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NEWSLETTER

# News in the States

March 2003

**Pennsylvania**

On December 9, 2002, Pennsylvania enacted a new law prohibiting "lobbying for compensation contingent in whole or in part upon the passage, defeat, approval or veto of legislation." Pa. Act 2002-172 (Dec. 9, 2002) (to be codified at 18 Pa. Cons. Stat. Ann. § 7515). Lobbying for this prohibition is defined as "an effort to influence State legislative action for economic consideration."

In addition, on January 7, 2003, the Pennsylvania State Senate enacted a rule that provides for the registration and reporting of lobbyists before the State Senate. The rule states that it governs lobbying for the 187th and 188th Regular Session of the Senate or until amended, repealed, or otherwise altered, changed or superceded.

Under this new rule, a person who lobbies the State Senate must register with the Secretary-Parliamentarian of the Senate within 10 days of acting in any capacity as a lobbyist before the Senate. Lobbyists also must file quarterly reports with the Secretary-Parliamentarian of the Senate no later than 30 days following the end of a calendar quarter. The requisite forms are available by contacting the Secretary of the Senate at (717) 787-5920. Finally, lobbyists must provide written notice to each member or employee of the Senate referenced in the report within seven days of filing the report.

**Tennessee**

Tennessee Governor Phil Bredesen issued Executive Order No. 3 on February 2, 2003, regulating gifts that may be accepted by the governor, members of the governor's staff, members of the governor's cabinet and all executive service employees. Under this executive order, such officers and employees are prohibited from soliciting or accepting, directly or indirectly, any gift or thing of value from any

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person that:

- Has, or is seeking to obtain, contractual or other business or financial relations with the department or agency of the state of Tennessee in which the individual is employed
- Conducts operations or activities that are regulated by the department or agency of the State of Tennessee in which the employee is employed
- Has interests that may be substantially affected by
  the performance or nonperformance of the employee's official duties

Food, refreshments, foodstuffs, entertainment and beverages provided as part of a meal or other event are not covered by this prohibition if the value of such items does not exceed $50 on any one occasion. (Prohibited sources may not divide the cost of such items in order to come within this monetary threshold.)

The Executive Order also excepts from the prohibition gifts (such as a lunch or dinner) "where refusal or reimbursement...may be awkward and contrary to the larger interests of the State" if the gift is disclosed within 14 days to the Commissioner of Finance and Administration. Other exceptions are as follows:

- Informational materials
- Sample merchandise, promotional items and appreciation tokens, if they are routinely given to customers, suppliers or potential customers or suppliers in the ordinary course of business
- Unsolicited tokens or awards of appreciation, honorary degrees or *bona fide* awards in recognition of public service in the form of a plaque, trophy, desk item, wall memento and similar items, provided that they cannot be readily converted to cash
- Food, refreshments, meals, foodstuffs, entertainment, beverages or intrastate travel expenses that are provided in connection with an event where the employee is a speaker or part of panel discussion at a scheduled meeting of an established or recognized membership organization which has regular meetings

**Georgia**
Georgia Governor Sonny Perdue, issued an Executive Order, dated January 13, 2003, stating that "no employee, nor any person on his or her behalf, shall accept, directly or indirectly, any gift from any person with whom the employee interacts on official state business, including, without limitation, lobbyists and state vendors." The one exception to this rule is for acceptance of a gift on behalf of an agency.

Furthermore, the Executive Order stated that "no employee may accept any honoraria." However, "an employee on whose behalf actual and reasonable expenses for food, beverages, travel, lodging, and registration are paid to permit the employee's participation in a meeting related to official or professional duties of the employee shall file a report no later than 30 days after such expenses are paid." Notwithstanding this exception, the governor states that "the preferred practice is for agencies and not third parties to pay such expenses."

Finally, the Executive Order defines "gift" to mean "anything of value exceeding $25, including, but not limited to, food, lodging, transportation, personal services, gratuities, subscriptions, memberships, trips, loans, extensions of credit, forgiveness of debts, or advances or deposits of money."