

First Extraordinary Session, 2008

SENATE BILL NO. 19

BY SENATOR NEVERS

LOBBYING. Prohibits any expenditure by a legislative or executive lobbyist on a legislator or executive branch official. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 24:50, 51(2), 53(B), and 54(A)(1), and R.S. 49:71, 72(5), 74(B),
3 and 75(A)(1) and to enact R.S. 24:56(H) and R.S. 49:78.1(E), and to repeal R.S.
4 24:55, R.S. 42:1123(13) and (16), and R.S. 49:76, relative to expenditures by a
5 lobbyist; to provide for definitions; to provide for expenditures by legislative or
6 executive lobbyist; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 24:50, 51(2), 53(B), and 54(A)(1) are hereby amended and reenacted
9 and R.S. 24:56(H) is hereby enacted to read as follows:

10 §50. Purpose

11 The legislature declares that the operation of open and responsible
12 government requires that the fullest opportunity be afforded to the people to petition
13 their government for the redress of grievances and to express freely their opinions
14 on legislative action. To preserve and maintain the integrity of the legislative
15 process, the legislature also declares it is necessary that the identity of persons who
16 attempt to influence legislative actions ~~and certain expenditures by those persons~~ be
17 publicly disclosed.

1 §51. Definitions

2 When used in this Part:

3 * * *

4 (2) "Expenditure" means the gift or payment of money or anything of value
5 ~~when the amount of value exceeds ten dollars for the purchase of food, drink, or~~
6 ~~refreshment for a legislator and any gift or payment as permitted by R.S.~~
7 ~~42:1123(13) and (16) when the value exceeds ten dollars for the purpose of lobbying~~
8 when the lobbyist or principal accounts or would be expected to account for the
9 expenditure as an ordinary and necessary expense directly related to the active
10 conduct of the lobbyist's, his employer's, or the principal's trade or business.

11 * * *

12 §53. Registration of lobbyists with the board; compilation of information

13 * * *

14 B. At the time of the initial registration of a lobbyist the board shall assign
15 the lobbyist a registration number, which number shall be inscribed on the
16 registration form. This number shall be inscribed on each supplemental registration
17 form; **and** renewal form; ~~and expenditure report~~ filed by the lobbyist.

18 * * *

19 §54. Reports and statements under oath

20 A. (1) All reports, registrations, notices, and statements required under this
21 Part shall include a certification of accuracy by the person responsible for filing the
22 report, registration, notice, or statement: that the information contained in the report,
23 registration, notice, or statement is true and correct to the best of his knowledge,
24 information, and belief; that ~~no reportable expenditures have been made, and no~~
25 fundraising functions have been held that are not included therein as required by law;
26 and that no information required by this Part has been deliberately omitted.

27 * * *

28 §56. Prohibited conduct

29 * * *

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§75. Reports and statements under oath

A.(1) All reports, registrations, and statements required under this Part shall include a certification of accuracy by the person responsible for filing the report, registration, or statement that the information contained in the report, registration, or statement is true and correct to the best of his knowledge, information, and belief; ~~that no reportable expenditures have been made that are not included therein as required by law;~~ and that no information required by this Part has been deliberately omitted.

* * *

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

* * *

E. No lobbyist shall make an expenditure on any executive branch official.

Section 3. R.S. 24:55, R.S. 42:1123(13) and (16), and R.S. 49:76 are hereby repealed.

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

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Michelle Ducharme.

DIGEST

Nevers (SB 19)

Present law provides that to preserve and maintain the integrity of the legislative process, the legislature also declares it necessary that the identity of the person who attempt to influence legislative actions and certain expenditures by those persons be publicly disclosed.

Proposed law removes the requirement that certain expenditures be publicly disclosed when made by a person who attempts to influence legislative actions.

Present law defines expenditure as the gift or payment of money or anything of value when the amount of value exceeds ten dollars for the purchase of food, drink, or refreshment for a legislator and any gift or payment as permitted by law when the value exceeds ten dollars 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.

Proposed law changes the definitions of expenditure to the gift or payment of money or anything of value 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.

Present law prohibits certain conduct for legislative and executive lobbyist.

Proposed law retains present law and provides that no legislative nor executive lobbyist shall make an expenditure on any legislator or executive branch official.

Present law requires legislative and executive lobbyist file expenditure reports semiannually with the Board of Ethics (board).

Proposed law removes the requirement that legislative and executive branch lobbyist file expenditure reports semiannually with the board.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 24:50, 51(2), 53(B), and 54(A)(1) and R.S. 49:71, 72(5), 74(B), and 75(A)(1); adds R.S. 24:56(H) and R.S. 49:78.1(E); repeals R.S. 24:55, R.S. 42:1123(13) and (16), and R.S. 49:76)