

House Bill 1140

By: Representatives Parent of the 81<sup>st</sup>, Abrams of the 84<sup>th</sup>, Oliver of the 83<sup>rd</sup>, Ashe of the 56<sup>th</sup>, Gardner of the 57<sup>th</sup>, and others

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 change the definition of a lobbyist; to provide for related matters; to  
3 repeal conflicting laws; and for other purposes.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

5 style="text-align:center">**SECTION 1.**

6 Chapter 5 of Title 21 of the Official Code of Georgia Annotated, relating to ethics in  
7 government, is amended by revising paragraph (5) of Code Section 21-5-70, relating to  
8 definitions relative to public officials' conduct and lobbyist disclosure, as follows:

9 "(5) 'Lobbyist' means, subject to the qualifications at the end of this paragraph:

10 (A) Any natural person who, either individually or as an employee of another person,  
11 is compensated specifically for undertaking to promote or oppose the passage of any  
12 legislation by the General Assembly, or any committee thereof, or the approval or veto  
13 of legislation by the Governor;

14 (B) Any natural person who makes a total expenditure of more than \$1,000.00 in a  
15 calendar year, not including the person's own travel, food, lodging expenses, or  
16 informational material, to promote or oppose the passage of any legislation by the  
17 General Assembly, or any committee thereof, or the approval or veto of legislation by  
18 the Governor;

19 (C) Any natural person who as an employee of the executive branch or judicial branch  
20 of state government engages in any activity covered under subparagraph (A) of this  
21 paragraph;

22 (D) Any natural person who, either individually or as an employee of another person,  
23 is compensated specifically for undertaking to promote or oppose the passage of any  
24 ordinance or resolution by a public officer specified under subparagraph (F) or (G) of  
25 paragraph (22) of Code Section 21-5-3, or any committee of such public officers, or the  
26 approval or veto of any such ordinance or resolution;

27 (E) Any natural person who makes a total expenditure of more than \$1,000.00 in a  
 28 calendar year, not including the person's own travel, food, lodging expenses, or  
 29 informational material, to promote or oppose the passage of any ordinance or resolution  
 30 by a public officer specified under subparagraph (F) or (G) of paragraph (22) of Code  
 31 Section 21-5-3, or any committee of such public officers, or the approval or veto of any  
 32 such ordinance or resolution;

33 (F) Any natural person who as an employee of the executive branch or judicial branch  
 34 of local government engages in any activity covered under subparagraph (D) of this  
 35 paragraph;

36 (G) Any natural person who, for compensation, either individually or as an employee  
 37 of another person, is hired specifically to undertake influencing a public officer or state  
 38 agency in the selection of a vendor to supply any goods or services to any state agency  
 39 but does not include any employee or independent contractor of the vendor solely on  
 40 the basis that such employee or independent contractor participates in soliciting a bid  
 41 or in preparing a written bid, written proposal, or other document relating to a potential  
 42 sale to a state agency and shall not include a bona fide salesperson who sells to or  
 43 contracts with a state agency for goods or services and who does not otherwise engage  
 44 in activities described in subparagraphs (A) through (F) or (H) through (J) of this  
 45 paragraph;

46 (H) Any natural person who, either individually or as an employee of another person,  
 47 is compensated specifically for undertaking to promote or oppose the passage of any  
 48 rule or regulation of any state agency;

49 (I) Any natural person who, either individually or as an employee of another person,  
 50 is compensated specifically for undertaking to promote or oppose any matter before the  
 51 State Transportation Board; or

52 (J) Any natural person who makes a total expenditure of more than \$1,000.00 in a  
 53 calendar year, not including the person's own travel, food, lodging expenses, or  
 54 informational material, to promote or oppose any matter before the State Transportation  
 55 Board.

56 The provisions of subparagraphs (A), (C), (D), (F), (G), (H), and (I) of this paragraph  
 57 shall apply only where the person in question spends more than ~~10~~ 5 percent of his or her  
 58 working hours engaged in the activities described in one or more of those subparagraphs,  
 59 earns more than \$1,000.00 per month from lobbying activities, and has made more than  
 60 one lobbying contact in the immediately preceding 12 month period. In the case of a  
 61 person who is employed by a single employer, the ~~10~~ 5 percent test shall be applied to all  
 62 time worked for that employer. In the case of a person who is employed by more than  
 63 one employer or retained by more than one client, the ~~10~~ 5 percent test shall be applied

64 separately with respect to time spent working for each employer and each client. A  
 65 person who spends less than ~~10~~ 5 percent of his or her time working for an employer or  
 66 client engaged in such activities shall not be required to register as or be subject to  
 67 regulation as a lobbyist for that employer or client. In applying the ~~10~~ 5 percent test, time  
 68 spent in planning, researching, or preparing for activities described in subparagraphs (A),  
 69 (C), (D), (F), (G), (H), and (I) of this paragraph shall be counted as time engaged in such  
 70 activities. When registration is required, the time of registration shall be as provided in  
 71 Code Section 21-5-71."

72 **SECTION 2.**

73 Said chapter is further amended by revising paragraph (3) of subsection (a) of Code  
 74 Section 21-5-71, relating to registration required of lobbyists, application for registration,  
 75 supplemental registration, expiration, docket, fees, identification cards, public rosters, and  
 76 exemptions, as follows:

77 "(3) When paragraph (2) does not apply there shall be a lookback period of each calendar  
 78 month for determining whether the ~~10~~ 5 percent test of paragraph (5) of Code  
 79 Section 21-5-70 has been met. If at the end of any month the ~~10~~ 5 percent test has been  
 80 met during that month and the person earns more than \$1,000.00 per month from  
 81 lobbying activities and has had more than one lobbying contact in the immediately  
 82 preceding 12 month period, the person shall register as a lobbyist within five days after  
 83 the last day of that month and shall in his or her initial disclosure report include all prior  
 84 lobbying expenditures in that calendar year."

85 **SECTION 3.**

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