

REFERENCE TITLE: lobbying; public body; definition

State of Arizona
Senate
Fifty-sixth Legislature
First Regular Session
2023

SB 1704

Introduced by
Senator Wadsack

AN ACT

AMENDING SECTION 41-1231, ARIZONA REVISED STATUTES; RELATING TO
REGISTRATION AND REGULATION OF LOBBYISTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 41-1231, Arizona Revised Statutes, is amended to
3 read:

4 41-1231. Definitions

5 In this article, unless the context otherwise requires:

6 1. "Authorized lobbyist" means any person, other than a designated
7 lobbyist or lobbyist for compensation, who is employed by, retained by or
8 representing a principal, with or without compensation, for the purpose of
9 lobbying and who is listed as an authorized lobbyist by the principal in
10 its registration pursuant to section 41-1232.

11 2. "Authorized public lobbyist" means a person, other than a
12 designated public lobbyist, who is employed by, retained by or
13 representing a public body, with or without compensation, for the purpose
14 of lobbying and who is listed as an authorized public lobbyist by the
15 public body in its registration pursuant to section 41-1232.01.

16 3. "Designated lobbyist" means the person who is designated by a
17 principal as the single point of contact for the principal and who is
18 listed as the designated lobbyist by the principal in its registration
19 pursuant to section 41-1232.

20 4. "Designated public lobbyist" means the person who is designated
21 by a public body as the single point of contact for the public body and
22 who is listed as the designated public lobbyist by the public body in its
23 registration pursuant to section 41-1232.01.

24 5. "Entertainment" means the amount of any expenditure paid or
25 incurred for admission to any sporting or cultural event or for
26 participation in any sporting or cultural activity.

27 6. "Expenditure" means a payment, distribution, loan, advance,
28 deposit or gift of money or anything of value and includes a contract,
29 promise or agreement, whether or not legally enforceable, to make an
30 expenditure that provides a benefit to an individual state officer or
31 state employee and that is incurred by or on behalf of one or more
32 principals, public bodies, lobbyists, designated public lobbyists or
33 authorized public lobbyists.

34 7. "Family gift" means a gift to a state officer or employee or a
35 member of the officer's or employee's household from a principal,
36 lobbyist, designated public lobbyist or authorized public lobbyist who is
37 a relative of the state officer or employee or a member of the household
38 of the state officer or employee if the donor is not acting as the agent
39 or intermediary for someone other than a person covered by this paragraph.

40 8. "Food or beverage" means the amount of any expenditure paid or
41 incurred for food or beverages for a state officer or employee provided at
42 a location at which the principal, public body, lobbyist, designated
43 public lobbyist or authorized public lobbyist who made the expenditure is
44 present.

1 9. "Gift" means a payment, distribution, expenditure, advance,
2 deposit or donation of money, any intangible personal property or any kind
3 of tangible personal or real property. For the purposes of this article,
4 gift does not include:

5 (a) A gift, devise or inheritance from an individual's spouse,
6 child, parent, grandparent, grandchild, brother, sister, parent-in-law,
7 brother-in-law, sister-in-law, nephew, niece, aunt, uncle or first cousin
8 or the spouse of any such individual if the donor is not acting as the
9 agent or intermediary for someone other than a person covered by this
10 subdivision.

11 (b) Expenditures that are either properly reported or exempt from
12 reporting under this chapter for:

13 (i) A speaking engagement.

14 (ii) Food or beverages.

15 (iii) Travel and lodging.

16 (iv) Flowers.

17 (c) Salary, compensation or employer-reimbursed expenses lawfully
18 paid to a public official.

19 (d) The value, cost or price of professional or consulting services
20 that are not rendered to obtain a benefit for any registered principal,
21 public body, lobbyist, designated public lobbyist or authorized public
22 lobbyist or the clients of a principal or lobbyist.

23 (e) Expenses relating to a special event or function to which all
24 members of the legislature, either house of the legislature or any
25 committee of the legislature is invited.

26 (f) A plaque or other form of recognition similar to a plaque to a
27 state officer or state employee to signify the honorary recognition of a
28 service or other notable accomplishment.

29 (g) Informational material such as books, reports, pamphlets,
30 calendars or periodicals.

31 (h) An item that is not used and that is returned within fifteen
32 days of receipt to the donor or that is delivered within fifteen days of
33 receipt to a charitable organization and that is not claimed as a
34 charitable contribution for state or federal income tax purposes.

35 (i) A campaign contribution that is properly received and reported
36 as required by law.

37 (j) An item that is given to a state officer or employee if the
38 state officer or employee gives an item of approximately the same value to
39 the giver of the item at the same time that the item is given or on a
40 similar occasion as the one that prompted the original item to be given.

41 (k) Gifts of a personal nature that were customarily received by an
42 individual from the donor before the individual became a state officer or
43 employee.

44 (l) An item that is given to the general public at an event.

1 10. "Legislation" means bills, resolutions, memorials, amendments,
2 nominations and other matters that are pending or proposed in either house
3 of the legislature of this state.

4 11. "Lobbying":

5 (a) Means attempting to influence the passage or defeat of any
6 legislation by directly communicating with any legislator or attempting to
7 influence any formal rulemaking proceeding pursuant to chapter 6 of this
8 title or rulemaking proceedings that are exempt from chapter 6 of this
9 title by directly communicating with any state officer or employee.

10 (b) Includes, for a person who is otherwise required to be
11 registered as a lobbyist for compensation pursuant to this article,
12 attempting to influence the procurement of materials, services or
13 construction by an agency as defined in section 41-1001, including the
14 office of the governor.

15 (c) Does not include:

16 (i) Interagency communications between state agency employees.

17 (ii) Communications between a public official or employee of a
18 public body, designated public lobbyist or authorized public lobbyist and
19 any state officer, except for a member of the legislature, or an employee
20 of the legislature.

21 (iii) Oral questions or comments made by a person to a state
22 officer or employee regarding a proposed rule and made in public at a
23 meeting or workshop that is open to the public and that is sponsored by a
24 state agency, board, commission, council or office.

25 (iv) Communications between a public body and a self-employed
26 person or person employed by a partnership or company regarding the
27 procurement of materials, services or construction unless the self-
28 employed person or person employed by a partnership or company is
29 otherwise required to register pursuant to this article or is employed by,
30 supervised by at any level or contracted by a person who is otherwise
31 required to register as a lobbyist for compensation pursuant to this
32 article.

33 12. "Lobbyist" means any person, other than a designated public
34 lobbyist or authorized public lobbyist, who is employed by, retained by or
35 representing a person other than himself, with or without compensation,
36 for the purpose of lobbying and who is listed as a lobbyist by the
37 principal in its registration pursuant to section 41-1232. Lobbyist
38 includes a lobbyist for compensation, designated lobbyist and authorized
39 lobbyist.

40 13. "Lobbyist for compensation" means a lobbyist who is compensated
41 for the primary purpose of lobbying on behalf of a principal and who is
42 listed by the principal in its registration pursuant to section 41-1232.

43 14. "Person" means an individual, partnership, committee,
44 association or corporation and any other organization or group of persons,
45 except legislators and political parties qualified for representation on
46 the ballot pursuant to section 16-801 or 16-804.

1 15. "Personal hospitality" means hospitality, meals, beverages,
2 transportation or lodging furnished but not commercially provided by a
3 person on property or facilities owned or possessed by the person or the
4 person's family.

5 16. "Principal" means any person, other than a public body, that
6 employs, retains, engages or uses, with or without compensation, a
7 lobbyist. Principal includes any subsidiary of a corporation.

8 17. "Procurement" has the same meaning prescribed in section
9 41-2503.

10 18. "Public body" means the Arizona board of regents, a university
11 under the jurisdiction of the Arizona board of regents, ~~the judicial~~
12 ~~department~~, any state agency, board, commission or council, any county,
13 any county elected officer who elects to appoint a designated public
14 lobbyist or any city, town, district or other political subdivision of
15 this state that receives and uses tax revenues and that employs, retains,
16 engages or uses, with or without compensation, a designated public
17 lobbyist or authorized public lobbyist.

18 19. "Public official" means a person who is duly elected, appointed
19 or retained through election to an elected state, county or local office.

20 20. "Single expenditure" means an expenditure that provides a
21 benefit of more than ~~twenty dollars~~ \$20 to an individual state officer or
22 state employee and that is incurred by or on behalf of one or more
23 principals, public bodies, lobbyists, designated public lobbyists or
24 authorized public lobbyists.

25 21. "Speaking engagement":

26 (a) Means the amount of any expense paid or incurred for entrance
27 fees, lodging, food and beverage, entertainment, travel and other expenses
28 for the state officer's or employee's attendance at an event, committee,
29 meeting, conference or seminar, including meetings of state, regional or
30 national organizations or their committees concerned with legislative or
31 governmental activities if the state officer or employee participates in
32 the event as a speaker or panel participant by presenting information
33 relating to the state officer's or employee's legislative or official
34 duties or by performing a ceremonial function appropriate to the state
35 officer's or employee's position.

36 (b) Does not include expenditures for an honorarium or any other
37 similar fee paid to a speaker.

38 22. "State employee" means an employee of the legislature, a
39 university under the jurisdiction of the Arizona board of regents, the
40 judicial department or a state office, agency, board, commission or
41 council.

42 23. "State officer" means a person who is duly elected, appointed or
43 retained through election to any state office, or a member of any state
44 board, commission or council, and includes a member of the legislature.