

# Louisiana Lobbyist Disclosure Acts & Code of Governmental Ethics

R.S. 42:1170(A)(4)

# Board of Ethics

- Enforces lobbyist registration and reporting requirements
- Issues advisory opinions
- Considers late fee waiver requests



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# Lobbyist Disclosure Acts

Why Lobbying Laws Are Important

# Lobbyist Disclosure Acts

Legislative Lobbyist Disclosure Act (R.S. 24:50, *et seq.*)

Executive Branch Lobbyist Disclosure Act (R.S. 49:71, *et seq.*)

## Transparency:

- To disclose to the public the identity of persons who attempt to influence the legislative process and executive branch officials.

## Accountability:

- To disclose expenditures made by lobbyists in connection with lobbying efforts

## Integrity:

- To preserve and maintain the integrity of the legislative process and executive branch actions in state government.

# Legislative Lobbyist Disclosure Act

R.S. 24:50, *et seq.*

# What is Legislative Lobbying?

R.S. 24:51(5)

**“Lobbying”** or **“to lobby”** means any of the following :

- Any direct act or communication with a legislator, the purpose of which is to aid in influencing the passage or defeat of any legislation;
- Any preparation or research specifically intended, at the time it is performed, for use in or in support of any ongoing or planned direct act or communication with a legislator, the purpose of which is to aid in influencing the passage or defeat of any legislation, and
- Conducting or attending a meeting the purpose of which is to discuss direct communication with a legislator to aid in influencing the passage or defeat of any legislation.

# Who is a Legislative Lobbyist?

R.S. 24:51(6)

A Legislative Lobbyist is any person who:

- Is employed or engaged for compensation to act in a representative capacity for the purposes of lobbying if lobbying constitutes one of the **principal duties** of such employment or engagement.
- Acts in a representative capacity **AND** makes an **expenditure**

However, “lobbyist” shall **NOT** include any person who does not make any direct act or have any direct communication with a legislator for the purpose of influencing the passage or defeat of any legislation.

Does NOT include elected officials or any designee acting in their official capacity.

# Who is a Legislative Lobbyist?

R.S. 24:51(9)

What is a “Principal Duty”?

> Any duty which is expected to account for 20% or more of a person’s time in fulfilling the terms of his engagement, or any duty which is expected to account for 20% or more of a person’s time in any given year, in performing the responsibilities of his employment.

# What is a Lobbying Expenditure?

R.S. 24:51(5)

An “Expenditure” is:

- The gift or payment of money or anything of economic value for the purchase of food, drink, or refreshments for a Legislator or legislative staff when the lobbyist or principal accounts for the expenditure as an ordinary and necessary expense directly related to the lobbyist’s (or his employer’s) trade or business:

  Includes amounts spent on spouses and minor children

  Includes amounts spent on a Legislator’s complementary travel and admission in connection with a:

  R.S. 42:1123(13): civic, nonprofit, educational, or political event
  R.S. 42:1123(16): public speech

# Executive Branch Lobbyist Disclosure Act

R.S. 49:71, *et seq.*

# What is Executive Branch Lobbying?

R.S. 49:71(6)

**“Lobbying”** or **“to lobby”** means:

Any direct act or communication with an executive branch official, the purpose of which is to aid in influencing an executive branch action.

# What is an Executive Branch Action?

R.S. 49:72(2)

An “Executive Branch Action” is:

- Any act by an executive branch agency or official to effectuate the public powers, functions, and duties of an executive branch official or an executive branch agency.
  - Includes any act in the nature of policymaking, rulemaking, adjudication, licensing, regulation, or enforcement; contracts, requests for proposals; to adopt or repeal any fee imposed; to affect passage, defeat, or implementation of legislation.

Includes any action by the Medicaid Pharmaceutical and Therapeutics Committee

Does NOT include any act by a licensed healthcare professional, or a person acting under a licensed healthcare professional’s direction, to diagnose, treat, or provide medical advice to an individual patient, including prescribing a drug or device for use by the patient.

# Who is an Executive Branch Official?

R.S. 49:72(4)

An “Executive Branch Official” is an elected official, appointed official, or an employee of an Executive Branch Agency.

- Executive Branch Agency includes the state, any state office, department, board, commission, institution, or any quasi-public entity created in the executive branch of state government, including any board or commission to which the governor appoints at least a majority of its membership.

- A full list of executive branch agencies is available at ethics.la.gov.

# Who is an Executive Branch Lobbyist?

R.S. 49:72(7)

An Executive Branch Lobbyist is any person who acts in a representative capacity

**AND**

makes an expenditure

# What is a Lobbying Expenditure?

R.S. 49:72(5)

An “Expenditure” is:

- The gift or payment of money or anything of economic value for the purchase of food, drink, or refreshments for an executive branch official when the lobbyist or principal accounts for the expenditure as an ordinary and necessary expense directly related to the lobbyist’s (or his employer’s) trade or business:

  Includes amounts spent on spouses and minor children

  Includes amounts spent on an executive branch official’s complementary travel and admission in connection with a civic, nonprofit, educational, or political event R.S. 42:1123(13)

# Lobbyist Responsibilities

Legislative and Executive Branch

# Lobbyist Responsibilities

Registration

Supplemental Registration

Monthly Reporting

# Registration Requirements

R.S. 24:53 (Legislative) & R.S. 49:74 (Executive Branch)

Lobbyists **MUST** register with the Board **"as soon as possible",** but **no later than 5 days,** after:

Employment as a Lobbyist
(i.e., principal duty for legislative lobbyists)
OR
First Expenditure

# Registration Requirements

R.S. 24:53 (Legislative) & R.S. 49:74 (Executive Branch)

Lobbyists must disclose the following information:

- Name of each person by whom you are paid to lobby
- Amount you are paid (by category; not by specific dollar amount)
- Potential subject matters on which you will lobby
  - The online system provides a drop-down menu to select the potential subject matters; you may select as many as you need.

# Registration Requirements

R.S. 24:53 (Legislative) & R.S. 49:74 (Executive Branch)

Lobbyists must also disclose the identity of each legislator, statewide elected official, or executive branch department head (including their spouse) with whom the lobbyist or the lobbyist's employer had a "business relationship" within the previous 12 months.

| Executive Branch Also Includes: | (For Full List see: R.S. 49:74) |
|---|---|
| PSC Executive Secretary | Governor's: |
| State Civil Service Director | Chief of Staff |
| Ethics Administrator & Ethics Board | Executive Counsel |
| Commissioner of Administration | Legislative and Policy Director |
| BESE & Higher Ed Commissioner | Deputy Chief of Staff |
| State Superintendent of Education | |
| President of University Systems | |

# Registration Requirements

R.S. 24:53 (Legislative) & R.S. 49:74 (Executive Branch)

What is a **“business relationship”?**

Any transaction, contract, 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, the public servant, or spouse who owns 10% of more of such interest, partnership, or legal entity.

# Supplemental Registration

R.S. 24:53 (Legislative) & R.S. 49:74 (Executive Branch)

**Deleting a Client:**

**MUST** file within **10 days** of the termination of employment or representation

**Adding a New Client:**

**MUST** file within **5 days**, or “as soon as possible” when adding new representation or reporting any other changes, such as contact information

*If the start date entered into the system for a new client is more than 5 business days from when you file your supplemental registration, you will be assessed a late fee of $50 per day.

# Supplemental Registration

R.S. 24:53 (Legislative) & R.S. 49:74 (Executive Branch)

**Example:**

You are hired to lobby on behalf of Client 59. Your start date is April 16, 2027. The supplemental registration should be filed no later than April 23, 2027.

However, you do not file until April 30, 2027. You will be assessed a late fee of $50 x 5 days = $250

*Saturdays and Sundays are excluded from the calculation.

# Registration Renewals

R.S. 24:53 (Legislative) & R.S. 49:74 (Executive Branch)

The registration renewal period opens on December 1st of each year and closes on January 31st. To complete your registration, you must submit your payment by January 31st.

If you do not complete your payment, your registration will be terminated effective December 31st of the prior calendar year, and you will be subject to late fees.

Renewals for 2027 do not need to include a photograph. An updated photograph will be required for 2028. The photograph must be 2” x 2” and taken within 6 months of the registration renewal.

# Monthly Expenditure Reporting Requirements

R.S. 24:55 (Legislative) & R.S. 49:76 (Executive Branch)

Monthly Expenditure Reports **MUST** be filed electronically by the **25th of each month** and **MUST** provide:

- Each subject matter lobbied
- Aggregate total of all expenditures attributable to legislators or executive branch officials, including the name of the official and the agency
- Aggregate total of all expenditures attributable to the spouse or minor children – Do NOT include name of spouse or child

All reports are public records.

# Records Retention

R.S. 24:55 (Legislative) & R.S. 49:76 (Executive Branch)

All lobbying records must be maintained for 3 years.

If a lobbyist is audited by the Board, these records are necessary to substantiate the reported expenditures.

# Lobbying Penalties

Legislative and Executive Branch

# Penalties for Noncompliance

R.S. 24:58 (Legislative) & R.S. 49:78 (Executive Branch)

**Automatic Late Fees =**
**$50 per day / $500 max.**

- Failure to Register or Timely Register
- Failure to File or Timely File Supplemental Registration
- Failure to File or Timely File Expenditure Report.

**Optional Enhanced Penalty = $1,000**

- If the registration/report is filed more than 11 days late

**Censure by Legislature**

- Prohibited from lobbying for 30 days to 1 year

**Voided Contract**

Penalties can also be imposed for inaccurate reports.

# Late Fee Waivers

What happens if I am assessed a late fee?

You have 20 days from the date of receipt of a late fee assessment letter to request a waiver or pay the late fee.

Waiver requests MUST be in writing and provide reasons for the late filing.

Once your payment due date has passed, a demand letter will be sent. If still not paid, the assessed amount will be referred to the Attorney General's office for collection.

All late fees are public records.

# False Filing Penalties

What happens if I intentionally report false information?

If a lobbyist knowingly files a registration or report with the Board that is false, the false filing is punishable as a misdemeanor by the District Attorney.

Also, the name of each lobbyist is provided to the Speaker of the House and the Secretary of the Senate for censure.

# Additional Restrictions

Foreign Adversaries and Foreign Corporations

# Foreign Adversaries

R.S. 24:53.1 (Legislative) & R.S. 49:74(I)(Executive)

**Effective December 1, 2025:**

- New reporting requirements for lobbying on behalf of foreign adversaries, similar to the Foreign Agents Registration Act at the federal level.

**Who is a foreign adversary?**

- An individual, corporation, or government identified in 15 CFR 791.4 and identified by the Dept. of Treasury, Office of Foreign Assets Control.
- Currently: China, Cuba, Iran, North Korea, Russia, and the Venezuelan Maduro Regime

# Foreign Adversaries

R.S. 24:53.1 (Legislative) & R.S. 49:74(I)(Executive)

## What are you required to report?

- Name and office address
- Name of foreign adversary represented
- Description of business activity of the foreign adversary
- Identification of matters on which lobbying is conducted

Any change in reported information shall be reported through a supplemental disclosure filed within 10 days of the change.

# Foreign Corporations

R.S. 24:53.2 (Legislative)

**Effective December 1, 2025:**

- New reporting requirements for lobbying on behalf of foreign corporations located in a country designated as a foreign adversary, similar to the Foreign Agents Registration Act at the federal level.

# Foreign Corporations

R.S. 24:53.1 (Legislative)

**What are you required to report?**

- Name of foreign corporation represented
- Nation under whose laws the corporation is incorporated
- Location of principal place of business, including permanent address
- Description of business activity of the foreign corporation
- Identification of matters on which lobbying to be conducted

Any change in reported information shall be reported through a supplemental disclosure filed within 10 days of the change.

# Lobbying Questions

Legislative and Executive Branch

# Question No. 1

Shea is a secretary at Lannister and Sons, a production company. She is instructed by her employer to call a legislator and inform him that the production company would appreciate his vote on a bill. Shea has never done this before and probably will not in the future. Must Shea register as a lobbyist?

**NO**

While Shae receives compensation, acts in a representative capacity, and makes a direct act or communication with the legislator, the purpose of which is to aid in the passage or influence of legislation, lobbying is not one of the principal duties of her employment. In addition, no expenditure was made.

# Question No. 2

Howard is a representative of a tech company. He takes Leonard and Sheldon, both employees of the Office of State Purchasing, out for lunch to discuss having the state purchase all of its new computers from his company. Is Howard required to register as an executive branch lobbyist?

**YES**

Howard is acting in a representative capacity and has made an expenditure on behalf of two executive branch officials. Therefore, he must register as an executive branch lobbyist.

# Question No. 3

Is a lobbyist required to file an expenditure report if he has zero expenditures for the month?

**YES**

A lobbyist is required to file a monthly expenditure report as long as he remains a registered lobbyist in the state of Louisiana.

# Question No. 4

A statutory late fee of $50 per business day, up to a maximum of $500, will be assessed for the failure to file or the untimely filing of which of these reports?

A. Registration
B. Supplemental Registrations
C. Expenditure Reports
D. All of the Above

**Answer: All of the Above**

# Question No. 5

Fannie is a registered lobbyist for the exotic animal industry. The April expenditure report was due by Friday, May 25th. Fannie did not file until Tuesday, May 19th. What amount of late fee will be assessed?

**$100**

The correct answer is $100. Since she did not file until Tuesday, May 29th, the report was two business days late. The late fee is $50 per day, for a total of $100.

Fannie has 20 days from the receipt of the late fee assessment notice to request a waiver of the $100 late fee.

# Louisiana Code of Governmental Ethics

Conflicts of Interest under R.S. 42:1101, *et seq.*

# Who does the Ethics Code apply to?

Public Servants

Elected Officials

Public Employees

# Prohibited Gifts

R.S. 42:1115



No **public servant** shall accept anything of economic value, either directly or indirectly, as a gift from any person who is considered a **prohibited source**.

# Prohibited Sources– Elected Officials

R.S. 42:1115A



A person who has, or is seeking to obtain, a contractual, business, or financial relationship with the elected official's agency.

- R.S. 42:1115A(1)

Someone who, for compensation, attempts to influence any legislation of the elected official's agency. = LOBBYISTS

- R.S.42:1115A(2)

# Prohibited Sources– Public Employees

R.S. 42:1115A&B

A person who has, or is seeking to obtain, a contractual, business, or financial relationship with the elected official's agency.

- R.S. 42:1115A(1)

Someone who, for compensation, attempts to influence any legislation of the elected official's agency. = LOBBYISTS

- R.S.42:1115A(2)

A person who conducts activities that are regulated by the public employee's agency.

- R.S. 42:1115B(1)

A person who has a substantial economic interest that can be affected by the performance of the public employee's job duties.

- R.S.42:1115B(2)



# What is a “Thing of Economic Value” ?

R.S. 42:1102(25)

Money or any THING having economic value

**Exceptions:**

Promotional items with no substantial resale value.

Food and Drink consumed while the guest of the giver; **$84** limit on food and drink purchased per event (Eff. July 1, 2026).

Pharmaceutical samples given to state-employed doctors.

# What is a “Thing of Economic Value” ?

R.S. 42:1102(25)

**Exceptions:**

Admission to a civic, nonprofit, educational, or political event if the public servant is a program honoree, discussion panel member, or speaker. R.S. 42:1123(13)

Admission to a fundraising event held by or for the benefit of an educational institution or a nonprofit organization that conducts educational programs. R.S. 42:1123(13)

For Legislators: Food, refreshments, and lodging reasonably related to making a public speech, and reasonable transportation to the site of the speaking engagement. R.S. 42:1123(16)

# Prohibited Income

R.S. 42:1111C(2)(d)

No public servant shall render compensated services to any person who is a prohibited source under the gift statutes.

# Prohibited Income

R.S. 42:1111A(1)(a)

No public servant shall receive any thing of economic value for the performance of his official duties and responsibilities **other than** his salary and related benefits from his governmental entity to which he is duly entitled.

# Prohibited Gifts & Payments

R.S. 42:1117

The person who gives a gift or pays compensation to a public servant in violation of the Ethics Code is also subject to enforcement proceedings, including **civil penalties up to $10,000 per violation.**

# Exception: Campaign Contributions

R.S. 42:1123(5)

**Public servants are not prohibited from receiving campaign contributions from prohibited sources.**

Campaign contributions are reportable by the candidate, not the lobbyist.

Campaign contributions to a legislator or the governor are prohibited during the regular legislative session. (Governor's prohibition extends 30 days after session.)

* Prohibition does not apply during special session*

Exception: A legislator is seeking a different office and a fundraiser notice is filed with the Board 30 days prior to the fundraiser.

# Ethics Questions

In Connection with Lobbying

# Question No. 6

Mr. Draper is a registered lobbyist in the State of Louisiana. He invites Representative Olson, a legislator, to lunch where he treats her to a steak and a bottle of wine valued at $90. Is there an ethics issue?

**YES**

Section 1115.1 limits the amount of food and drink a lobbyist may purchase for a public servant to $84 per event. In this case, lunch is the event and Mr. Draper is prohibited from purchasing more than $84 worth of food and drink for Rep. Olson.

# Question No. 7

Mr. Draper is a registered lobbyist in the State of Louisiana. He invites Representative Olson, a legislator, to lunch where he treats her to a steak and a bottle of wine valued at $90. Is there an ethics issue?

**YES**

Section 1115.1 limits the amount of food and drink a lobbyist may purchase for a public servant to $84 per event. In this case, lunch is the event and Mr. Draper is prohibited from purchasing more than $84 worth of food and drink for Rep. Olson.

# Question No. 8

Skyler is a sales representative of Pinkman & White, a pharmaceutical company. She sets up a meeting with several state-employed doctors to provide samples of the medications her company is producing. Is Skyler violating the gift restriction in the Ethics Code?

**NO**

The Ethics Code does not consider pharmaceutical samples provided to state-employed doctors to be a “thing of economic value.” Therefore, Skyler is allowed to give them to the doctors.

# Question No. 9

Is a lobbyist allowed to make a campaign contribution to a legislator?

**YES**

Campaign contributions to a legislator are an exception to the Ethics Code and are allowed under the Campaign Finance Disclosure Act. However, legislators are generally prohibited from receiving campaign contributions during a legislative session.

# Conclusion



# **Thank** You.


Louisiana Board of Ethics

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