



GOVERNMENTAL ETHICS COMMISSION

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Testimony before Senate Ethics, Elections, and Local Government

Senate Bill 394 - Neutral

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This testimony is provided for informational purposes. The Governmental Ethics Commission does not take a position on SB 394. This legislation includes a number of changes so this testimony will compare the changes to current law.

LOBBYIST REGISTRATION

Generally, the definition of what constitutes “lobbying” is relatively expansive. Engaging in lobbying does not necessarily mean that someone must register as a lobbyist, however. Only people who engage in lobbying and meet the definition of a lobbyist must register and file the required reports. This legislation largely maintains the current definition of what constitutes “lobbying” and adds lobbying of the executive or judicial branch on items such as grants, bids, and contracts. To facilitate this expansion, the legislation includes a number of exceptions to what constitutes lobbying, including a de minimis exception if the agreement at issue is worth \$5,000 or less and communications between agencies and the legislature. The definition of a “lobbyist” which determines who must register adds people hired by an agency as an independent contractor to lobby.

Under SB 394, individuals who register as a lobbyist will also disclose the name of the state agency or agencies that they intend to lobby, and whether they also intend to lobby the legislative branch.

REPORTING REQUIREMENTS

Currently, a lobbyist expending funds for a member of the executive branch is listed as “Unitemized” on the disclosure report rather than itemized by individual. SB 394 would alter that and require lobbyists to itemize expenditures provided to members of the executive branch in direct relation to lobbying.

GIFT LIMITS

In terms of gift limits, this legislation somewhat simplifies the limits that apply. Previously for the Legislature, limits on entertainment and gifts were \$40, while limits on recreation were \$100. This legislation would increase those limits to \$100 each. Additionally, in current law, meals to a legislator are unlimited. Executive branch employees can receive meals in particular cases if the value is above \$25, or anytime if the value is below \$25. SB 394 would provide that executive branch employees can accept any meal under \$100, or any meal if provided by a lobbyist. These changes are outlined in the table below.

Gift Type	Current Law	SB 394
Gifts – Legislature	\$40	\$100
Entertainment – Legislature	\$40	\$100
Meals – Executive	\$25 (unless another exemption applies)	\$100 (unless another exemption applies)
Meals – Executive (from lobbyist)	\$25 (unless another exemption applies)	Unlimited (same as legislature)