

# STATE OF LOUISIANA

## SUMMARY OF THE LEGISLATIVE BRANCH LOBBYING LAWS

### LSA-R.S. 24:50-59

**The following Summary is intended to serve as guidance to lobbyists or potential lobbyists. It is not binding upon the Louisiana Board of Ethics and does not constitute formal advice by the Board or its staff. Any requests for advice, formal or informal, should be directed to the Board and its staff. If any inconsistencies between the Legislative Branch Lobbying Disclosure Act or subsequent advisory opinions issued by the Board and this Summary exist, the statutory language and the written interpretation of the Act by the Board shall prevail.**

## **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.)

- Louisiana Board of Ethics
  1. prepares and distributes forms
  2. registers lobbyists and assigns registration numbers
  3. enforces Lobbyist Disclosure Act
  4. imposes and collects penalties for violations of Lobbyist Disclosure Act
  5. receives reports and makes them available to the public
  6. issues advisory opinions interpreting Lobbyist Disclosure Act
  7. has staff available to provide assistance
  8. promulgates rules to implement the laws under its jurisdiction
  9. maintains an electronic filing system for the filing of lobbying registration renewals, supplemental registrations/terminations, and expenditure reports.

## **II. Persons Required to Register as Lobbyists (LSA-R.S. 24:51(5))**

### A. Each lobbyist must register with the Board.

### B. Definitions

1. **“Lobbyist”** means:

- ▶ Any person who is **engaged** for compensation to act in a representative capacity for the purpose of lobbying when lobbying constitutes one of the duties of such engagement (Contract lobbyist; no expenditure threshold); OR
- ▶ Any person who is **employed** for compensation to act in a representative capacity for the purpose of lobbying when lobbying constitutes one of the duties of such employment (includes, but not limited to, in house lobbyists; no expenditure threshold); OR
- ▶ Any person who receives compensation of any kind, including **reimbursement** of expenditures, to act in a representative capacity when one of the functions for which compensation is paid is lobbying **and** makes expenditures of **\$500 or more** in a calendar year for the purpose of lobbying. ( includes, but not limited to, volunteer lobbyists)

**NOTE:** *Act 368 of the 2006 Regular Legislative Session changed the definition of “lobbyist” and removed the \$500 expenditure “trigger” for persons employed or otherwise engaged.*

2. **“Expenditure”** must meet the following criteria:

- gift or payment of money or anything of value;
- when the amount of value **exceeds \$10**;
- for the purchase of food, drink, or refreshment for a legislator in accordance with the restrictions found in LSA-R.S. 42:1102 et seq **OR** for the purchase of a ticket or to gain admission or entrance into a cultural or sporting event in accordance with the restrictions contained in LSA-R.S. 42:1123(13) **OR** for expenses of a member of the Legislature in connection with making a public speech as permitted by R.S. 42:1123(16); AND
- 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:** Rule 1701 of the Board’s Rules does not allow for lobbyists to split the payment of a ticket to circumvent the \$100 cap.

- 3. **“Person”** includes an individual, partnership, committee, association, corporation, and any other organization or group of persons.
- 4. **“Lobbying”** or **“to lobby”** means any direct act or communication with a legislator, the purpose of which is to aid in influencing the passage or defeat of any legislation.

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

- A. Each lobbyist shall register with the Board within 5 days of employment as a lobbyist or within 5 days after the first action requiring registration as a lobbyist.
- B. Each lobbyist must provide the following on forms 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
  - 4. 2 inch by 2 inch photograph made within the prior 6 months\*
  - 5. \$110 registration fee

*\*NOTE: A 2x2 photograph is required to be filed with a lobbyist's initial registration for a legislative term.*

- C. A registration shall expire on December 31 of each year unless the lobbyist submits a renewal on a Registration Form along with a \$110 fee. Renewals may be filed any time between December 1 and January 31.
- D. 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 the registration information
    - No fee is required.

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

- A. Lobbying Expenditure Reports must be filed with the Board by all registered lobbyists semi-annually as follows:
  - 1. By August 15 for the period January 1 through June 30;
  - 2. By February 15 for the period July 1 through December 31.
- B. When an expenditure for any one legislator exceeds \$50 on any one occasion, or \$250 in a reporting period, then the total expenditures attributable to that legislator must be reported.

***NOTE:** Such expenditures are included in the aggregate totals as well as listed on Schedule A of the report form.*

- C. 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.

**NOTE:** *Such expenditures are included in the aggregate totals as well as listed on Schedule B of the report form. Furthermore, any amount reported on Schedule B is not included when determining if the \$50 or the \$250 trigger has been met for itemizing on Schedule A of the report form.*

D. Exemptions from Reporting:

1. Any expenditure for any reception or social gathering sponsored in whole or in part by a lobbyist held in conjunction with a meeting of a national or regional organization of legislators or legislative staff to which any legislator is invited;
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;**
3. Expenditures of less than \$10.

**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.

**NOTE:** Please be aware that there are restrictions on the receipt of campaign contributions by legislators during session. Please refer to LSA-R.S. 18:1505.2Q.

**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 \$1,500.

- 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 \$10,000 in addition to any late fee.
- C. Penalties may also be imposed for the failure to accurately file.
- D. 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.
- E. The Board may file a claim to offset any late fees or other penalties imposed against an individual's state income tax refund.
- F. Failure to register as a lobbyist may render the contract for representation void and unenforceable.

**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, 2415 Quail Drive, 3<sup>rd</sup> Floor, Baton Rouge, LA 70808, (225) 763-8777 or toll free at (800) 842-6630.**