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## TITLE 33. MUNICIPALITIES AND PARISHES

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# **TITLE 33. MUNICIPALITIES AND PARISHES**

## **CHAPTER 46. LOBBYING LOCAL GOVERNMENT**

### **§9661. Purpose**

The legislature declares that the operation of open and responsible government requires that the fullest opportunity be afforded to the people to petition their government for the redress of grievances and to express freely their opinions on actions of local government. To preserve and maintain the integrity of local government action, the legislature also declares it is necessary that the identity of persons who attempt to influence actions of local government and certain expenditures by those persons be publicly disclosed.

*Acts 2010, No. 788, §2, eff. Jan. 1, 2011.*

### **§9662. Definitions**

When used in this Chapter:

(1) "Ethics board" means the ethics body which has jurisdiction over elected officials under Chapter 15 of Title 42 of the Louisiana Revised Statutes of 1950.

(2) "Local government action" means any act by a local government agency or official to effectuate the public powers, functions, and duties of a local government official or a local government agency, including but not limited to any act in the nature of policymaking, rulemaking, adjudication, licensing, regulation, or enforcement; relative to contracts, requests for proposals, development of specifications, or engaging another person to perform a governmental function; to adopt, repeal, increase, or decrease any fee imposed on the affairs, actions, or persons regulated by a local government agency; or to affect the passage, defeat, or implementation of any legislation.

(3) "Local government agency" or "agency" means any political subdivision, including any parish, municipality, school board, or special district, and any other unit of local government and any department, office, agency, board, commission, district, governing authority, committee, subcommittee, advisory board, task force, or other instrumentality of a political subdivision or other unit of local government. The terms "local government agency" or "agency" shall not include any entity which is an executive branch agency as defined in R.S. 49:72 or any unit of the legislative or judicial branch of state government.

(4) "Local government official" or "official" means an elected official, an appointed official, or an employee in a local government agency.

(5) "Expenditure" means the gift or payment of money or any thing of value for the purchase of food, drink, or refreshment for a local government official or for the spouse or minor child of a local government official for the purpose of lobbying or any gift or payment permitted by R.S. 42:1123(13) when the lobbyist or principal accounts, or would be expected to account, for the expenditure as an ordinary and necessary expense directly related to the active conduct of the lobbyist's, his employer's, or the principal's trade or business.

(6) "Lobbying" or "to lobby" means any direct act or communication with a local government official, the purpose of which is to aid in influencing a local government action.

(7) "Lobbyist" means any person who acts in a representative capacity and makes an expenditure in excess of five hundred dollars in the aggregate within the calendar year. However, "lobbyist" shall not mean any person who does not make any direct act or have any direct communication with a local governmental official for the purpose of influencing a local governmental action.

(8) "Person" means an individual, partnership, committee, association, corporation, and any other organization or group of persons.

*Acts 2010, No. 788, §2, eff. Jan. 1, 2011.*

**§9663. Persons to whom applicable; exceptions**

Except as otherwise provided in this Chapter relative to a principal or employer of a lobbyist, the provisions of this Chapter shall apply only to persons who are lobbyists as defined in R.S. 33:9662. An elected or appointed public official or any designee of such an official acting in the performance of his public duties shall not be considered to be a lobbyist as defined in this Chapter.

*Acts 2010, No. 788, §2, eff. Jan. 1, 2011.*

**§9664. Registration of lobbyists with the ethics board; compilation of information**

A. Each lobbyist shall register with the ethics board as soon as possible after employment as a lobbyist or after the first action requiring his registration as a lobbyist, whichever occurs first, and in any event not later than five days after employment as a lobbyist or not later than five days after the first action requiring his registration as a lobbyist, whichever occurs first. He shall electronically file with the ethics board using forms provided by it, the following information:

(1) His name and business address.

(2) The name and address of each person by whom he is employed and, if different, whose interests he represents, including the business in which that person is engaged.

(3)(a) The name of each person by whom he is paid or is to be paid, the amount he is paid or is to be paid for the purpose of lobbying, and a characterization of such payment as paid, earned but not received, or prospective.

(b) Amounts required to be disclosed pursuant to this Paragraph shall be reported by category of value. The categories shall be:

(i) Category I, \$24,999 or less.

(ii) Category II, \$25,000-\$49,999.

(iii) Category III, \$50,000-\$99,999.

(iv) Category IV, \$100,000-\$249,999.

(v) Category V, \$250,000 or more.

(4)(a) An indication of potential subject matter about which he anticipates lobbying.

(b) Indication of potential subject matters shall be made by choosing from the following potential subject matter categories:

(i) Aerospace and space technology.

(ii) Agriculture: horticulture; livestock; poultry.

(iii) Agriculture: forestry; timber.

(iv) Alcohol and other beverages.

(v) Arts and entertainment.

(vi) Aquaculture and fisheries.

(vii) Business and private and commercial enterprises.

(viii) Banking, financial, and accounting.

(ix) Charities and social services, faith-based organizations, and community outreach.

(x) Computers, hardware, software, and intellectual property.

(xi) Construction, contracting, and real estate.

(xii) Educational services: colleges; technical schools; trade schools.

- (xiii) Environmental quality, conservation, and wildlife preservation.
- (xiv) Gaming.
- (xv) Government: local; municipal; parish; state; federal.
- (xvi) Health care: hospitals; nursing homes; elderly care; hospice.
- (xvii) Health care: physicians; nurse practitioners; nurses.
- (xviii) Health care: pharmaceutical and medical devices; research; development; sales.
- (xix) Homeland security.
- (xx) Hotels, restaurants, and tourism.
- (xxi) Insurance.
- (xxii) International trade.
- (xxiii) Law and lawyers.
- (xxiv) Manufacturing: oil and gas; mining; refining; production; chemical industry.
- (xxv) Manufacturing: wholesale.
- (xxvi) Military and veterans affairs.
- (xxvii) Public safety, police, and fire.
- (xxviii) Telecommunications.
- (xxix) Tobacco industry.
- (xxx) Transportation.
- (xxxi) Unions, labor issues, and special advocacy groups.
- (xxxii) Utilities: electric; gas; water; nuclear.

(c) The unintentional omission of a potential subject matter as provided in this Paragraph shall not be a violation of this Chapter.

(5)(a) The identity of each elected local government official or spouse of an elected local government official with whom he or his employer or principal has or has had in the preceding twelve months a business relationship.

(b) For the purposes of this Paragraph, "business relationship" means any transaction or activity that is conducted or undertaken for profit and which arises from a joint ownership interest, partnership, or common legal entity between a lobbyist or his employer or principal and an elected local government official or spouse of an elected local government official when the elected local government official or spouse of the elected local government official owns ten percent or more of such interest, partnership, or legal entity.

(6) One copy of a two-inch-by-two-inch recent photograph of the registrant made within the prior six months shall be filed with the initial registration form.

B. At the time of the initial registration of a lobbyist, the ethics board shall assign the lobbyist a registration number, which number shall be inscribed on the registration form. This number shall be inscribed on each supplemental registration form, renewal form, and expenditure report filed by the lobbyist.

C. A registration shall expire on December thirty-first of each year unless the lobbyist submits a renewal on forms provided by the ethics board along with the appropriate fee. The registrant may file his renewal any time from December first until January thirty-first. Failure to file the renewal form by January thirty-first each year shall cause the registration to expire retroactively as of December thirty-first of the preceding year.

D.(1) Within ten days of termination of a registrant's employment or representation of any person, the registrant shall file a supplemental registration with the ethics board acknowledging the termination of his employment or representation.

(2) Each registrant who ceases activities requiring him to register shall file a supplemental registration with the ethics board acknowledging the termination of his lobbying activities.

(3) Each registrant who has terminated his registration must file disclosure reports for each reporting period during which he was registered.

E. The forms shall be published electronically by the ethics board. Registrations which have been filed shall be maintained by the ethics board and made available to the public via the Internet. The electronic filing by a lobbyist of any information required under this Section shall constitute a certification that the information is true and correct to the best of his knowledge, information, and belief and that no information required by this Chapter has been deliberately omitted.

F. Whenever any information contained in his registration changes, or the lobbyist begins representing an additional person, a supplemental electronic registration shall be filed with the ethics board as soon as possible after such change occurs and in any event not later than five days after such change using forms provided by the ethics board.

G. Each lobbyist shall pay a fee of one hundred ten dollars with each registration and each renewal of registration form filed. No additional fee shall be paid for filing supplemental registration.

*Acts 2010, No. 788, §2, eff. Jan. 1, 2011; Acts 2011, No. 190, §1, eff. Dec. 1, 2011.*

#### **§9665. Reports and statements under oath**

A.(1) All reports, registrations, and statements required under this Chapter shall include a certification of accuracy by the person responsible for filing the report, registration, or statement that the information contained in the report, registration, or statement is true and correct to the best of his knowledge, information, and belief; that no reportable expenditures have been made that are not included therein as required by law; and that no information required by this Chapter has been deliberately omitted.

(2) Except as otherwise specifically provided in this Chapter, reports, registrations, and statements required under this Chapter shall be filed by mailing the documents through the United States Postal Service, delivering by hand or through a commercial delivery service, or by transmitting by facsimile or electronic transfer.

B. All reports, registrations, and forms filed with the ethics board shall be maintained as public records and shall be made available for public inspection. The ethics board may charge a reasonable amount for copies of such reports.

*Acts 2010, No. 788, §2, eff. Jan. 1, 2011.*

#### **§9666. Lobbyist expenditure reports**

A. Each lobbyist registered under the provisions of this Chapter shall file with the ethics board, in the manner prescribed by the ethics board by rule in accordance with the provisions of this Chapter, a report of all expenditures incurred for the purpose of lobbying.

B. A report shall be filed monthly. The report for each month shall be filed by the twenty-fifth day of the following month.

C.(1) The report shall be electronically filed using forms provided by the ethics board in a format suitable for use on the database required by R.S. 33:9667(4). The electronic filing by a lobbyist of any report required under this Section shall constitute a certification that the information contained in the report is true and correct to the best of his knowledge, information, and belief; that no reportable expenditures have been

made that are not included therein as required by law; and that no information required by this Chapter has been deliberately omitted.

(2) A lobbyist shall retain records that document all reports made pursuant to this Chapter for no less than three years.

D.(1) Each report shall include the following:

(a) A listing of each subject matter lobbied during each reporting period pursuant to R.S. 33:9664(A)(4).

(b) The total of all expenditures made during each reporting period aggregated in the manner prescribed by the ethics board by rule.

(c) The aggregate total of expenditures attributable to an individual local government official during each reporting period, including the name of the local government official and his local government agency.

(d) The aggregate total of expenditures attributable to the spouse or minor child of a local government official during each reporting period. The name of the spouse or minor child shall not be included. The aggregate total of such expenditures shall be reported as follows:

"The aggregate total of expenditures attributable to the spouse of (insert name of local government official) was (insert aggregate total of expenditures).

The aggregate total of expenditures attributable to the minor child or children of (insert name of local government official) was (insert aggregate total of expenditures)."

(e) The aggregate total of expenditures for all reporting periods during the same calendar year, aggregated in the manner prescribed by the ethics board by rule.

(f) The aggregate total of all expenditures attributable to an individual local government official for all reporting periods during the same calendar year, including the name of the local government official and his local government agency.

(g) The aggregate total of all expenditures attributable to the spouse or minor child of a local government official for all reporting periods during the same calendar year. The name of the spouse or minor child shall not be included. The aggregate total of such expenditures shall be reported as follows:

"The aggregate total of expenditures attributable to the spouse of (insert name of local government official) for all reporting periods during the year was (insert aggregate total of expenditures).

The aggregate total of expenditures attributable to the minor child or children of (insert name of local government official) for all reporting periods during the year was (insert aggregate total of expenditures)."

(2) For the purposes of this Section, the aggregate amount or any per occasion amount attributable to a local government official or spouse or minor child of a local government official shall not include any expenditure which is otherwise required to be reported in Paragraph (E)(1) of this Section or which is exempt as provided in Paragraph (E)(2) or (3) of this Section.

E.(1) Each report shall include a statement of the expenditure for each reception, social gathering, or other function to which more than twenty-five local government officials are invited. Any report of such amount shall include the name of the group or groups invited and the date and location of the reception, social gathering, or other function.

(2) Any expenditure, as defined in this Chapter, for any reception or social gathering sponsored in whole or in part by a lobbyist, individually or on behalf of a principal he represents, held in conjunction with a meeting of a national or regional organization of local government officials shall be exempt from the provisions of this Chapter.

(3) Any expenditure for any meal or refreshment consumed by or offered to a local government official which is incidental to the local government official giving a speech, being a member of a panel, or otherwise

being involved in an informational presentation to a group shall be exempt from the provisions of this Chapter.

F.(1)(a) Any expenditures by a lobbyist's principal or employer made in the presence of the lobbyist shall be reported by the lobbyist as provided in this Chapter.

(b) Any lobbyist's principal or employer who makes direct expenditures required to be reported pursuant to this Chapter shall timely furnish its lobbyist information about such expenditures as necessary for compliance with this Chapter. Such information shall be furnished to the lobbyist no later than two business days after the close of each reporting period.

(c) Any lobbyist's principal or employer who makes direct expenditures required to be reported pursuant to this Chapter who fails to provide its lobbyist the information regarding such expenditures as provided in Subparagraph (b) of this Paragraph shall be required to register as a lobbyist pursuant to this Chapter and shall be subject to penalties for violations of this Chapter.

(2)(a) Notwithstanding any provision of this Chapter to the contrary, a lobbyist's principal or employer may opt to file reports required by this Section in the manner prescribed by the ethics board by rule on behalf of all of the lobbyists who represent such principal's or employer's interests. If a lobbyist's principal or employer opts to file such reports, the principal or employer shall notify the ethics board no later than January thirty-first of each year, and such option shall be effective for the reporting of all expenditures made during that calendar year. The notification shall include a listing of all persons on whose behalf the lobbyist's principal or employer is filing the reports required by this Section.

(b) Any lobbyist whose principal or employer opts pursuant to this Paragraph to file the reports required by this Section shall timely furnish its principal or employer all information about expenditures as necessary for compliance with this Chapter. Such information shall be furnished to the principal or employer no later than two business days after the close of each reporting period.

(c) Any lobbyist's principal or employer who opts pursuant to this Paragraph to file the reports required by this Section who fails to file or timely file such reports shall be liable for and subject to any applicable late fees or penalties, or both, for violations of this Chapter.

*Acts 2010, No. 788, §2, eff. Jan. 1, 2011.*

### **§9667. Administration**

The ethics board, in performance of its duties under this Chapter, shall:

(1) Register lobbyists and assign lobbyist registration numbers as required by this Chapter.

(2) Issue to each registered lobbyist at the time of initial registration a copy of this Chapter and any rules adopted pursuant to this Chapter.

(3) Promulgate all rules and forms necessary for the implementation and administration of this Chapter, including but not limited to rules and forms to prescribe the level of organizational unit or units of a local government agency for which expenditures required to be reported pursuant to this Chapter shall be aggregated.

(4) Establish and maintain access to a searchable, electronic database available to the public via the Internet.

*Acts 2010, No. 788, §2, eff. Jan. 1, 2011.*

### **§9668. Enforcement**

A. The ethics board shall be responsible for the enforcement of provisions of this Chapter. The provisions of Part III of Chapter 15 of Title 42 of the Louisiana Revised Statutes of 1950, shall be applicable to enforcement of this Chapter.

B. No action to enforce any provision of this Chapter shall be commenced after expiration of two years after the occurrence of the alleged violation.

C. The ethics board shall have the authority to impose and collect penalties in accordance with the provisions of Part III of Chapter 15 of Title 42 of the Louisiana Revised Statutes of 1950, for a violation of this Chapter. In addition, for recurring or egregious violations of this Chapter, the ethics board may censure any person found guilty of such violation by the ethics board and prohibit such person from lobbying for not less than thirty days and not more than one year.

D. In addition to any other applicable penalties:

(1) Any person required to register and who fails to timely register and any person who fails to timely file any report required by this Chapter shall be assessed, pursuant to R.S. 42:1157, a late fee of fifty dollars per day.

(2) Any person whose registration or report is filed eleven or more days after the day on which it was due shall be assessed, in addition to any late fees pursuant to this Section, after a hearing by the ethics board, a civil penalty not to exceed ten thousand dollars.

(3) If the board determines that a person has filed a registration or report required by this Chapter that is inaccurate or incomplete, the board shall mail by certified mail a notice of delinquency informing the person that the inaccuracy must be corrected or the missing information must be provided no later than fourteen business days after receipt of the notice of delinquency. The notice of delinquency shall include the deadline for correcting the inaccuracy or providing the missing information. If the person corrects the inaccuracy or provides the missing information prior to the deadline contained in the notice of delinquency, no penalties shall be assessed against the person.

(4) Whoever fails to correct the inaccuracy or provide the missing information by the deadline included in the notice of delinquency shall be subject to penalties as provided by law.

(5) Any person, who with knowledge of its falsity, files a registration or report as required in this Chapter that contains a false statement or false representation of a material fact, shall be subject to the assessment of the civil penalties provided in Part III of Chapter 15 of Title 42 of the Louisiana Revised Statutes of 1950, and the findings of the board relative to such filing shall be referred by the board to the appropriate district attorney for prosecution pursuant to R.S. 14:133.

*Acts 2010, No. 788, §2, eff. Jan. 1, 2011.*

### **§9669. Prohibited conduct; additional remedies; contract defeat or voidability**

A. No person shall enter into a contract to act in a representative capacity for the purpose of lobbying and fail to register or fail to file a supplemental registration providing the name and address of the person by whom he is employed or engaged and, if different, whose interests he represents pursuant to such contract as required by this Chapter.

B. Any person who violates the provisions of Subsection A of this Section shall have engaged in a misrepresentation sufficient to defeat or void the contract such person entered into to act in a representative capacity for the purpose of lobbying. Any effort to register or to file a supplemental registration after any remedy or relief relative to such a violation is sought pursuant to any provision of law shall not be sufficient to reverse the misrepresentation.

C. The board shall afford any person accused of violating Subsection A of this Section a hearing in accordance with the provisions of Part III of Chapter 15 of Title 42 of the Louisiana Revised Statutes of 1950. If the board finds that a person violated the provisions of Subsection A of this Section, the board shall order that the contract entered into for the purpose of lobbying by such person is void and the provisions thereof unenforceable.



D. The provisions of this Section shall be in addition to any other applicable penalties or any other remedy or relief provided by law.

*Acts 2010, No. 788, §2, eff. Jan. 1, 2011.*