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CH. 8 LOBBYISTS

CHAPTER 8
LOBBYISTS

§ 8101. Lobbying.

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(a) Definitions.

(1) *Lobbyist* means any person who engages for pay in any amount, *or* engages for any in-kind consideration, which may include expenses, for the purpose of attempting to influence the passage, defeat, or content of any legislation by *I Liheslaturan Guðhan*.

(2) *Lobbying* means any activity by a lobbyist which is reasonably designed to influence the passage, defeat, or content of any legislation, including:

(A) meeting with legislators *or* employees of legislators;

(B) providing information and draft legislation to legislators *or* employees of legislators;

(C) publishing any articles *or* editorials in favor of the passage *or* defeat of any legislation;

(D) organizing groups of members of the public to engage in activities described in this Subsection (2);

(E) paying for any amenities *or* expenses of legislators or staff; *or*

(F) procuring goods and services from vendors in exchange for the passage, defeat or content of any legislation.

(3) *Lobbyist* and *lobbying* does *not* apply to:

(A) a member of the public appearing before a committee of *I Liheslatura* in support of *or* opposition to legislation;

(B) a member of the public who contacts their elected officials;

(C) government officials or designee acting in their official capacity;

(D) government employees providing information on

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legislation *or* responding to requests for information;

(E) reporters, employees *or* owners of publications engaged in regularly reporting on news items, editorials *or* other commentaries concerning legislation; provided, that the reporter, employee, *or* owner does *not* engage in further *or* other activities in connection with the passage or defeat of legislation other than appearing before a committee and submitting testimony;

(F) paid advertisements which contain a disclosure of the entity paying for the advertisement and entity interested in the issue lobbied;

(G) campaign contributions within the limits allowed by law, made to a senator *or* senator's campaign committee; and

(H) volunteers.

(b) Registration.

Any person engaged as a lobbyist, before engaging in activities that constitute lobbying, *shall* register with the Legislative Secretary by providing the following information:

- (1) name;
- (2) business address;
- (3) name and address of person by whom they are employed;
- (4) interest in which the person appears;
- (5) duration of employment;
- (6) amount of pay or in-kind compensation including expenses and
- (7) names of any papers, periodicals, magazines or other publications wherein lobbyist caused to be published articles or editorials in favor or opposition of pending legislation.

The information provided to the Legislative Secretary *shall* be updated quarterly on or before the tenth (10th) day of the first month of each quarter. All information provided by a lobbyist to the Legislative Secretary *shall* be either sworn to under oath or submitted as an unsworn declaration under penalty of perjury under the provisions of

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§4308 of Title 6 of the Guam Code Annotated, the Evidence Code of Guam. All information submitted to the Legislative Secretary *shall* be placed on *I Liheslaturan Guåhan's* website and *shall* be made available for public review.

(c) Commissions Prohibited.

No person engaged as a lobbyist shall receive pay or in-kind compensation as a commission for lobbying based upon a favorable outcome of a lobbying effort.

(d) False Statements Prohibited.

No person engaged as a lobbyist shall circulate false statements concerning the issue or legislation being lobbied for or against, either to officials, employees of officials, or to the public.

(e) Public Funds Prohibited.

No public funds of any government entity can be expended to engage in lobbying.

(f) Former Legislators as Lobbyists.

No person who is a former legislator shall engage as a lobbyist for two (2) years after the end of the last term held by the former legislator as a legislator.

(g) Penalty.

(1) Any person who violates the provisions of this Section by failing to register, update their registry, accepts a commission for lobbying, issues false statements in lobbying, uses public funds for lobbying, or as a former legislator lobbies within the prohibited time period for former legislators, *shall*, upon conviction, be guilty of a misdemeanor, and be prohibited from engaging as a lobbyist for a period of three (3) years from the date of conviction.

(2) Fine. Fines imposed *shall* be equal to five (5) times the fee *or* value of any in-kind compensation received by the lobbyist. Financial records *shall* be provided by the lobbyist to determine the fine to appropriate government enforcement official.

SOURCE: GC § 1725 as added by P.L. 13-45; Subsections (c) and (d) amended by P.L. 13-187. Repealed and reenacted by P.L. 30-189:1 (Aug. 28, 2010).

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