SPONSOR: Sen. DeLuca & Rep. Gilligan
Sens. Blevins, Bushweller, Cloutier, Ennis, Hall-Long, Henry, Sokola & Sorenson;
Reps. Bennett, Blakey, Hudson, Keeley, Lavelle, Lee, Longhurst, Miro, Mitchell, Ramone, Schwartzkopf, B. Short, D. Short, Viola, Wilson & Kowalko

DELAWARE STATE SENATE
146th GENERAL ASSEMBLY

SENATE BILL NO. 185

AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE REGISTRATION OF LOBBYISTS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 58, Title 29 of the Delaware Code by re-designating sections 5836 and 5837 as 5837 and 5838, respectively, and by making insertions as shown by underlining as follows:

§ 5836. Activity reports by lobbyists.

(a) Notwithstanding any other provision of this chapter, no lobbyist may promote, advocate, influence or oppose any bill or resolution pending before the General Assembly by direct communication with a member of the General Assembly, the Lieutenant Governor, or the Governor, or any proposed regulation pending before a state agency by direct communication with an employee or official of that state agency, unless the lobbyist reports to the Commission the identity by number of each bill, resolution or regulation in connection with which the lobbyist has made or intends to make such direct communication, and the name of the employer on whose behalf such direct communication occurred. Reports relating to any subject contained within any budget appropriation bill or bond and capital improvement bill shall also include identification of the specific subject of the direct communication, such subjects to be designated by agreement of the Controller General and Director of the Office of Management and Budget. Other than as specified in this section, a lobbyist shall not be required to disclose a position or otherwise provide substantive comment on the bill, resolution, or regulation for which a report is filed.

(b) A lobbyist shall make any report to the Commission required by this section relating to a bill or resolution no later than the end of the 5th business day after the date on which the first direct communication takes place, or by June 29th of each year, whichever is earlier. A lobbyist shall make any report to the Commission required by this section relating to a regulation no later than the end of the 5th business day after the date on which the first direct communication takes place. Reports shall be filed electronically in such manner as the Commission may prescribe.

(c) Direct communications by a lobbyist with a member of the General Assembly, the Lieutenant Governor, the Governor, or an employee or official of the state agency that specifically relate to a proposed bill, resolution, or regulation, that occur prior to introduction of such bill or resolution, or initial public notice of such regulation, shall be disclosed no later than the end of the 5th business day after the introduction of the bill or resolution, or initial public notice of such regulation, that was the subject of the direct communication.

(d) The reports made pursuant to this section shall be posted on the internet by the Commission, in consultation with Legislative Council, in a manner determined by the Government Information Center to allow the public to review such information organized by bill, resolution, regulation, lobbyist, employer, and subject of the budget appropriation bill or bond and capital improvement bill. The chairperson of the Commission shall have the authority to suspend the reports required by this section if electronic filing of those reports is unavailable, in which case the reports required by this section shall be filed no later than the end of the 5th business day after which electronic filing has resumed, or June 29th of each year, whichever is earlier. Reports made pursuant to this section shall be distributed electronically in a format determined by the Commission to each member of the General Assembly no less frequently than once a week when the General Assembly is in session.

Section 2. Amend § 5832(a), Title 29 of the Delaware Code by making insertions as shown by underlining and deletions as shown by strike through as follows:

(a) Every lobbyist shall register electronically with the Commission in a lobbyist docket and file, at that time, the authorization from the lobbyist's employer as required by § 5833 of this title. A person who qualifies as a lobbyist in accordance with § 5831(a)(5)a. or b. of this title shall register prior to performing any acts as a lobbyist. A person who qualifies as a lobbyist in accordance with § 5831(a)(5)c. of this title must register within 5 days after so qualifying, if not already registered as a lobbyist.

Section 3. Amend § 5832(c), Title 29 of the Delaware Code by making insertions as shown by underlining and deletions as shown by strike through as follows:

(c) Upon any change in the information recorded in the lobbyist docket, the lobbyist shall within ~~10~~ 5 business days report such changes to the Commission, which shall record the change in the docket.

Section 4. Amend § 5835, Title 29 of the Delaware Code by making insertions as shown by underlining and deletions as shown by strike through as follows:

§ 5835. Financial ~~Reports~~ reports by lobbyists.

(a) On or before the 20th day of the month following each calendar quarter, each lobbyist shall file electronically a ~~written~~ report covering the immediately preceding calendar quarter and containing the information required by this section ~~subchapter~~.

(b) A lobbyist shall file separate reports for each employer which the lobbyist represents. Each report shall contain the total expenditures during the reporting period for all direct expenditures, costs or values, whichever is greater, provided for members of the General Assembly or for employees or members of any state agency for the following:

(1) Food and refreshment;

(2) Entertainment, including the cost of maintaining a hospitality room;

(3) Lodging expenses away from home;

(4) Fair value of travel if the trip exceeds 100 miles;

(5) Recreation expenses; and

(6) Gifts or contributions, excluding political contributions as defined in Chapter 80 of Title 15 provided to members of the General Assembly.

(c) The information shall be reported electronically ~~on a form which shall be available from the Commission~~ and shall show the total expenditures for the reporting period and shall also list the recipient any time the expenditures exceed $50 per diem. The lobbyist shall also affirm that the lobbyist has provided the recipient of any gift in excess of $50 with a representation as to the value of the gift. The records shall be retained for a period of 4 years from the date of filing.

Section 5. Amend § 5837(a), Title 29 of the Delaware Code, as re-designated by Section 1 above, by making insertions as shown by underlining and deletions as shown by strike through as follows:

§ 5837. When registration, report or authorization is considered as filed; access to records.

(a) Any registration, report or authorization form shall be considered filed as of the date it is ~~physically~~ filed electronically with the Commission or, if electronic filing required by this subchapter is unavailable at the time filing is required, on the date it is mailed if sent by registered or certified mail.

(b) The lobbyist docket maintained by the Commission and any reports, authorizations or other documents filed with the Commission pursuant to this subchapter shall be made available at reasonable hours for public inspection and copying pursuant to Chapter 100 of this title.

Section 6. This Act shall become effective January 1, 2013.

SYNOPSIS

The Act generally requires lobbyists to disclose the bill, resolution, or regulation on which they are lobbying by making an electronic filing with the Public Integrity Commission within five business days of contact with a relevant public official. For budget appropriations bills and bond and capital improvements bills, the Act requires identification of

the subject in the bill being lobbied.

The Act further requires that the Public Integrity Commission, in coordination with Legislative Council and with the assistance of the Government Information Center, make such reports available on the internet in a manner in which they can be easily reviewed by bill, resolution, regulation, lobbyist or employer, and that regular updates be distributed to members of the General Assembly.

Finally, the Act requires lobbyists to file registration forms registration and financial disclosure forms electronically. It also shortens the time frame for reporting updated lobbyist information to five business days, which will be consistent with the reporting period under the Act and reflects the ease of filing the updates electronically.

Author: Sen. DeLuca