

House Bill 88

By: Representative Kidd of the 141st

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 4 of Chapter 5 of Title 21 of the Official Code of Georgia Annotated,
2 relating to registration of lobbyists, lobbyist reporting, and regulation of lobbying activities,
3 so as to provide that lobbyist expenditures for the benefit of elected state officials and
4 members of the General Assembly shall not be subject to lobbyist reporting; to provide that
5 elected state officials and members of the General Assembly shall be required to report
6 lobbyist expenditures for their benefit; to provide for jurisdiction of the State Ethics
7 Commission and punishment for violations; to provide for related matters; to provide for an
8 effective date and applicability; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 SECTION 1.

11 Article 4 of Chapter 5 of Title 21 of the Official Code of Georgia Annotated, relating to
12 registration of lobbyists, lobbyist reporting, and regulation of lobbying activities, is amended
13 in Code Section 21-5-73, relating to lobbyist disclosure reports, by revising the introductory
14 portion of paragraph (1) of subsection (e), not including the subparagraphs of paragraph (1),
15 as follows:

16 "(1) A description of all expenditures, as defined in Code Section 21-5-70, or the value
17 thereof made on behalf or for the benefit of a public officer other than an elected state
18 official or a member of the General Assembly by the lobbyist or employees of the
19 lobbyist or by any person on whose behalf the lobbyist is registered if the lobbyist has
20 actual knowledge of such expenditure. Expenditures on behalf of elected state officials
21 and members of the General Assembly shall not be subject to reporting under this Code
22 section but shall be subject to reporting under Code Section 21-5-73.1. The description
23 of each reported expenditure shall include:"

24 SECTION 2.

25 Said article is further amended by adding a new Code Section 21-5-73.1 as follows:

26 "21-5-73.1.

27 (a) Each elected state official and each member and member-elect of the General
 28 Assembly shall file disclosure reports as provided for in this Code section.

29 (b) Each elected state official and member and member-elect of the General Assembly
 30 shall file a quarterly disclosure report, current through the end of the preceding calendar
 31 quarter, on or before the tenth day of each calendar quarter.

32 (c) Reports filed by elected state officials and members and members-elect of the General
 33 Assembly shall be verified and shall include a description of each expenditure, as defined
 34 in Code Section 21-5-70, made by a lobbyist, an employee of a lobbyist, or any other
 35 person on behalf of or for the benefit of the reporting member of the General Assembly.
 36 The description of each reported expenditure shall include:

37 (1) The name and address of the person making the expenditure;

38 (2) The name and address of the employer of the person making the expenditure or, if
 39 such person is not an employee, the name and address of any business or other
 40 organization with which such person is affiliated or has an ownership interest; and

41 (3) The date and description of the expenditure.

42 (d) The commission shall have jurisdiction to enforce the provisions of this Code section.
 43 For failure to report an expenditure as required by this Code section, the commission shall
 44 impose:

45 (1) For a first offense, a civil penalty equal to the amount of the unreported expenditure
 46 or expenditures;

47 (2) For a second offense, a civil penalty equal to twice the amount of the unreported
 48 expenditure or expenditures; and

49 (3) For a third or subsequent offense, a civil penalty equal to three times the amount of
 50 the unreported expenditure or expenditures.

51 Any penalty imposed under this subsection shall be paid from personal funds of the
 52 offender.

53 (e) In addition to the penalties provided in subsection (d) of this Code section, for
 54 members of the General Assembly the commission shall report a third or subsequent
 55 offense to the presiding officer of the General Assembly chamber to which the member
 56 belongs; and the member shall be subject to punishment by the body by expulsion, censure,
 57 or other penalty under Article III, Section IV, Paragraph VII of the Constitution."

58 **SECTION 3.**

59 This Act shall become effective on the convening date of the 2012 session of the General
 60 Assembly and shall apply with respect to expenditures made on or after that date.

61 Expenditures made prior to that date shall remain subject to reporting as formerly provided
62 by law.

63 **SECTION 4.**

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