STATE OF LOUISIANA

SUMMARY OF THE LEGISLATIVE BRANCH LOBBYING LAWS
LSA-R.S. 24:50-59

I. Introduction to the Legislative Branch Lobbying Laws

A. Purpose (LSA-R.S. 24:50)

- Preserve and maintain the integrity of the legislative process.
- Provide public disclosure of the identity of persons who attempt to influence legislative actions and the expenditures made by those persons.

B. Administration (LSA-R.S. 24:51, et seq.)

The Louisiana Board of Ethics is responsible for

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

II. Definitions (LSA-R.S. 24:51)

A. **"Lobbyist"** means either of the following: (i) Any person who is employed or engaged for compensation to act in a representative capacity for the purpose of lobbying if lobbying constitutes one of the principal duties of such employment or engagement, or (ii) any person who acts in a representative capacity and makes an expenditure.

However, "lobbyist" shall not mean 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.

B. **"Expenditure"** means the gift or payment of money or anything of value for the purchase of food, drink, or refreshment for a legislator, for the spouse or minor child of a legislator, or for a public servant, other than a legislator, in the legislative branch of state government and any gift or payment as permitted by R.S. 42:1123(13) and R.S. 42:1123(16) 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 servants and consequences for giving a public servant a gift which he is prohibited from receiving.

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

D. **"Lobbying"** or **"to lobby"** means any of the following: (a) Any direct act or communication with a legislator, the purpose of which is to aid in influencing the passage or defeat of any legislation,(b) 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, or (c) 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.

E. **"Principal duty"** means any duty which is expected to account for twenty percent or more of a person's time in fulfilling the terms of his engagement or any duty which is expected to account for twenty percent or more of a person's time in any given year in performing the responsibilities of his employment.

III. Registration Requirements (LSA-R.S. 24:53)

A. Each lobbyist shall register with the Board as soon as possible from his employment as a lobbyist or as soon as possible after the first action requiring registration as a lobbyist. In any event, a lobbyist shall register no later than 5 days from his employment as a lobbyist or after 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:

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 legislator or spouse of a legislator with whom he or his employer has, or has had in the preceding 12 months, a business relationship.
6. A 2 x 2 inch photograph made within the prior 6 months.*

*NOTE: *A 2x2 photograph is required to be filed with a lobbyist's initial registration and for each new legislative term, thereafter.*

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

D. A lobbyist must "reasonably allocate" his compensation and report only the amount received for lobbying.

E. Supplemental registration forms must be filed:

1. Within **10 days** of termination of a lobbyist's employment or representation

2. Within **5 days** of the addition of a new representation or any other changes in a lobbyist's registration information

F. No filing fee is required for supplemental registration.

IV. Reporting Requirements (LSA-R.S. 24:55)

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 a legislator during the month, the aggregate amount of expenditures on the spouse or minor child of a legislator during the month, and the aggregate amount of expenditures on any other public servant employed by the legislature during the month.

D. Each report must include all expenditures for each reception, social gathering or other function to which the legislature, either house, any committee, subcommittee, recognized caucus or any delegation thereof is invited including the name of the group invited and the date and location of the function.

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 total of expenditures on a legislator, the spouse or minor child of a legislator, and any other public servant employed by the legislature during all the reporting periods 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 legislators or legislative staff 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 a legislator in connection with the legislator giving a speech, being a member of a panel, or otherwise being involved in an informational presentation to a group within the state. However, any expenditure for any meal or refreshment consumed by a legislator in connection with any out-of-state event permitted by La. R.S. 42:1123(16) shall be report.

I. Expenditures made by a lobbyist's principal, in the presence of the lobbyist, shall be reported by the lobbyist.

V. Prohibited Conduct (LSA-R.S. 24:56)

A. No fundraising function may be held during a regular legislative session for or by a legislator unless written notice of the function has been given to the Board not less than 30 days prior to the function.

B. No fundraising function may be held during a special legislative session for or by a legislator unless written notice of the function has been given to the Board **no later than** 2 business days after the issuance of the proclamation stating the objects of the special session.

C. Unless the notice required above is timely given, no lobbyist, for himself or his principal, shall offer to provide a legislator or his principal campaign committee any campaign contribution or loan resulting from a fundraising function held during a legislative session and no legislator may solicit or receive any such contribution or loan.

VI. Penalties (LSA-R.S. 24:58 and 59)

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. Penalties may also be imposed for the failure to accurately file.

E. The Board may recommend to the legislature that any person found to have violated provisions of the Lobbyist Disclosure Act be censured and prohibited from lobbying for 30 days to 1 year.

NOTE: This outline was compiled as a summary to give an overview of registration and reporting requirements for the Legislative 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.