



General Assembly

January Session, 2009

**Raised Bill No. 6690**

LCO No. 4986

\*04986 \_\_\_\_\_ GAE\*

Referred to Committee on Government Administration and Elections

Introduced by:  
(GAE)

**AN ACT CONCERNING MUNICIPAL LOBBYING.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2009*) For the purposes of this  
2 section and sections 2 to 4, inclusive of this act:

3 (1) "Administrative action" means any action or nonaction of any  
4 executive agency of a political subdivision of the state with respect to  
5 the proposal, drafting, development, consideration, amendment,  
6 adoption or repeal of any rule, ordinance regulation or utility rate.

7 (2) "Compensation" means any value received or to be received by a  
8 person acting as a lobbyist, whether in the form of a fee, salary or  
9 forbearance.

10 (3) "Executive agency" means a commission, board, agency, or other  
11 body or official in the executive branch of a political subdivision of the  
12 state and any independent body of a political subdivision of the state  
13 that is not a part of the legislative body of such political subdivision.

14 (4) "Expenditure" means (A) any advance, conveyance, deposit,

15 distribution, transfer of funds, loan, payment, unless expressly  
16 excluded; (B) any payments for telephone, mailing, postage, printing  
17 and other clerical or office services and materials; (C) any paid  
18 communications, costing fifty dollars or more in any calendar year,  
19 disseminated by means of any printing, broadcasting or other  
20 medium, provided such communications refer to pending  
21 administrative or legislative action; any contract, agreement, promise  
22 or other obligation; (D) any solicitation or solicitations, costing fifty  
23 dollars or more in the aggregate for any calendar year, of other persons  
24 to communicate with a public official or municipal employee for the  
25 purpose of influencing any legislative or administrative act; and (E)  
26 any pledge, subscription of money or anything of value. "Expenditure"  
27 shall not include the payment of a registrant's fee pursuant to section  
28 1-95 of the general statutes, any expenditure made by any club,  
29 committee, partnership, organization, business, union, association or  
30 corporation for the purpose of publishing a newsletter or other release  
31 to its members, shareholders or employees, or contributions,  
32 membership dues or other fees paid to associations, nonstock  
33 corporations or tax-exempt organizations under Section 501(c) of the  
34 Internal Revenue Code of 1986, or any subsequent corresponding  
35 internal revenue code of the United States, as from time to time  
36 amended.

37 (5) "Individual" means a natural person.

38 (6) "Legislative action" means introduction, sponsorship,  
39 consideration, debate, amendment, passage, defeat, approval, veto,  
40 overriding of a veto or any other official action or nonaction with  
41 regard to any proposal, resolution, amendment, nomination,  
42 appointment, report, or any other matter pending or proposed before  
43 the legislative body of a political subdivision of the state, or any matter  
44 which is within the official jurisdiction or cognizance of the legislative  
45 body of a political subdivision of the state.

46 (7) "Municipal lobbying" means communicating directly or

47 soliciting others to communicate with any public official or his staff in  
48 the legislative or executive branch or body of any political subdivision  
49 of the state, for the purpose of influencing any legislative or  
50 administrative action, except that the term "lobbying" does not include  
51 (A) communications by a representative of a vendor or by an employee  
52 of the registered client lobbyist which representative or employee acts  
53 as a salesperson and does not otherwise engage in lobbying regarding  
54 any administrative action, (B) communications by an attorney made  
55 while engaging in the practice of law, including communications with  
56 any official or staff of any agency of any political subdivision of the  
57 state having responsibility for: Planning or zoning decisions made  
58 pursuant to chapter 124, 124a, 125, 125a, 126, 126a, or 127 of the general  
59 statutes; inland wetlands decisions made pursuant to chapter 440 of  
60 the general statutes; historic districts decisions made pursuant to  
61 chapter 97a of the general statutes; water pollution control authority  
62 decisions made pursuant to chapter 446k of the general statutes; motor  
63 vehicle or gasoline location decisions made pursuant to chapter 246 of  
64 the general statutes; aquifer protection decisions made pursuant to  
65 chapter 446i of the general statutes; or conservation decisions made  
66 pursuant to chapter 97 of the general statutes, or communications by  
67 an attorney made while engaging in the practice of law regarding any  
68 matter other than legislative action, as defined in subdivision (6) of this  
69 section, or the proposal, drafting, development, consideration,  
70 amendment, adoption or repeal of any rule, ordinance, referendum,  
71 budget or regulation, or (C) communications by any expert witness in  
72 any matter described in subparagraph (B) of this subdivision.

73 (8) "Municipal lobbyist" means a person who in lobbying and in  
74 furtherance of lobbying makes or agrees to make expenditures, or  
75 receives or agrees to receive compensation, reimbursement, or both,  
76 and such compensation, reimbursement or expenditures are two  
77 thousand dollars or more in any calendar year or the combined  
78 amount thereof is two thousand dollars or more in any such calendar  
79 year. Lobbyist shall not include:

80 (A) A public official, employee of a political subdivision of the state,  
81 or elected or appointed official of a municipality or his designee other  
82 than an independent contractor, who is acting within the scope of his  
83 authority or employment;

84 (B) A publisher, owner or an employee of the press, radio or  
85 television while disseminating news or editorial comment to the  
86 general public in the ordinary course of business;

87 (C) An individual representing himself or another person before the  
88 legislative body of a political subdivision of the state or an agency of a  
89 political subdivision of the state other than for the purpose of  
90 influencing legislative or administrative action;

91 (D) Any individual or employee who receives no compensation or  
92 reimbursement specifically for lobbying and who limits his activities  
93 solely to formal appearances to give testimony before public sessions  
94 of the legislative body of any political subdivision of the state or public  
95 hearings of any agency of any political subdivision of the state and  
96 who, if he testifies, registers his appearance in the records of such  
97 legislative body or agency;

98 (E) A member of an advisory board acting within the scope of his  
99 appointment;

100 (F) A senator or representative in Congress acting within the scope  
101 of his office;

102 (G) Any person who receives no compensation or reimbursement  
103 specifically for lobbying and who spends no more than five hours in  
104 furtherance of lobbying unless such person (i) exclusive of salary,  
105 receives compensation or makes expenditures, or both, of two  
106 thousand dollars or more in any calendar year for lobbying or the  
107 combined amount thereof is two thousand dollars or more in any such  
108 calendar year, or (ii) expends fifty dollars or more for the benefit of a  
109 public official, a member of his staff or immediate family; or

110 (H) A communicator lobbyist who receives or agrees to receive  
111 compensation, reimbursement, or both, the aggregate amount of which  
112 is less than two thousand dollars from each client in any calendar year.

113 (9) "Member of an advisory board" means any person appointed by  
114 a public official as an advisor or consultant or member of a committee,  
115 commission or council established to advise, recommend or consult  
116 with a public official or political subdivision of the state or committee  
117 thereof and who receives no public funds other than per diem  
118 payments or reimbursement for his actual and necessary expenses  
119 incurred in the performance of his official duties and who has no  
120 authority to expend any public funds or to exercise the power of a  
121 political subdivision of the state.

122 (10) "Person" means an individual, a business, corporation, limited  
123 liability company, union, association, firm, partnership, committee,  
124 club or other organization or group of persons.

125 (11) "Public official" means any appointed or elected officer of any  
126 political subdivision of the state.

127 (12) "Registrant" means a person who is required to register  
128 pursuant to section 2 of this act.

129 (13) "Reimbursement" means any money or thing of value received  
130 or to be received in the form of payment for expenses as a lobbyist, not  
131 including compensation.

132 (14) "Municipal employee" means any employee of a political  
133 subdivision of the state, whether in the classified or unclassified  
134 service and whether full or part time.

135 (15) "Business organization" means a sole proprietorship,  
136 corporation, limited liability company, association, firm or partnership,  
137 other than a client lobbyist, which is owned by, or employs one or  
138 more individual lobbyists.

139 (16) "Client lobbyist" means a lobbyist on behalf of whom lobbying  
140 takes place and who makes expenditures for lobbying and in  
141 furtherance of lobbying.

142 (17) "Communicator lobbyist" means a lobbyist who communicates  
143 directly or solicits others to communicate with a public official or his  
144 staff of a political subdivision of the state for the purpose of  
145 influencing legislative or administrative action.

146 (18) "Immediate family" means any spouse, dependent children or  
147 dependent relatives who reside in the individual's household.

148 Sec. 2. (NEW) (*Effective October 1, 2009*) A lobbyist shall register with  
149 the Office of State Ethics, established pursuant to section 1-80 of the  
150 general statutes, if it or he:

151 (1) Receives or agrees to receive compensation or reimbursement for  
152 actual expenses, or both, in a combined amount of two thousand  
153 dollars or more in a calendar year for lobbying, whether that receipt of  
154 compensation or reimbursement or agreement to receive such  
155 compensation or reimbursement is solely for lobbying or the lobbying  
156 is incidental to that person's regular employment; or

157 (2) Makes or incurs an obligation to make expenditures of two  
158 thousand dollars or more in a calendar year for lobbying.

159 Sec. 3. (NEW) (*Effective October 1, 2009*) (a) Each registrant shall file  
160 every two years with the Office of State Ethics on a registration form  
161 signed under penalty of false statement on or before January fifteenth  
162 of odd-numbered years or prior to the commencement of lobbying  
163 whichever is later. If the registrant is not an individual, an authorized  
164 officer or agent of the registrant shall sign the form. Such registration  
165 shall be on a form prescribed by the Citizen's Ethics Advisory Board  
166 and shall include:

167 (1) If the registrant is an individual, the registrant's name,  
168 permanent address and temporary address while lobbying and the

169 name, address and nature of business of any person who compensates  
170 or reimburses, or agrees to compensate or reimburse the registrant and  
171 the terms of the compensation, reimbursement or agreement, but shall  
172 not include the compensation paid to an employee for his involvement  
173 in activities other than lobbying;

174 (2) If the registrant is a corporation, the name, address, place of  
175 incorporation and the principal place of business of the corporation;

176 (3) If the registrant is an association, group of persons or an  
177 organization, the name and address of the principal officers and  
178 directors of such association, group of persons or organization. If the  
179 registrant is formed primarily for the purpose of lobbying, it shall  
180 disclose the name and address of any person contributing two  
181 thousand dollars or more to the registrant's lobbying activities in any  
182 calendar year;

183 (4) If the registrant is not an individual, the name and address of  
184 each individual who will lobby on the registrant's behalf; and

185 (5) The identification, with reasonable particularity, of areas of  
186 legislative or administrative action on which the registrant expects to  
187 lobby.

188 (b) Each registrant shall pay a reasonable fee not in excess of the cost  
189 of administering the registration form provided for in subsection (a) of  
190 this section. A registrant who commences lobbying in an even-  
191 numbered year shall file with the Office of State Ethics, on or before  
192 January fifteenth of such even-numbered year or prior to the  
193 commencement of lobbying, whichever is later, a registration form  
194 signed under penalty of false statement and shall pay one-half of the  
195 biennial registration fee established by the board.

196 (c) Each registrant shall file a notice of termination not later than  
197 thirty days after he ceases the activity that required his registration,  
198 provided the registrant does not intend to resume the activity during

199 the biennial period for which he is registered.

200 (d) In addition to the requirements of subsections (a) to (c),  
 201 inclusive, of this section, the registration of a: (1) Client lobbyist, as  
 202 defined in section 1 of this act, shall include: (A) The name of such  
 203 company or association, (B) the nature of such company or association,  
 204 (C) the primary business address of such company or association, (D)  
 205 the name of the person responsible for oversight of such client  
 206 lobbyist's lobbying activities, (E) the job title of such person and any  
 207 applicable contact information for such person, including, but not  
 208 limited to, telephone number, facsimile number, electronic mail  
 209 address and business mailing address; and (2) communicator lobbyist,  
 210 as defined in section 1 of this act, shall include the name of the person  
 211 with whom such communicator lobbyist has primary contact for each  
 212 client of such communicator lobbyist and any applicable contact  
 213 information for such person, including, but not limited to, telephone  
 214 number, facsimile number, electronic mail address and business  
 215 mailing address.

216 Sec. 4. (NEW) (*Effective October 1, 2009*) Each individual who is a  
 217 lobbyist shall, while engaged in lobbying, wear a distinguishing badge  
 218 which shall identify him as a lobbyist. The size, color, material and  
 219 other requirements of such badge shall be prescribed by regulation of  
 220 the Citizen's Ethics Advisory Board.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2009</i>	New section
Sec. 2	<i>October 1, 2009</i>	New section
Sec. 3	<i>October 1, 2009</i>	New section
Sec. 4	<i>October 1, 2009</i>	New section

**Statement of Purpose:**

To require individuals who engage in municipal lobbying to register with the Office of State Ethics and wear badges while engaged in lobbying.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*