

# **Joint Subcommittee Studying Conflict of Interest and Lobbyist Disclosure Forms (HJR 186 2004)**

## **Issues for Consideration**

### **A. General Assembly Conflict of Interest Act**

- 1) Review the timing for the disclosure filing by legislators. Lobbyists are required to provide their forms to the legislator by January 5th. The legislator is required to submit the General Assembly disclosure form to the respective clerks by January 8th. This gives the legislative members only three days to review and cross reference, if needed, any information from the lobbyist form. Review the time frames and consider changing the submission dates.
- 2) The notarized portion of the affirmation may be confusing to a notary because of the City/County distinction. Consider changing the form to read more clearly.
- 3) Clarify whether individual stocks and amounts should be listed separately on the form.
- 4) Expand the "*Payments for Representation and Other Services*" portion of the form to include payments made by a legislator to a lobbyist for representation or other services.
- 5) Require enhanced disclosure, i.e. frequency and/or detail, for legislators receiving payments over a certain threshold amount for representation or other services.
- 6) Explore electronic filing as an option.

### **B. State and Local Government Conflict of Interest Act**

- 1) Excuse reappointed individuals who have filed in January from having to file again when reappointed in the months after January.
- 2) Allow individuals serving on multiple boards or other entities to file a single statement.
- 3) Excuse or exempt from the filing requirement individuals who no longer occupy the positions for which they are required to file.
- 4) Require the heads of independent, legislative and judicial agencies to disclose their interests.
- 5) Add a definition for the term "represent." (Persons commonly confuse lobbying representation and legal representation).

- 6) Revise the definition of “close financial association” to affirmatively state what would constitute such an association.
- 7) Add a definition for “contingent liability.”
- 8) Add a definition for “furnishing.” (For example, if an individual provides services as a condition of employment- does that constitute *furnishing*?)
- 9) Revise Schedule C disclosure provisions for securities.
  - a) The schedule requests securities invested in one business with value over \$10,000; however, the filer must also account for individual mutual funds, few of which include ownership of \$10,000 or more in one business.
  - b) To alleviate confusion regarding information requested on the name of issuer, the type of entity, and the type of security, provide examples for the filer to follow.
  - c) Add provision for disclosure of economic interest when the filer has begun to collect previously deferred compensation.
  - d) Revise instructions to include information or examples based on Attorney General opinions.
- 10) Revise/clarify the disclosure provision for close financial associates.
- 11) Require enhanced disclosure, i.e. frequency and/or detail, for filers receiving payments over a certain threshold amount for representation or other services.
- 12) Explore electronic filing as an option.

### **C. Lobbyist Disclosure and Regulation Act**

- 1) Raise the threshold for reporting any single entertainment. (Currently threshold is \$50)
- 2) Exempt of lobbyist who are not compensated.
- 3) Remove requirement that the filer disclose why they received no compensation if they have indicated on the form that as a lobbyist they are not compensated.
- 4) Explore increased use of electronic filing as an option.
- 5) Explore methods for increased enforcement to enhance (i) compliance, and ii) accuracy of filing.