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ATTORNEY GENERAL

March 14, 1977

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Honorable Frank J. Felix
Arizona State Senator
State Capitol - Senate Wing
Phoenix, Arizona 85007

Re: 77-61 (R77-75)

Dear Senator Felix:

By letter dated February 28, 1977, you asked our opinion on the following question:

Is the employer or principal of a person who lobbies within the meaning of A.R.S. § 41-1232 B. required to list as an expenditure under A.R.S. § 41-1232 B. the salary or fee, or proportion of either, paid to the employee or agent for lobbying?"

Proceeding on the assumption that the employer or principal itself (or himself or herself) is required to register as a lobbyist under A.R.S. § 41-1232 A., we answer in the affirmative.

Such an employer or principal is required under A.R.S. § 41-1232 C.(1) to "file with the secretary of state a written report . . . setting forth . . . each expenditure in excess of twenty-five dollars made by him in carrying on his work of attempting to influence the passage or defeat of any legislation or the official action of any state officer, state agency, board, commission or council." We believe that a salary or fee for an employee or agency lobbyist is an "expenditure . . . made . . . in . . . attempting to influence the passage or defeat of any legislation, etc." A.R.S. § 41-1231 (1) defines "expenditure" as "a payment, distribution, loan, advance, deposit or gift of money or anything of value, and includes a contract, promise or agreement, whether or not legally enforceable, to make an expenditure." A salary or fee clearly



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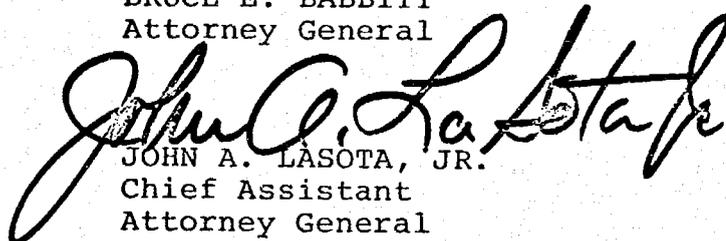
amounts to a payment and therefore, an "expenditure" under A.R.S. § 41-1232 (1).

Of course, none of what we have said applies to persons exempted from the provisions of A.R.S. § 1232 by subsection E thereof.

If we can be of any further assistance in this matter, please contact us.

Sincerely,

BRUCE E. BABBITT
Attorney General



JOHN A. LASOTA, JR.
Chief Assistant
Attorney General

JAL:b