

House Bill 1140

By: Representatives Parent of the 81st, Abrams of the 84th, Oliver of the 83rd, Ashe of the 56th, Gardner of the 57th, 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 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.