

Draft for discussion purposes – July 14, 2016

Lobbying Reform Act – Regulations Committee Meeting Minutes of July 13, 2016

The members of the Lobbying Reform Act – Regulations Committee met on July 13, 2016 at 11:00 a.m. in Room 38 of the Rhode Island State House.

Committee members present:

Melissa Long, Director of Administration, Deputy Secretary of State, RI Department of State  
Elizabeth Suever, Roberts, Carroll, Feldstein & Peirce  
John Marion, Common Cause Rhode Island  
Will Farrell, William A Farrell & Associates

Committee members absent:

Wallace Gernt, The Bradford Group  
Greg Mancini

Staff present:

Stacy DiCola, Director of Public Information, RI Department of State  
Jason Martiesian, Director of Legislative Affairs, RI Department of State

Guests:

Kas DeCarvalho, Counsel to the Secretary  
Hilary Davis, ACLU

I. Welcome

Melissa Long began the meeting at 11:10 a.m. She welcomed the members and on behalf of Secretary Gorbea thanked them for participating in the committee.

II. Purpose of the Committee

Melissa Long provided a summary of the process undertaken by the Department of State to draft the lobbying reform act and after two legislative sessions have it be enacted into law. The Secretary believes the Act is an improvement over the current lobbying laws. The regulations will provide further clarification of the law, where necessary, for those engaging in lobbying activity on a state level.

III. Overview of the Lobby Reform Act of 2016

Stacy DiCola provided an overview of the key provisions of the new statute.

IV. Review draft regulations

The committee discussed several issues addressed in the draft regulations. Among the issues discussed are as follows:

- What is the definition of public bodies?
  - It was expressed that the intent of the regulations is to find the appropriate balance between providing transparency while not capturing too many organizations and persons that should not be registered as lobbyists. There was discussion of limiting the term “public bodies” to those boards/commissions that expend public funds. Concerns were raised that this maybe too limiting.
  - Discussion focused on the Open Meetings Act and including only those state entities that have to file meeting minutes.
- What additional information should be included in the registration?

- A recommendation was made that the lobbyist's address for registration purposes be clarified that this is a contact address and not a home address.
- It was recommended that we include contact information (email, phone, social media)
- Website option
- There was discussion of the Sunlight Foundation suggestion that there be a requirement to identify any revolving door provisions for a registered lobbyist.
- What expenditures should be included? It was agreed that it is better to have more guidance with regard to what expenses need to be reported. The draft regulations include some examples of routine expenses that do not need to be reported and it was agreed that this is helpful.
- How should the \$250 money and/or anything of value requirement be reported? There was agreement that the reporting should take place in the reporting period when the threshold is met.
- What should be the registration fees? Melissa Long and Stacy DiCola mentioned that the department is looking to get new badge equipment to provide for a stronger identification badge. There was discussion of a \$10 registration fee that would include a lobbying badge. A replacement badge would cost \$10.
- What should be the structure of the fines/penalties?
  - There was a suggestion to review other agency fine schedules, for instance the Board of Elections and Ethics Commission.
  - There was discussion regarding the importance of having a clear, documented process for the first-time offender waiver of penalties. In addition, it was discussed the need to clarify how long the first-time offender waiver would apply.
  - There were some concerns about the imposition of penalties for late reports and the amount of the penalties.

There was discussion regarding the reporting of lobbyist compensation and the importance of this information being collected and reported accurately. In addition, there was discussion regarding how to accurately allocate a retainer if some work is being done on a municipal level and other lobbying activity on a state level.

#### V. Public Comment

The ACLU provided the following concerns:

- As part of the investigations sections, the complaint should include any response provided by the alleged violator;
- It appears that the confidentiality provision is very broad.
- With regard to penalties there should be an explanation of why the penalties are being instituted.

#### VI. Adjourn

The meeting adjourned at 12:45 p.m.

#### Hand-out:

The 2016 Lobby Reform Act *"What you need to know about Rhode Island's new lobbying law"*