

2011 -- S 0735

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LC01493
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2011

A N A C T

RELATING TO GENERAL ASSEMBLY - LOBBYING

Introduced By: Senators Pichardo, and Goodwin

Date Introduced: March 23, 2011

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 22-10-6, 22-10-8 and 22-10-10 of the General Laws in Chapter 22-
2 10 entitled "Lobbying" are hereby amended to read as follows:

3 **22-10-6. Entry of names of lobbyists on register required.** -- (a) Every person,
4 corporation, or association that engages any person to act as a lobbyist as defined in section 22-
5 10-2 shall, after the commencement of the annual legislative session and within seven (7) days
6 after the date of the employment, cause the name of the person, corporation, or association and
7 the name of the person so engaged, or agreed to be engaged, to be entered in the register as
8 provided in section 22-10-5 in the office of the secretary of state. It shall also be the duty of the
9 person so engaged as a lobbyist to enter or cause to be entered his or her name in the register
10 within seven (7) days after his or her date of employment. Upon the termination of the
11 engagement, that fact shall be entered opposite the name of any person so engaged by the
12 employer or employee.

13 (b) No person, corporation or association shall be allowed to cause the name of the
14 person, corporation or association and the name of the person so engaged to be entered into the
15 register of the office of the secretary of state unless full compliance, if any required, of the
16 provisions of this chapter have been met for the prior calendar year.

17 **22-10-8. Identification badge.** -- (a) There shall be issued by the secretary of state to
18 every person who shall qualify as a legislative lobbyist, as provided in this chapter, and who shall
19 have complied with the provisions of this chapter for the prior calendar year, if applicable, an

1 identification badge evidencing qualification in the form as shall be prescribed by the secretary of
2 state. Every lobbyist shall conspicuously display this identification badge on his or her clothing
3 while in the state house at all times of the day during any legislative session, special legislative
4 session, and at all times of the day during any committee meeting or joint committee meeting of
5 the general assembly. The color of the identification badge shall be changed each legislative year.
6 The badge shall include, but not be limited to, the word "Lobbyist" in bold print as well as the
7 name of the lobbyist, the year, the registration number of the lobbyist, and the name of the
8 employer.

9 (b) An annual fee equal to the actual cost of preparing the badge, but not exceeding five
10 dollars (\$5.00), shall be paid by the lobbyist. The fee shall be paid to the secretary of state at the
11 time of registration for deposit in the state's general treasury.

12 **22-10-10. Duties and powers of the secretary of state.** -- The secretary of state shall
13 have authority to perform any duties that are necessary to implement the provisions of this
14 chapter. Without limiting the generality of the foregoing, the secretary of state is authorized and
15 empowered to:

16 (1) Develop forms for the making of the required financial reports.

17 (2) Develop one register for legislative lobbyists and one register for limited activity
18 lobbyists.

19 (3) Adopt rules and regulations to carry out the purposes of this chapter.

20 (4) Prepare and make available for public inspection through the office of the secretary
21 of state summaries of all reports.

22 (5) Prepare and publish a manual for all persons, corporations, or associations which
23 engage any person as a lobbyist and for all lobbyists which sets forth the requirements of this
24 chapter and conduct an annual education program for lobbyists to review the requirements of this
25 chapter and chapter 139 of title 42 regarding lobbying activities and construction on codes of
26 ethics and conflicts of interest.

27 (6) Ascertain whether any person, corporation, association, or lobbyist has failed to
28 register or file reports or has filed an incomplete or inaccurate report; and the secretary may, for
29 good cause shown, extend the dates upon which reports are required to be filed.

30 (7) Conduct investigations and/or hearings relative to alleged violations of this chapter
31 either on his or her own initiative or upon receipt of a verified written complaint, which
32 complaint shall, upon pain and penalty of perjury, be based upon actual knowledge and not
33 merely on information and belief. Upon completion of the investigation, if the secretary of state
34 has reason to believe that a violation has occurred, the secretary may convene a hearing for the

1 purpose of taking evidence and receiving testimony regarding the alleged violation. At this
2 hearing, the person alleged to have committed the violation shall be afforded the opportunity to
3 present evidence and offer testimony in his or her defense. Upon completion of the hearing, if the
4 secretary of state determines by a preponderance of the evidence that a violation has occurred, the
5 secretary shall order the lobbyist or person engaging a lobbyist to file any report or amended
6 report that is necessary to immediately correct the violation. If the secretary determines by clear
7 and convincing evidence that the violation was intentional and that the violator failed to comply
8 when given notice of the deficiency, then he or she may impose an administrative penalty as
9 provided in section 22-10-11(a). Any determination and/or administrative penalty imposed by the
10 secretary of state may be appealed by the aggrieved party to superior court pursuant to the
11 provisions of chapter 35 of title 42. If the secretary of state determines that the nature of the
12 violation was of such seriousness and willfulness as to warrant a criminal complaint, he or she
13 may refer the violation to the attorney general for prosecution as provided for in section 22-10-
14 11(b).

15 (8) Administer oaths.

16 (9) Prepare and publish annually by March first (1st), a report on lobbying in Rhode
17 Island to be submitted to the governor, the speaker of the house, the house majority leader, the
18 house minority leader, the senate president, the senate majority leader, the senate minority leader,
19 and members of the ethics commission. The annual report shall include information on lobbying
20 activities as provided in sections 22-10-4, 22-10-5, 22-10-9, 42-139-3, 42-139-4, 42-139-5, and
21 42-139-6. The report shall be made available electronically on the secretary of state's website.

22 (10) Deny any person, corporation, or association which engages any person as a lobbyist
23 and/or any lobbyist the ability to register with its office pursuant to section 12 of this chapter until
24 such time as full compliance with this chapter, for the prior calendar year, if applicable, has been
25 met.

26 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO GENERAL ASSEMBLY - LOBBYING

1 This act would strengthen the secretary of state's authority to regulate legislative
2 lobbyists.

3 This act would take effect upon passage.

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