



# THE LOUISIANA CODE OF GOVERNMENTAL ETHICS & THE LOBBYIST DISCLOSURE ACTS

# PURPOSE

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

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

- To maintain the integrity of the legislative process and executive branch action in state government; and,
- To disclose to the public the identity of persons who attempt to influence the legislative process and executive branch officials
- Track of the expenditures made by lobbyists in connection with lobbying efforts.

# LEGISLATIVE LOBBYING

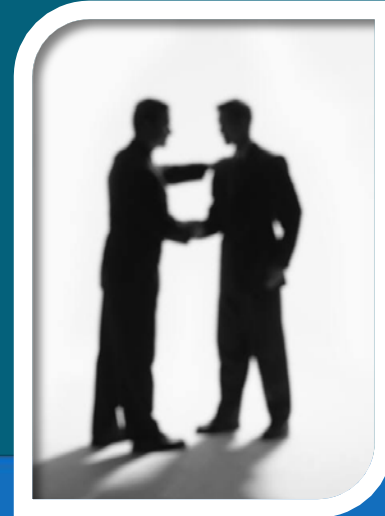
## What is Legislative Lobbying?

**“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, and
- (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.

# THE LOBBYIST DISCLOSURE ACTS

## A Legislative Lobbyist



- (a) 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; (b) 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.

# THE LOBBYIST DISCLOSURE ACTS

## 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.

# THE LOBBYIST DISCLOSURE ACTS

## Expenditure



- The gift or payment of money or any thing of value for the purchase of food, drink, or refreshment for a
  - Legislator, or an
  - Executive branch official
    - 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.
- Amounts spent on spouses or minor children are also reportable expenditures.
- Amounts spent for legislator's travel in accordance with **LA-RS 42:1123** are also reportable expenditures.

# EXECUTIVE BRANCH LOBBYING

## What is Executive Branch Lobbying?

**“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.

# EXECUTIVE BRANCH ACTION

- Any act by an executive branch agency or official to effectuate the public powers, function and duties of an executive branch official or an executive branch agency.
- 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 is NOT an executive branch action.
- Any action by the Medicaid Pharmaceutical and Therapeutics Committee is an executive branch action.



# EXECUTIVE BRANCH OFFICIAL

## Who is considered an Executive Branch Official?

- An elected official, appointed official, or an employee of an Executive Branch Agency.
- Executive branch agency means 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.
- The Board has a list of all Executive Branch Agencies located on its website.

# EXECUTIVE BRANCH LOBBYIST

Who is considered an Executive Branch Lobbyist?

Any person who acts in a representative capacity  
and  
makes an expenditure.

# RESPONSIBILITIES OF A REGISTERED LOBBYIST

## REGISTRATION

- A lobbyist must register with the Board as soon as possible after employment as a lobbyist, or
- As soon as possible after the first action requiring registration as a lobbyist, but no later than 5 days.

## SUPPLEMENTAL REGISTRATION FORMS

- Must be filed within 10 days of termination of employment or representation of any person, or
- Must be filed within 5 days, or as soon as possible, when adding additional representation or any other changes (such as contact info).

## REPORTING

- Lobbying Expenditure Reports MUST be electronically filed monthly. Reports are due on the 25<sup>th</sup> of every subsequent month.

# PENALTIES FOR NON-COMPLIANCE

## **Late fees of \$50 per day, up to a maximum of \$1500:**

- Failure to Register or timely Register, or failure to timely file any Supplemental Registration or Expenditure Report:
  - A report is considered timely filed when it is electronically filed on or before the due date. Failure to renew your lobbyist registration each year results in automatic termination.
- Penalties may also be imposed for the failure to accurately file.

**Up to \$10,000 Penalty in addition to any late fee, if the Registration is filed 11 or more days late.**

**Censure by the Legislature and prohibited from lobbying for 30 days to 1 year.**

**Void contract.**

# LOUISIANA CODE OF GOVERNMENTAL ETHICS

- LSA - R.S. 42:1101 et seq. are the conflicts of interest provisions for public servants in Louisiana.
- Limits the “expenditure” amount to be spent on a legislator or executive branch official.

# THE ETHICS CODE APPLIES TO PUBLIC SERVANTS

Elected Officials

Public Employees

- Are persons in the furtherance of a governmental function whether compensated or not.

Legislators and Executive Branch Officials

- Are considered to be "Public Servants" and are bound by the restrictions contained in the Ethics Code.

# PROHIBITED SOURCES

## For Elected Officials

- A person who has or is seeking a contractual, business, or financial arrangement with your agency. [R.S. 42:1115A(1)]
- Someone who, for compensation, attempts to influence any legislation of the public servant's agency.

## For Public Employees

(in addition to the prohibited sources for Elected Officials)

- A person who conducts activities which 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 or non-performance of the public employee's job duties. [R.S. 42:1115B(2)]

# SECTION 1115 - GIFTS



A public servant may NOT accept anything of economic value, directly or indirectly, as a gift from someone who is considered a prohibited source.



# PROHIBITED INCOME SECTION 1111

**A PUBLIC SERVANT MAY  
NOT RECEIVE:**



Anything 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 INCOME SECTION 1111

A public employee may not receive a thing of economic value for services rendered to or for a prohibited source as defined in §1115A(1) and B.  
[R.S. 42:1111C(2)(d)]

# THING OF ECONOMIC VALUE

Means money or any thing having economic value.

EXCEPT

Promotional items having no substantial resale value.

Food and drink consumed while the guest of the giver:

- \$61 cap on food and drink purchased per event (effective July 1, 2018).
- No cap for a gathering “in conjunction with” a meeting related to a national or regional organization or a meeting of a statewide organization of governmental officials or employees as long as 10 persons are invited. The amount must be reported.

# THING OF ECONOMIC VALUE

Means money or any thing having economic value.

## EXCEPT

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

Act 87 (effective 5/11/16) allows admission to fundraising event held by or for the benefit of an educational institution or by or for the benefit of a nonprofit organization which conducts educational programs. R.S. 42:1123(13).

For Legislators, food, refreshments, and lodging reasonably related to making a public speech reasonable transportation from his home, capitol, to the site of the speaking engagement. R.S. 1123(16).

# THE GIVER OF PROHIBITED GIFTS SECTION 1117



The giver of a prohibited gift to a public servant violates the Code of Governmental Ethics and may be subject to enforcement proceedings.

# CAMPAIGN CONTRIBUTIONS

- Campaign contributions to a legislator fall under the Campaign Finance Disclosure Act and are reportable by the candidate, not the Lobbyist.
- Remember that Lobbyists may not make campaign contributions during a legislative session.



# WHERE TO GET MORE INFORMATION



## Contact Us

- Ethics Website:  
[ethics.la.gov](http://ethics.la.gov)
- Informal Advice:  
(225) 219-5600  
or  
(800) 842-6630