

Regular Session, 2014

HOUSE BILL NO. 214

BY REPRESENTATIVE RICHARD

LOBBYING: Provides relative to the applicability of certain provisions relative to lobbying the legislature

1 AN ACT

2 To amend and reenact R.S. 24:52 and 56(F) and to enact R.S. 24:51(9), (10), (11), (12), and
3 (13), relative to lobbying; to provide for the applicability of the provisions relative
4 to lobbying the legislature; to remove certain exceptions; to prohibit certain activity;
5 to provide for certain definitions; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 24:52 and 56(F) are hereby amended and reenacted and R.S.
8 24:51(9), (10), (11), (12), and (13) are hereby enacted to read as follows:

9 §51. Definitions

10 When used in this Part:

11 * * *

12 (9) "Agency" shall have the same meaning as provided in R.S. 42:1102.

13 (10) "Appointive office" shall have the same meaning as provided in R.S.
14 42:62.

15 (11) "Governmental entity" shall have the same meaning as provided in R.S.
16 42:1102.

17 (12) "Official duties" means activities which arise because of the public
18 position held by the person and involve matters which fall within the official
19 responsibility of the agency in which the person serves.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Richard

HB No. 214

Abstract: Provides for the applicability of the legislative lobbying laws to public servants. Requires certain written designations prior to certain communications by certain designated persons with legislators. Generally prohibits a public employee from lobbying in his official capacity or on behalf of an employer. Specifies that a public employee can lobby on personal time provided no public resources or funds are used.

Present law (R.S. 24:50 et seq.) regulates lobbying the legislature. Present law defines "lobbying" as 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; or 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. Present law defines "lobbyist" as either (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 or (b) any person who acts in a representative capacity and makes an expenditure. Specifies that "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. Present law provides for the registration of lobbyists and requires the monthly filing of lobbyist expenditure reports. Provides for certain specified prohibited conduct and provides for penalties and enforcement.

Present law provides that unless the context clearly indicates otherwise, the provisions of present law shall apply only to persons who are lobbyist as defined by present law and shall not apply to an elected official or any designee of an elected official when such designee is a public employee and when such elected official or public employee is acting in the performance of his or her official duties.

Proposed law provides instead that the provisions of present law shall not apply to an elected official or any designee of an elected official when such designee is a person serving in an appointive office and when such elected official or designee is acting in the performance of his or her official public duties. Defines "appointive office" the same as in present law (R.S. 42:62) as any office in any branch of government or other position on an agency, board, or commission or any executive office of any agency, board, commission, or department which is specifically established or specifically authorized by the constitution or laws of this state or by the charter or ordinances of any political subdivision thereof and which is filled by appointment or election by an elected or appointed public official or by a governmental body composed of such officials of this state or of a political subdivision thereof. Defines "official duties" as activities which arise because of the public position held by the person and involve matters which fall within the official responsibility of the agency in which the person serves.

Proposed law further requires a designee to file written proof of the designation, containing the identification and signature of the designating elected official, with the chief clerical officer of each house of the legislature prior to engaging in any direct communication with a legislator.

Present law prohibits a state employee in his official capacity or on behalf of his employer from lobbying for or against any matter intended to have the effect of law pending before the legislature or any committee thereof. Specifies that the dissemination of factual information relative to any such matter or the use of public meeting rooms or meeting facilities available to all citizens to lobby for or against any such matter is not prohibited.

Proposed law provides instead that no public employee in his official capacity or on behalf of his employer shall lobby for or against any matter intended to have the effect of law pending before the legislature or any committee thereof. Specifies that nothing in proposed law or present law prohibits the dissemination of factual information relative to any such matter or lobbying by a public employee on personal time provided no public funds or resources are utilized in any manner.

Proposed law further defines "agency" and "governmental entity" in the same manner as present law (ethics code—R.S. 42:1102) and defines "public employee" as any person employed by a governmental entity.

(Amends R.S. 24:52 and 56(F); Adds R.S. 24:51(9)-(13))