STATE OF LOUISIANA

SUMMARY OF THE EXECUTIVE BRANCH LOBBYING LAWS LSA-R.S. 49:71-78

I. Introduction to the Statutes Governing Executive Branch Lobbying

A. Purpose (LSA-R.S. 49:71)

- Preserve and maintain the integrity of executive branch action and state government.
- Provide public disclosure of the identity of persons who attempt to influence the actions of the executive branch and the expenditures made by those persons.

B. Administration (LSA-R.S. 49: 71 et seq.)

The Louisiana Board of Ethics is responsible for

1. promulgating rules and forms for the implementation and administration of the executive lobbying program;
2. preparing and distributing forms;
3. registering executive branch lobbyists;
4. enforcing the statutes governing executive branch lobbying;
5. imposing and collecting penalties for violations of the executive branch lobbying laws;
6. receiving registrations and reports and making them available to the public; and,
7. issuing advisory opinions interpreting the executive branch lobbying laws.

II. Definitions (LSA-R.S. 49:72)

A. **"Lobbyist"** means any person who acts in a representative capacity and makes an expenditure.

B. **"Expenditure"** means the gift or payment of money or anything of value for the purchase of food, drink, or refreshment for an executive branch official or for the spouse or minor child of an executive branch official and any gift or payment permitted by R.S. 42:1123(13) for the purpose of lobbying 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.

NOTE: Please review the Louisiana Code of Governmental Ethics (LSA-R.S. 42: 1101 et seq). which contains limitations on the receipt of gifts by public employees and consequences for giving a public employee a gift which he is prohibited from receiving.

C. "**Person"** means an individual, partnership, committee, association, corporation, and any other organization or group of persons.

D. **"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.

E. **"Executive branch official"** means an elected official, an appointed official, or an employee in an executive branch agency.

F. **"Executive branch action"** means 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, 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 formulate, adopt, amend, repeal any rule, as that term is defined in La. R.S. 49:951; to formulate, adopt, repeal, increase, or decrease any fee imposed on the affairs, actions, or persons regulated by an executive branch agency; or to affect the passage, defeat, or implementation of any legislation.

III. Persons who are not considered to be lobbyists (LSA-R.S. 49:73)

A. Elected or appointed public officials or any designee of such official acting in the performance of his official public duties.

IV. Registration Requirements (LSA-R.S. 49:74)

A. Each lobbyist must register with the Louisiana Board of Ethics as soon as possible after the date of employment as a lobbyist or after the first action requiring registration as a lobbyist, whichever occurs first. Each lobbyist must register no later than five days after employment as a lobbyist or within five days of the first action requiring registration, whichever occurs first.

B. Each lobbyist must submit a registration fee of $110 and provide the following on the online form approved by the Board of Ethics:

1. Name and business address;
2. Name and address of each person by whom he is employed or whose interests he represents, including the business in which that person is engaged;
3. 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;
4. An indication of the potential subject matters about which he anticipates lobbying;
5. The identity of each statewide elected official or executive branch department head or spouse of a statewide elected official or executive branch department head with whom he or his employer has, or has had in the preceding 12 months, a business relationship; and
6. A 2 x 2 inch photograph made within the prior 6 months;
7. An electronic filing affidavit is to be completed by first time registrants.

NOTE: *The absence of any of the above information on a registration form and lack of payment of the $110 registration fee will delay the processing of your registration and issuance of your registration identification number until all necessary information and fees have been received.*

C. The registration expires on December 31st of each year unless the lobbyist submits a renewal along with a fee of $110. Renewals may be filed any time between December 1st and January 31st.

D. Supplemental registration forms must be filed in the following instances:

1. Within **10 days** of termination of a lobbyist's employment or representation of a person or termination of all lobbying activities
2. Within **5 days** of the addition of a new representation or all other changes in a lobbyist's registration information.

E. There is no filing supplemental registrations.

V. Reporting Requirements (LSA-R.S. 49:76)

A. Lobbying Expenditure Reports must be filed with the Board by all registered lobbyists, using the electronic filing system, on a monthly basis. ***Monthly reports are due by the 25th of the following month***.

B. Lobbyists are required to maintain records for no less than 3 years.

C. Each report must contain the aggregate amount of expenditures on an executive branch official during the month, including his name and his agency, and the aggregate amount of expenditures on the spouse or minor child of an executive branch official during the month.

D. Each report must include all expenditures for each reception, social gathering or other function to which more than 25 executive branch officials have been invited.

E. Each report must include a listing of the subject matters lobbied during the month.

F. Each report must contain the total of all expenditures for the month.

G. Each report must contain the aggregate amount of expenditures on an executive branch official during the calendar year including his name and his agency, and the aggregate amount of expenditures on the spouse or minor child of an executive branch official during the same calendar year.

H. Exemptions from Reporting:

1. Any expenditure 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 executive branch officials shall be reported but not included in the aggregate total for all reporting periods.

2. Any expenditure for any meal or refreshment consumed by or offered to an executive branch official which is incidental to the executive branch official giving a speech, being a member of a panel, or otherwise being involved in an informational presentation to a group.

I. Any expenditures by a lobbyist's principal or employer made in the presence of the lobbyist shall be reported by the lobbyist. Information regarding such expenditures must be provided to the lobbyist by the principal or employer within 2 business days of the close of the reporting period.

VI. Penalties

A. Any person required to register and who fails to timely register and any person who fails to timely file any report shall be assessed a late fee of $50 per day, up to a maximum of $500.

B. Any person whose registration or report is filed 11 or more days after the day on which it was due shall be assessed a penalty of up to $1,000 in addition to any late fee.

C. If a report is inaccurate or incomplete, the Board shall notify the lobbyist and give the lobbyist 14 days to correct the inaccuracy before the implementation of any penalties.

D. The Board may censure any person found guilty of a violation of these laws by the Board of Ethics and prohibit such person from lobbying for not less than 30 days and not more than one year.

E. The Board may file a claim to offset any late fees or other penalties imposed against an individual's state income tax refund.

NOTE: This outline was compiled as a summary to give an overview of registration and reporting requirements for the Executive Lobbying Program. It does not purport to fully state the law. For further information, or registration and reporting forms, please contact the Louisiana Board of Ethics, P.O. Box 4368, Baton Rouge, LA 70821, (225) 219-5600 or toll free at (800) 842-6630.