

First Extraordinary Session, 2008

HOUSE BILL NO. 50

BY REPRESENTATIVES TUCKER, PETERSON, AND GALLOT

LOBBYING: Prohibits certain conduct by lobbyists (Item #2, 3, 5, and 7)

1 AN ACT

2 To enact R.S. 24:56(H), (I), (J), and (K) and R.S. 49:78.1(E), (F), and (G), relative to
3 lobbying; to prohibit certain conduct by lobbyists; to provide for penalties; and to
4 provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 24:56(H), (I), (J), and (K) are hereby enacted to read as follows:

7 §56. Prohibited conduct

8 * * *

9 H. No lobbyist shall receive or agree to receive payment or compensation for
10 lobbying that is contingent upon the passage or defeat of any legislation.

11 I. No lobbyist shall mislead, attempt to mislead, or provide false information
12 to a legislator in connection with lobbying.

13 J. No lobbyist shall instigate the introduction of legislation solely for the
14 purpose of being compensated to lobby in connection with such legislation.

15 K. If not otherwise prohibited by R.S. 42:1113 or any other provision of law,
16 no immediate family member of a legislator who is a lobbyist shall lobby such
17 legislator or communicate with the staff of such legislator concerning any matter
18 which may be the subject of action by the legislature.

19 Section 2. R.S. 49:78.1(E), (F), and (G) are hereby enacted to read as follows:

20 §78.1. Prohibited conduct; additional remedies; contract defeat or voidability

21 * * *

1 E. No lobbyist shall receive or agree to receive payment or compensation for
2 lobbying that is contingent upon any executive branch action.

3 F. No lobbyist shall mislead, attempt to mislead, or provide false information
4 to an executive branch official in connection with lobbying.

5 G.(1) If not otherwise prohibited by R.S. 42:1113 or any other provision of
6 law, no immediate family member of a statewide elected official or person holding
7 an office or position included in Paragraph (2) of this Subsection who is a lobbyist
8 shall lobby such official or his staff.

9 (2) This Subsection shall apply to persons holding the following offices or
10 positions:

11 (a) The members of the State Civil Service Commission and the director of
12 state civil service.

13 (b) The secretary of the Department of Economic Development.

14 (c) The secretary of the Department of Culture, Recreation and Tourism.

15 (d) The secretary of the Department of Environmental Quality.

16 (e) The secretary of the Department of Health and Hospitals.

17 (f) The secretary of the Department of Labor.

18 (g) The secretary of the Department of Natural Resources.

19 (h) The secretary of the Department of Public Safety and Corrections.

20 (i) The secretary of the Department of Revenue.

21 (j) The secretary of the Department of Social Services.

22 (k) The secretary of the Department of Transportation and Development.

23 (l) The secretary of the Department of Wildlife and Fisheries.

24 (m) The secretary of the Department of Veterans Affairs.

25 (n) The superintendent of education.

26 (o) The executive secretary of the Public Service Commission.

27 (p) The commissioner of the division of administration.

1 Section 3. The provisions of this Act shall not prohibit the completion of any
2 contract entered into prior to the effective date of this Act; however, no such contract shall
3 be renewed for a period extending beyond March 31, 2008.

4 Section 4. This Act shall become effective upon signature by the governor or, if not
5 signed by the governor, upon expiration of the time for bills to become law without signature
6 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
7 vetoed by the governor and subsequently approved by the legislature, this Act shall become
8 effective on the day following such approval.

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 [R.S. 1:13(B)] and do not constitute proof or indicia of legislative intent. [R.S. 24:177(E)]

Tucker

HB No. 50

Abstract: Prohibits contingency fee lobbying contracts. Prohibits a lobbyist from misleading, attempting to mislead, or providing false information to a legislator in connection with lobbying and from instigating the introduction of legislation solely for the purpose of being compensated to lobby in connection with such legislation. Prohibits a lobbyist who is the immediate family member of a statewide elected official, legislator, or person who holds one of several enumerated offices or positions as head of an executive branch department from lobbying such official or his staff.

Present law (R.S. 24:56) prohibits certain conduct by legislative branch lobbyists. Prohibits fundraising functions during a regular session unless written notice of the function has been given to the Board of Ethics not less than 30 days prior to the function. Provides consequences failing to provide notice. 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. Provides 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. Provides that no person shall enter into a contract to act in a representative capacity for the purpose of lobbying and fail to register or fail to file a supplemental registration providing the name and address of the person by whom he is employed or engaged and, if different, whose interests he represents pursuant to such contract as required by the legislative lobbying provisions of the law.

Proposed law retains present law and additionally prohibits lobbyists from:

- (1) Receiving or agreeing to receive payment or compensation for lobbying that is contingent upon the passage or defeat of any legislation.
- (2) Misleading, attempting to mislead, or providing false information to a legislator in connection with lobbying.

- (3) Instigating the introduction of legislation solely for the purpose of being compensated to lobby in connection with such legislation.

Provides further that if not otherwise prohibited by any other provision of law, no immediate family member of a legislator who is a lobbyist shall lobby such legislator or communicate with the staff of such legislator concerning any matter which may be the subject of action by the legislature.

Present law provides that the provisions of Part III of the Code of Governmental Ethics applies to enforcement of the legislative branch lobbying provisions.

Proposed law retains present law.

Present law (R.S. 49:78.1) prohibits certain conduct by executive branch lobbyists. Provides that no person shall enter into a contract to act in a representative capacity for the purpose of lobbying and fail to register or fail to file a supplemental registration providing the name and address of the person by whom he is employed or engaged and, if different, whose interests he represents pursuant to such contract as required by executive branch lobbying provisions. Provides that any person who violates this requirement shall have engaged in a misrepresentation sufficient to defeat or void the contract such person entered into to act in a representative capacity for the purpose of lobbying. Provides that any effort to register or to file a supplemental registration after any remedy or relief relative to such a violation is sought pursuant to any provision of law shall not be sufficient to reverse the misrepresentation. Requires the board to afford any person accused of violating this provision a hearing in accordance with the provisions of Part III of the Code of Governmental Ethics. Allows the board to order that the contract entered into for the purpose of lobbying by such person is void and the provisions thereof unenforceable. Provides that such consequences shall be in addition to any other applicable penalties or any other remedy or relief provided by law.

Proposed law retains present law and additionally provides that no executive branch lobbyist shall:

- (1) Receive or agree to receive payment or compensation for lobbying that is contingent upon any executive branch action.
- (2) Mislead, attempt to mislead, or provide false information to an executive branch official in connection with lobbying.

Provides additionally that if not otherwise prohibited by any provision of law, no immediate family member of a statewide elected official or person holding one of several enumerated offices as the head of an executive branch department who is a lobbyist shall lobby such official or his staff.

Present law provides that the provisions of Part III of the Code of Governmental Ethics applies to enforcement of the executive branch lobbying provisions.

Proposed law retains present law.

(Adds R.S. 24:56(H), (I), (J), and (K) and R.S. 49:78.1(E), (F), and (G))