

Senate Bill 160

By: Senators Balfour of the 9th, Hooks of the 14th, Staton of the 18th, Davis of the 22nd, Murphy of the 27th and others

AS PASSED

A BILL TO BE ENTITLED

AN ACT

1 To amend Chapter 5 of Title 21 of the Official Code of Georgia Annotated, the "Ethics in
2 Government Act," so as to authorize public utility corporations that are regulated by the
3 Public Service Commission to make political campaign contributions; to provide for
4 exceptions; to prohibit certain contributions to candidates for and members of the Public
5 Service Commission; to provide for lobbyist disclosure reports to include certain
6 expenditures made on behalf of or for the benefit of public employees; to provide for related
7 matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Chapter 5 of Title 21 of the Official Code of Georgia Annotated, the "Ethics in Government
11 Act," is amended by revising subsection (f) of Code Section 21-5-30, relating to
12 contributions made to candidate or campaign committee or for recall of a public officer, as
13 follows:

14 ~~"(f)(1) A person acting on behalf of~~ For purposes of this subsection, the term:

15 (A) 'Public utility corporation regulated by the Public Service Commission' includes,
16 but is not limited to, an electric membership corporation.

17 (B) 'Electric membership corporation' means a public utility corporation regulated by
18 the Public Service Commission operating as an electric membership corporation under
19 the provisions of Article 4 of Chapter 3 of Title 46.

20 (2) Except as limited by Code Section 21-5-30.1 or this subsection, a public utility
21 corporation regulated by the Public Service Commission shall ~~not make, directly or~~
22 ~~indirectly, any contribution~~ be allowed to make contributions to a political campaign
23 campaigns. ~~This subsection shall not apply to motor carriers whose rates are not~~
24 ~~regulated by the Public Service Commission.~~ Any person who knowingly violates this
25 subsection with respect to a member of the Public Service Commission, a candidate for
26 the Public Service Commission, or the campaign committee of a candidate for the Public
27 Service Commission shall be guilty of a felony and shall be punished by imprisonment

28 ~~for not less than one nor more than five years or by a fine not to exceed \$10,000.00, or~~
 29 ~~both; and any person who knowingly violates this subsection with respect to any other~~
 30 ~~public officer, a candidate for such other public office, or the campaign committee of a~~
 31 ~~candidate for such other public office shall be guilty of a misdemeanor.~~ Any contributions
 32 made by a public utility corporation regulated by the Public Service Commission to a
 33 political campaign shall not be included as recoverable costs in any rate-making or
 34 rate-setting proceedings before the Public Service Commission. Notwithstanding the
 35 provisions of this Code section or any other provision of law to the contrary, no electric
 36 membership corporation and no nonprofit corporation, group, or association, the
 37 membership of which consists of electric membership corporations, shall be authorized
 38 to make any contribution to a political campaign. Notwithstanding the foregoing, nothing
 39 in this Code section shall be construed to prohibit a nonprofit corporation, group, or
 40 association, the membership of which consists of electric membership corporations, from
 41 establishing, administering, and soliciting contributions for a political action committee
 42 from officers, directors, employees, agents, contractors, and members of such entities so
 43 long as such actions and contributions do not otherwise violate the provisions of this
 44 chapter."

45

SECTION 2.

46 Said chapter is further amended by revising Code Section 21-5-30.1, relating to contributions
 47 by regulated entities to elected executive officers or candidates, as follows:

48 "21-5-30.1.

49 (a) Except as otherwise provided in this subsection, the definitions set forth in Code
 50 Section 21-5-3 shall be applicable to the provisions of this Code section. As used in this
 51 Code section, the term:

52 (1) 'Campaign committee' means the candidate, person, or committee which accepts
 53 contributions to bring about the nomination for election or election of an individual to the
 54 office of an elected executive officer.

55 (2) 'Contribution' means a gift, subscription, membership, loan, forgiveness of debt,
 56 advance or deposit of money, or anything of value conveyed or transferred for the
 57 purpose of influencing the nomination for election or election of an individual to the
 58 office of an elected executive officer or encouraging the holder of such office to seek
 59 reelection. The term 'contribution' shall include the payment of a qualifying fee for and
 60 on behalf of a candidate for the office of an elected executive officer and any other
 61 payment or purchase made for and on behalf of the holder of the office of an elected
 62 executive officer or for or on behalf of a candidate for that office when such payment or
 63 purchase is made for the purpose of influencing the nomination for election or election

64 of the candidate and is made pursuant to the request or authority of the holder of such
65 office, the candidate, the campaign committee of the candidate, or any other agent of the
66 holder of such office or the candidate. The term 'contribution' shall not include the value
67 of personal services performed by persons who serve on a voluntary basis without
68 compensation from any source.

69 (3) 'Elected executive officer' means the Secretary of State, Attorney General, State
70 School Superintendent, Commissioner of Insurance, Commissioner of Agriculture, ~~and~~
71 Commissioner of Labor, and members of the Public Service Commission.

72 (4) 'Political action committee' means any committee, club, association, partnership,
73 corporation, labor union, or other group of persons which receives donations aggregating
74 in excess of \$1,000.00 during a calendar year from persons who are members or
75 supporters of the committee and which distributes these funds as contributions to one or
76 more campaign committees of candidates for public office. Such term does not mean a
77 campaign committee.

78 (5) 'Regulated entity' means any person who is required by law to be licensed by an
79 elected executive officer or a board under the jurisdiction of an elected executive officer,
80 any person who leases property owned by or for a state department, ~~or~~ any person who
81 engages in a business or profession which is regulated by an elected executive officer or
82 by a board under the jurisdiction of an elected executive officer, or any public utility
83 corporation regulated by the Public Service Commission. For purposes of this paragraph,
84 public utility corporation regulated by the Public Service Commission shall have the
85 same meaning as provided by subsection (f) of Code Section 21-5-30.

86 (b) No regulated entity and no person or political action committee acting on behalf of a
87 regulated entity shall make a contribution to or on behalf of a person holding office as an
88 elected executive officer regulating such entity or to or on behalf of a candidate for the
89 office of an elected executive officer regulating such entity or to or on behalf of a campaign
90 committee of any such candidate.

91 (c) No person holding office as an elected executive officer and no candidate for the office
92 of an elected executive officer and no campaign committee of a candidate for the office of
93 an elected executive officer shall accept a contribution in violation of subsection (b) of this
94 Code section.

95 (d) Nothing contained in this Code section shall be construed to prevent any person who
96 may be employed by a regulated entity, including a person in whose name a license or lease
97 is held, or who is an officer of a regulated entity from voluntarily making a campaign
98 contribution from that person's personal funds to or on behalf of a person holding office as
99 an elected executive officer regulating such entity or to or on behalf of a candidate for the

100 office of an elected executive officer regulating such entity or to or on behalf of a campaign
 101 committee of any such candidate; provided, however, that:

- 102 (1) The elected executive officer or candidate receiving one or more campaign
 103 contributions described in this subsection shall in his or her disclosure report under Code
 104 Section 21-5-34 separately identify each contribution and the total of contributions which
 105 he or she knows or should have reason to know are described in this subsection; and
 106 (2) It shall be unlawful for any regulated entity or elected executive officer to require
 107 another by coercive action to make any such contribution."

108 **SECTION 3.**

109 Said chapter is further amended in Code Section 21-5-70, relating to definitions applicable
 110 to regulation of lobbying, by revising the introductory language and subparagraphs (A) and
 111 (B) of paragraph (1) as follows:

112 "(1) 'Expenditure':

113 (A) Means a purchase, payment, distribution, loan, advance, deposit, or conveyance
 114 of money or anything of value made for the purpose of influencing the actions of any
 115 public officer ~~or~~, specifically including any such transaction which is made on behalf
 116 of or for the benefit of a public employee for the purpose of influencing a public
 117 officer;

118 (B) Includes any other form of payment when such can be reasonably construed as
 119 designed to encourage or influence a public officer;"

120 **SECTION 4.**

121 Said chapter is further amended in Code Section 21-5-73, relating to lobbyist expenditure
 122 disclosure reports, by revising the introductory language and paragraph (1) of subsection (e)
 123 as follows:

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

125 (1) A description of all expenditures, as defined in Code Section 21-5-70, or the value
 126 thereof made on behalf of or for the benefit of a public officer or on behalf of or for the
 127 benefit of a public employee for the purpose of influencing a public officer by the
 128 lobbyist or employees of the lobbyist or by any person on whose behalf the lobbyist is
 129 registered if the lobbyist has actual knowledge of such expenditure. The description of
 130 each reported expenditure shall include:

131 (A) The name and title of the public officer or public employee or, if the expenditure
 132 is simultaneously incurred for an identifiable group of public officers or public
 133 employees the individual identification of whom would be impractical, a general
 134 description of that identifiable group;

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

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

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

147 (E) If applicable, the rule or regulation number or description of the rule or regulation
 148 pending before the state agency in support of or opposition to which the expenditure
 149 was made;"

150 **SECTION 5.**

151 This Act shall become effective upon its approval by the Governor or upon its becoming law
 152 without such approval.

153 **SECTION 6.**

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