
DIGEST

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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))