

2014 -- H 7453

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

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A N A C T

RELATING TO GENERAL ASSEMBLY - LOBBYING

Introduced By: Representative Michael J. Marcello

Date Introduced: February 12, 2014

Referred To: House Judiciary

(Secretary of State)

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 22-10-10 of the General Laws in Chapter 22-10 entitled
2 "Lobbying" is hereby amended to read as follows:

3 **22-10-10. Duties and powers of the secretary of state.** -- The secretary of state shall
4 have authority to perform any duties that are necessary to implement the provisions of this
5 chapter. Without limiting the generality of the foregoing, the secretary of state is authorized and
6 empowered to:

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

8 (2) Develop one register for legislative lobbyists and one register for limited-activity
9 lobbyists.

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

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

13 (5) Prepare and publish a manual for all persons, corporations, or associations ~~which~~ that
14 engage any person as a lobbyist and for all lobbyists ~~which~~ that sets forth the requirements of this
15 chapter and conduct an annual education program for lobbyists to review the requirements of this
16 chapter and chapter 139 of title 42 regarding lobbying activities and provide construction
17 instruction on codes of ethics and conflicts of interest.

18 (6) Ascertain whether any person, corporation, association, or lobbyist has failed to
19 register or file reports or has filed an incomplete or inaccurate report; and the secretary may, for

1 good cause shown, extend the dates upon which reports are required to be filed.

2 (7) Conduct investigations and/or hearings relative to alleged violations of this chapter
3 either on his or her own initiative or upon receipt of a verified written complaint, which
4 complaint shall, upon pain and penalty of perjury, be based upon actual knowledge and not
5 merely on information and belief. Upon completion of the investigation, if the secretary of state
6 has reason to believe that a violation has occurred, the secretary may convene a hearing for the
7 purpose of taking evidence and receiving testimony regarding the alleged violation. At this
8 hearing, the person alleged to have committed the violation shall be afforded the opportunity to
9 present evidence and offer testimony in his or her defense. Upon completion of the hearing, if the
10 secretary of state determines by a preponderance of the evidence that a violation has occurred, the
11 secretary shall order the lobbyist or person engaging a lobbyist to file any report or amended
12 report that is necessary to immediately correct the violation. If the secretary determines by clear
13 and convincing evidence that the violation was intentional and that the violator failed to comply
14 when given notice of the deficiency, then he or she may impose an administrative penalty as
15 provided in ~~section~~ §22-10-11(a). Any determination and/or administrative penalty imposed by
16 the secretary of state may be appealed by the aggrieved party to superior court pursuant to the
17 provisions of chapter 35 of title 42. If the secretary of state determines that the nature of the
18 violation was of such seriousness and willfulness as to warrant a criminal complaint, he or she
19 may refer the violation to the attorney general for prosecution as provided for in ~~section~~ §22-10-
20 11(b).

21 (8) Administer oaths.

22 (9) Prepare and publish annually by March first (1st), a report on lobbying in Rhode
23 Island to be submitted to the governor, the speaker of the house, the house majority leader, the
24 house minority leader, the senate president, the senate majority leader, the senate minority leader,
25 and members of the ethics commission. The annual report shall include information on lobbying
26 activities as provided in ~~sections~~ §§22-10-4, 22-10-5, 22-10-9, 42-139-3, 42-139-4, 42-139-5, and
27 42-139-6. The report shall be made available electronically on the secretary of state's website.

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

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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1 This act would correct a minor typing error by deleting the word "construction", and
2 inserting in place thereof the word "instruction" in relating to the codes of ethics and conflicts of
3 interest laws of the state.

4 This act would take effect upon passage.

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