12 months between the employer and:



1 amount, the person to whom the amount was paid, and a brief description of  
2 the activity.

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

6 (i) a legislator or administrator;

7 (ii) a legislator's or administrator's spouse; or

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

9 member.

10 (D) The total amount of any other lobbying expenditures.

11 \* \* \*

12 (4) ~~Contractual agreements in excess of \$100.00 per year or direct~~  
13 ~~business relationships that are in existence or were entered into within the~~  
14 ~~previous 12 months between the lobbyist and:~~

15 (A) ~~a legislator or administrator;~~

16 (B) ~~a legislator's or administrator's spouse; or~~

17 (C) ~~a legislator's or administrator's dependent household member.~~

18 [Repealed.]

19 \* \* \*

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~~  
22 ~~shall make those forms available to registered employers and lobbyists on the~~

1 ~~Secretary's website not later than 30 days before each filing deadline.~~

2 [Repealed.]

3 \* \* \*

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

5 § 264b. LOBBYING FIRM LISTINGS; REPORTS OF EXPENDITURES,  
6 COMPENSATION, AND GIFTS; LOBBYING FIRMS

7 \* \* \*

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

11 (1) A total of all lobbying expenditures made by the lobbying firm in  
12 each of 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.

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



1 ~~given to that legislator or official during the reporting period by employers,~~  
2 ~~lobbyists, or lobbying firms, which shall be a public record available for public~~  
3 ~~inspection during ordinary business hours. On January 1 of each odd-~~  
4 ~~numbered year, the secretary may discard statements and reports that have~~  
5 ~~been maintained for a period of four years.~~

6 (a) The Secretary of State shall provide on his or her website an online  
7 database of the lobbying disclosures required under this chapter.

8 (1) In this database, the Secretary shall provide digital access to each  
9 form he or she shall provide to enable a person to file the statements or reports  
10 required under this chapter. Digital access shall enable such a person to file  
11 these lobbying disclosures by completing and submitting the disclosure to the  
12 Secretary of State online.

13 (2) The Secretary shall maintain on the online database all disclosures  
14 that have been filed digitally on it so that any person may have direct  
15 machine-readable electronic access to the individual data elements in each  
16 disclosure and the ability to search those data elements as soon as a disclosure  
17 is filed.

18 (b) Any person required to file a disclosure with the Secretary of State  
19 under this chapter shall sign it, declare that it is made under the penalties of  
20 perjury, and file it digitally on the online database.

1 Sec. 6. 2 V.S.A. § 267 is amended to read:

2 § 267. ~~VERIFICATION OF STATEMENTS AND REPORTS~~

3 ~~Any statement or report required to be made under any provision of this~~  
4 ~~chapter shall contain or be verified by a written declaration that it is made~~  
5 ~~under the penalties of perjury. [Repealed.]~~

6 Sec. 7. TRANSITIONAL PROVISION; SECRETARY OF STATE;

7 MAINTENANCE OF PRIOR LOBBYING DISCLOSURES

8 (a) The Secretary of State shall maintain copies of the lobbying reports and  
9 registration statements filed with him or her on paper prior to the effective date  
10 of this act and the separate report of gifts to legislators and administrative  
11 officials he or she compiled under the provisions of 2 V.S.A. § 265 in effect  
12 prior to the effective date of this act, and shall make those disclosures available  
13 for public inspection during ordinary business hours.

14 (b) On January 1 of each odd-numbered year, the Secretary may discard the  
15 disclosures described in subsection (a) of this section that he or she has  
16 maintained for a period of at least four years.

17 Sec. 8. EFFECTIVE DATE

18 This act shall take effect on July 1, 2015.

19 (Committee vote: \_\_\_\_\_)

20 \_\_\_\_\_

21 Representative \_\_\_\_\_

22 FOR THE COMMITTEE