



M U L T I S T A T E

[Lenawee County state representatives support ethics reform legislation](#) (Michigan)

New bipartisan ethics legislation in the Michigan House has the support of Lenawee County's two state representatives.

Rep. Bronna Kahle, R-Adrian, and Rep. Sarah Lightner, R-Springport Twp., both announced their support of the bills that would require financial disclosures from lawmakers and top state officials and prohibit them from becoming lobbyists for two years after their tenure.

Kahle helped introduce the legislation, a news release said.

“People are losing faith in their elected leaders,” Kahle said in the release. “Government shouldn’t operate under a cloak of darkness. I am committed to restoring confidence in the process by holding elected officials fully accountable.”

“The people I talk with in our community are totally fed up with political games and politicians who don’t have the best interests of Michigan families at heart,” Lightner said in her own news release. “I’ve been listening. I understand why people are losing faith, and I’m working hard to raise the bar on the disgracefully low ethical standards currently in place, which do nothing more than invite skepticism and mistrust.”

The bills, introduced Wednesday, are part of a broader package that supporters say is designed to boost transparency, heighten ethical standards and improve accountability. It is a top priority for leaders in both parties in coming weeks.

Some initiatives, such as opening the Legislature and governor's office to public-records requests and requiring a supermajority to pass legislation in postelection "lame-duck" sessions, were approved earlier this year and are pending in the Senate. Other bills are new, including Kahle’s bill in the package that would expand lobbying disclosures. While under current law,

lobbyists must disclose money spent to lobby state officials, they do not have to do the same for the staff of those officials.

“My legislation will close this loophole by adding all policy-making staff in the Legislature and governor’s office to the list of ‘lobbyable officials’ in state law,” Kahle said. “I have heard from so many people that are sick and tired of the same old political games from their government. They want higher standards and real accountability. The bureaucrats should always answer to the people for the decisions they make, and those decisions should always be made in a transparent way.”

Republicans and Democrats in the GOP-led House also want to create legislative ethics committees and to authorize each chamber, with a two-thirds vote, to suspend the salary and expense allowance of a legislator who acts unethically or is excessively absent.

Michigan is one of just two states where lawmakers pass and reject laws without the public knowing about their personal finances. Other state elected officials do not have to file disclosures either, though governors typically voluntarily release portions of their tax returns while gubernatorial candidates in the last election voluntarily issued versions of financial disclosure statements.

Under the legislation, legislators and high-ranking executive branch officials would have to disclose their finances. But the forms would not be made public until they leave office. Instead, one of two ethics panels would have the information and keep tabs on potential conflicts of interest.

“The changes we’re working on have real teeth,” Lightner said. “They will make state government more open and responsive to the people of Michigan and they will make sure that state officials who screw up can be held accountable.”

House Speaker Jason Wentworth, a Farwell Republican, said some current rules are "bizarre" and show why people are losing faith in government.

"We must do better and hold ourselves to a higher standard," he said in a statement.

"The people are asked too often to simply trust that elected officials are acting in the public interest and holding themselves accountable. That's a failed, unacceptable system," said House Minority Leader Donna Lasinski, a Democrat from Washtenaw County's Scio Township.

It was not immediately clear how the bills, once passed, will fare in the GOP-controlled Senate. Abby Walls, spokeswoman for Senate Majority Leader Mike Shirkey, said he "is supportive of the idea that government should be accountable to citizens. We look forward to working through the legislative process."

Shirkey in the past has expressed concern about some elements of the Freedom of Information Act bills and has opposed financial disclosure legislation.

But he told The Detroit News editorial board recently that a FOIA package is "very close" to being passed. He also said the financial disclosure proposal "has been crafted in a way that I think we can live with because I didn't want that to get into your hands while people are serving and just give people a hard time over what their personal financial statements are."

Should San Jose require nonprofits to disclose lobbying? (California)

More than 50 individuals, companies and advocacy groups [legally lobby](#) San Jose each year about subjects including Google developments and cannabis.

Lobbying is governed by the city's [lobbying ordinance](#), which requires lobbyists to register, pay annual fees and file weekly reports disclosing conversations with city officials.

But nonprofits are exempt from the ordinance, meaning any registered nonprofit can lobby the city with impunity. That exemption allows dozens of nonprofits—from small neighborhood associations to larger ones like Catholic Charities —to apply for funding from the city.

Nonprofits aren't required to disclose their dealings with the city as lobbyists do, but the IRS requires nonprofits to disclose any legislation lobbied, per the federal agency's definition, at the city and state level.

"If you're a not-for-profit, that will be disclosed somewhere," said Jamie Court of [Consumer Watchdog](#), a taxpayer and consumer rights advocacy group. These disclosures are found on the nonprofit's publicly available tax returns.

For example, Catholic Charities of Santa Clara County entered into contracts with the city over the past few years, including support for San Jose's [flood relief program](#) in 2017. The San Jose Downtown Association has contracts with the city going back to [at least 2007](#). Both organizations are involved in efforts to provide aid, financial or otherwise, to small businesses and other charities during the COVID-19 pandemic.

In the case of the downtown association, its internal lobbyists are registered with the city though [they're failing to disclose](#) the reasons for meetings with elected leaders and city officials — a requirement of the forms.

Former Councilmember Johnny Khamis proposed [ending the exemption](#) to force nonprofits to disclose which city officials they speak to and what they speak about as far back as 2015, but his colleagues weren't convinced.

“If we're going to be transparent, let's be transparent,” Khamis told San José Spotlight.

When Khamis was on the council, he said nonprofit groups lobbied him at least twice a week. “Millions of dollars go to nonprofits every year. Why shouldn't we disclose who's talking to who?” he said.

[According to the IRS](#), no organization can qualify for nonprofit status if a “substantial part” of its activities is considered lobbying, which the IRS determines on a case-by-case basis using its [“substantial part” test](#) and its [expenditure test](#). However, nonprofits are not completely barred from lobbying, so long as they pass both tests. The IRS can strip any nonprofit of its 501(c)(3) status if it fails either test, and organizations must disclose actions made by paid lobbying staff.

Some nonprofit leaders such as Greg Kepferle, chief executive officer of Catholic Charities of Santa Clara County, believe that the city's policy on nonprofits is transparent enough. He said the organization discloses city officials it speaks to through a press release or at a news conference.

“There are already quite a lot of disclosures with constant regular program audits and nonprofits subject to annual audits, including government contracts,” Kepferle said. He added that Catholic Charities' relationship with the city has been “good, respectful, professional and collaborative” in addressing community needs.

In 2007, San Jose passed [transparency laws](#) requiring lobbyists to register with the city, pay annual fees and file weekly reports disclosing which city leaders and politicians they're meeting with and why. Those disclosures should include emails or letters, scheduled or unscheduled phone calls and meetings.

501(c)(3) organizations in San Jose are exempt from the policy. Nonprofits have repeatedly won exemptions from local laws and regulations, including [an exemption](#) on a real property transfer tax in Measure E, which passed early last year.

Court said that nonprofits regularly push elected officials to vote one way or another, and so long as nonprofits pass the IRS's tests, they don't have to disclose what they're meeting about—and chances are they won't disclose at all.

“It's a policy that is not all that unusual,” he said.

But Khamis believes such a policy would actually be a major win for government transparency and accountability.

“I'm not accusing nonprofits of anything,” Khamis said. “In the spirit of transparency, millions of dollars go out the door for nonprofits. Why should they not have the same rules that other organizations have?”

[Texas lawmakers, lobby firm react to allegations that a lobbyist gave date rape drug to Capitol aide](#) (Texas)

After the Texas Department of Public Safety confirmed Saturday it's investigating an allegation that a lobbyist used a date rape drug on at least one Capitol staffer, a prominent Austin-based lobby shop said Sunday it had launched an internal investigation into the matter, telling state lawmakers in an email that the firm and its employees "do not and will not tolerate a culture where anyone is not valued with respect and dignity."

The DPS investigation, [first reported by the Austin American-Statesman](#), stems from a complaint recently made by a Capitol staffer, though officials have so far declined to comment on further details - including the names of anyone allegedly involved.

"This is an ongoing investigation," DPS spokesperson Travis Considine told The Texas Tribune on Saturday, "and further details cannot be released at this time."

Spokespeople for Gov. [Greg Abbott](#) and House Speaker [Dade Phelan](#), R-Beaumont, confirmed to the Tribune that their offices had been notified of the DPS investigation late last week.

On Saturday, state lawmakers, staffers and other Capitol observers denounced the alleged incident, with several House members declaring on social media that they were banning from their offices any lobbyist or lobby firm associated with the accusation.

"While the investigation is pending, the accused lobbyist(s) and their firm(s) are banned from my office; and, if true, will be permanently banned," [tweeted](#) state Rep. [Dustin Burrows](#), a Lubbock Republican who chairs the powerful House Calendars Committee, which decides what legislation makes it to the House floor for debate and for when.

A number of female House members, including both Republicans and Democrats, suggested that such an action is not enough.

"Change the culture," state Rep. [Ina Minjarez](#), D-San Antonio, tweeted Sunday. "Ensure [the alleged victim] receives full support & the services she needs. Invest in the safety of our staffers & believe them if they ever outcry. CHANGE THE CULTURE."

Another House member, freshman state Rep. [Shelby Slawson](#), R-Stephenville, [said Sunday](#) that her office would be "off limits to all lobbyists" while the DPS investigation is underway and the lobbyist remains unidentified. [Slawson also urged colleagues](#) to join her in wearing pink on the House floor Tuesday "to stand in support and solidarity with" the alleged victim.

Meanwhile, one of the heads of the prominent Austin lobbying firm HillCo Partners wrote in a Sunday email to state lawmakers that the group had hired outside legal counsel and "a respected former law enforcement official" to launch an internal investigation into the matter.

"If facts come to light that anyone associated with HillCo partners had any involvement with such conduct, that person will be immediately terminated," HillCo co-founder Buddy Jones wrote, adding that the firm would also cooperate with the DPS investigation.

"The reported incident is abhorrent and, once investigated and found to be accurate, should be dealt with in the strongest legal manner possible," Jones wrote.

Later Sunday, Bill Miller, the other HillCo co-founder, told the Tribune that the firm had been "tipped off" that one of its employees "is a person of interest" in the DPS investigation. Miller said the email was the firm's attempt to "put on the table what we're doing and why we're doing it."

[City Official Promises Better Transparency with Lobbyist Dealings](#) (Texas)

Lobbying is often associated with backdoor dealings that lead to legislation that isn't always in the public interest, but the practice is just as commonly used by municipal leaders to ensure that cities like, say, Fort Worth have a seat at the Austin legislative table when billion-dollar packages are drafted.

Since the September 2019 passage of SB 65, state municipalities are required to publicly disclose contracts that funnel public funds to lobbying groups. With the general election on Sat, May 1, locals have been doing their civic duties and researching candidates with possible ties to city

profiteering. The lack of a readily accessible link to city lobbyists caught our attention, so we reached out to Fort Worth Secretary Mary Kayser for answers.

“We do have the contracts in Laserfiche, and they are indexed with the following keywords: ‘lobby,’ ‘lobbyist,’ and ‘Texas State Legislature,’ ” she said, referring to the really long web link that is easily found by googling “Laserfiche Fort Worth.”

“Your request made me realize that we could make this easier, and we will be adding a ‘Lobbyist Contracts’ category on that page, so you can go to these easily,” she said in her email.

Kayser shared a document that lists 16 lobbying groups that have contracted with the city in recent years, including one with past ties to frontrunner mayoral candidate Mattie Parker, whose husband David Parker is listed as a director at Longbow Associates, an Austin-based government lobbying firm. Longbow’s \$48,000 contract was created in 2014 and terminated in mid-2015.

Kayser’s commitment to improving transparency in lobbyist dealings via a readily accessible web link is important because of the ever-present threat of insider dealings at City Hall. Fort Worth’s \$1.9 billion annual budget leaves ample taxpayer dollars at risk of being diverted toward special interests if Fort Worth’s staff and elected officials fail to handle city dealings legally, ethically, and with complete transparency.

In an email, Parker described the nearly seven-year-old agreement and how she plans to avoid any potential conflicts of interest if elected mayor.

“While I was working at a local law firm, David was hired in late 2014 as a local liaison to assist the city with some of their state advocacy and bill monitoring,” she said. “However, the city charter expressly prohibits a city employee or elected official’s spouse from being a city contractor, so we immediately terminated that arrangement in April 2015 when I was selected to go to work for mayor and council. His firm has had no other employee arrangements with the City of Fort Worth and will not if I’m selected to lead the city.”