

The Senate Ethics Committee offered the following substitute to SB 17:

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 5 of Title 21 of the Official Code of Georgia Annotated, relating to ethics
2 in government, so as to increase filing fees and fines for campaign disclosure reports,
3 financial disclosure statements, and lobbyist disclosure reports that are filed late; to change
4 fees for lobbyist's registration and identification cards; to change the date on which lobbyist
5 disclosure reports are due; to provide for related matters; to repeal conflicting laws; and for
6 other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

8 Chapter 5 of Title 21 of the Official Code of Georgia Annotated, relating to ethics in
9 government, is amended by revising subsection (l) of Code Section 21-5-34, relating to
10 disclosure reports, as follows:
11

12 "(l) In addition to other penalties provided under this chapter, ~~an additional~~ a filing fee of
13 ~~\$25.00~~ \$50.00 shall be imposed for each report that is filed late. In addition, a filing fee
14 of ~~\$50.00~~ \$100.00 shall be imposed on the fifteenth day after the due date if the report has
15 still not been filed; ~~provided, however, a 15-day extension period shall be granted on the~~
16 ~~final report. A fine of \$250.00 shall be imposed on the forty-fifth day after the due date for~~
17 ~~such report if the report has not been filed by such date. In the case of a candidate, such~~
18 ~~fine shall be paid from the personal funds of the candidate and no other funds from any~~
19 ~~source may be used to pay such fine."~~

SECTION 2.

20 Said chapter is further amended by adding a new paragraph to subsection (a) of Code
21 Section 21-5-50, relating to filing of financial disclosure statements, to read as follows:
22

23 "(6) In addition to other penalties provided under this chapter, a filing fee of \$50.00 shall
24 be imposed for each financial disclosure statement that is filed late. In addition, a filing
25 fee of \$100.00 shall be imposed on the fifteenth day after the due date if the statement has

26 still not been filed. A fine of \$250.00 shall be imposed on the forty-fifth day after the due
 27 date for such statement if the statement has not been filed by such date. Such fine shall
 28 be paid from the personal funds of the person required to file such statement and no other
 29 funds from any source may be used to pay such fine."

SECTION 3.

Said chapter is further amended by revising subsection (f) of Code Section 21-5-71, relating to registration of lobbyists, as follows:

"(f)(1) Each person registering under this Code section shall pay the registration fees set forth in paragraph (2) of this subsection; provided, however, that a person who represents any state, county, municipal, or public agency, department, commission, or authority shall be exempted from payment of such registration fees ~~and a person employed by an organization exempt from federal income taxation under Section 501(c)(3) or 501(c)(4) of the Internal Revenue Code, as that code is defined in Code Section 48-1-2,~~ shall be exempted from payment of such registration fees except for payment of an initial registration fee of \$25.00.

(2) The commission shall collect the following fees:

(A) Annual lobbyist registration <u>or renewal</u> filed pursuant to this Code section	\$200.00 <u>\$50.00</u>
(B) Lobbyist supplemental registration filed pursuant to this Code section	10.00
(C) Each <u>copy of a</u> lobbyist identification card issued pursuant to this Code section	5.00 <u>20.00</u>

(D) In addition to other penalties provided under this chapter, a filing fee of \$50.00 shall be imposed for each report that is filed late. In addition, a filing fee of ~~\$25.00~~ \$100.00 shall be imposed on the fifteenth day after the due date if the report has still not been filed. A fine of \$250.00 shall be imposed on the forty-fifth day after the due date for such report if the report has not been filed by such date. When such a fine is imposed, such fine shall be paid from the personal funds of the lobbyist and no other funds from any source may be used to pay such fine."

SECTION 4.

Said chapter is further amended by revising Code Section 21-5-73, relating to lobbyist disclosure reports, as follows:

60 "21-5-73.

61 (a) Each lobbyist registered under this article shall file disclosure reports as provided for
62 in this Code section.

63 (b) A person who is a lobbyist pursuant to subparagraph (A), (B), or (C) of paragraph (5)
64 of Code Section 21-5-70 shall file a monthly disclosure report, current through the end of
65 the preceding month, on or before the fifth business day of any month while the General
66 Assembly is in session.

67 (c) A person who is a lobbyist pursuant to subparagraph (D) or (E) of paragraph (5) of
68 Code Section 21-5-70 shall:

69 (1) File a disclosure report, current through the end of the preceding month, on or before
70 the fifth business day of May, September, and January of each year instead of the reports
71 required by subsections (b) and (d) of this Code section; and

72 (2) File such report with the commission, file a copy of such report with the election
73 superintendent of each county involved if the report contains any expenditures relating
74 to county or county school district affairs, and file a copy of such report with the
75 municipal clerk (or if there is no municipal clerk, with the chief executive officer of the
76 municipality) of each municipality involved if the report contains any expenditures
77 relating to municipal affairs or independent school district affairs.

78 (d) A person who is a lobbyist pursuant to subparagraph (A), (B), (C), (F), (G), or (H) of
79 paragraph (5) of Code Section 21-5-70 shall file a disclosure report, current through the end
80 of the period ending on July 31 and December 31 of each year, on or before the fifth
81 business day in August 5 and January 5 of each year.

82 (e) Reports filed by lobbyists shall be verified and shall include:

83 (1) A description of all expenditures, as defined in Code Section 21-5-70, or the value
84 thereof made by the lobbyist or employees of the lobbyist on behalf or for the benefit of
85 a public officer. The description of each reported expenditure shall include:

86 (A) The name and title of the public officer or, if the expenditure is simultaneously
87 incurred for an identifiable group of public officers the individual identification of
88 whom would be impractical, a general description of that identifiable group;

89 (B) The amount, date, and description of the expenditure and a summary of all
90 spending classified by category. Such categories shall include gifts, meals,
91 entertainment, lodging, equipment, advertising, travel, and postage;

92 (C) The provisions of Code Section 21-5-70 notwithstanding, aggregate expenditures
93 described in divisions (1)(E)(vii) and (1)(E)(x) of Code Section 21-5-70 incurred during
94 the reporting period; provided, however, expenses for travel and for food, beverage, and
95 lodging in connection therewith afforded a public officer shall be reported in the same
96 manner as under subparagraphs (A), (B), and (D) of this paragraph;

97 (D) If applicable, the number of the bill, resolution, ordinance, or regulation pending
98 before the governmental entity in support of or opposition to which the expenditure was
99 made; and

100 (E) If applicable, the rule or regulation number or description of the rule or regulation
101 pending before the state agency in support of or opposition to which the expenditure
102 was made;

103 (2) For those who are lobbyists within the meaning of subparagraph (G) of paragraph (5)
104 of Code Section 21-5-70, the name of any vendor or vendors for which the lobbyist
105 undertook to influence the awarding of a contract or contracts by any state agency
106 together with a description of the contract or contracts and the monetary amount of the
107 contract or contracts; and

108 (3) For those who are lobbyists within the meaning of subparagraph (H) of paragraph (5)
109 of Code Section 21-5-70, the name of the individual or entity for which the lobbyist
110 undertook to influence the rule or regulation of a state agency.

111 (f) The reports required by this article shall be in addition to any reports required under
112 Code Section 45-1-6, relating to required reports by state vendors of gifts to public
113 employees. Compliance with this Code section shall not excuse noncompliance with that
114 Code section, and compliance with that Code section shall not excuse noncompliance with
115 this Code section, notwithstanding the fact that in some cases the same information may
116 be required to be disclosed under both Code sections.

117 (g) In addition to other penalties provided under this chapter, a filing fee of \$50.00 shall
118 be imposed for each report that is filed late. In addition, a filing fee of \$100.00 shall be
119 imposed on the fifteenth day after the due date if the report has still not been filed. A fine
120 of \$250.00 shall be imposed on the forty-fifth day after the due date for such report if the
121 report has not been filed by such date. Such fine shall be paid from the personal funds of
122 the lobbyist and no other funds from any source may be used to pay such fine."

123 **SECTION 5.**

124 All laws and parts of laws in conflict with this Act are repealed.