

First Extraordinary Session, 2008

SENATE BILL NO. 10

BY SENATORS CHAISSON, ALARIO, AMEDEE, BROOME, CHEEK, CRAVINS, CROWE, DORSEY, DUPLESSIS, DUPRE, ERDEY, B. GAUTREAUX, N. GAUTREAUX, HEBERT, HEITMEIER, KOSTELKA, LONG, MARIONNEAUX, MARTINY, MICHOT, MOUNT, NEVERS, QUINN, RISER, SCALISE, SHAW, SHEPHERD, SMITH, THOMPSON AND WALSWORTH

LOBBYING. Prohibits certain conduct by lobbyists. (gov sig)

1 AN ACT

2 To enact R.S. 24:56(H), (I), (J), and (K), and R.S. 49:78.1(E), (F), (G), (H), and (I), relative
3 to lobbyists; to prohibit contingency contracts; to prohibit false or misleading
4 statements; to prohibit the instigation of legislation or executive action so as to lobby
5 such legislation or executive action; to prohibit certain persons from lobbying; and
6 to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

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

9 §56. Prohibited conduct

10 * * *

11 **H. No lobbyist shall accept or receive compensation, or enter into any**
12 **arrangement or contract, for lobbying contingent upon the passage or defeat of**
13 **legislation.**

14 **I. No lobbyist shall intentionally mislead, attempt to mislead, or provide**
15 **false or misleading information while lobbying.**

16 **J. No lobbyist shall instigate the introduction or commencement of any**
17 **legislation for the purpose of being compensated to lobby in connection with**

1 such legislation.

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

6 L. Nothing in this Section shall apply to persons solely involved in
7 making vendor sales.

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

10 §78.1. Prohibited conduct; additional remedies; contract defeator voidability;

11 prohibitions

12 * * *

13 E. No lobbyist shall accept or receive compensation, or enter into any
14 arrangement or contract, for lobbying contingent upon the passage or defeat of
15 any legislation or the inclusion of any item in the Executive Budget.

16 F. No lobbyist shall intentionally mislead, attempt to mislead, or provide
17 false or misleading information to an executive branch official while lobbying.

18 G. No lobbyist shall instigate any executive branch action for the purpose
19 of being compensated to lobby in connection with such executive branch action.

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

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

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

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

29 (c) The secretary of the Department of Culture, Recreation and

- 1 **Tourism.**
- 2 **(d) The secretary of the Department of Environmental Quality.**
- 3 **(e) The secretary of the Department of Health and Hospitals.**
- 4 **(f) The secretary of the Department of Labor.**
- 5 **(g) The secretary of the Department of Natural Resources.**
- 6 **(h) The secretary of the Department of Public Safety and Corrections.**
- 7 **(i) The secretary of the Department of Revenue.**
- 8 **(j) The secretary of the Department of Social Services.**
- 9 **(k) The secretary of the Department of Transportation and**
- 10 **Development.**
- 11 **(l) The secretary of the Department of Wildlife and Fisheries.**
- 12 **(m) The secretary of the Department of Veterans Affairs.**
- 13 **(n) The superintendent of education.**
- 14 **(o) The executive secretary of the Public Service Commission.**
- 15 **(p) The commissioner of the division of administration.**
- 16 **(q) The executive counsel to the governor.**
- 17 **(r) The chief of staff of the office of the governor.**
- 18 **(s) Members of the Public Service Commission.**
- 19 **(t) Members of the State Board of Elementary and Secondary Education.**
- 20 **(u) Members of the Board of Regents.**
- 21 **(v) Members of the Board of Supervisors of the University of Louisiana**
- 22 **System.**
- 23 **(w) Members of the Board of Supervisors of the Louisiana State**
- 24 **University and Agricultural and Mechanical College.**
- 25 **(x) Members of the Board of Supervisors of Southern University and**
- 26 **Agricultural and Mechanical College.**
- 27 **(y) Members of the Board of Supervisors of Community and Technical**
- 28 **College.**
- 29 **(z) Members of the Wildlife and Fisheries Commission.**

1 **(aa) Members of the State Police Commission.**

2 **(bb) Members of the Board of Ethics.**

3 **(cc) The deputy chief of staff to the governor.**

4 **(dd) Members of the Gaming Control Board.**

5 **(ee) The members of the Louisiana Board of Parole.**

6 **(ff) The members of the Louisiana Board of Pardons.**

7 **(gg) The members of the Mineral Board.**

8 **(hh) The members of the Louisiana Lottery Commission.**

9 **(ii) The governor's legislative director.**

10 **(jj) The members of the Board of Commerce and Industry.**

11 **(kk) The members of the Louisiana Recovery Authority.**

12 **I.(1) Nothing in this Section shall apply to persons interacting with the**
 13 **State Bond Commission.**

14 **(2) Nothing in this Section shall apply to persons solely involved in**
 15 **making vendor sales.**

16 Section 3. This Act shall become effective upon signature by the governor or, if not
 17 signed by the governor, upon expiration of the time for bills to become law without signature
 18 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 19 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 20 effective on the day following such approval.

21 Section 4. Notwithstanding the provisions of Section 3 of this Act, the provisions
 22 of this Act shall not apply to any arrangement or contract entered into prior to the effective
 23 date of this Act until March 31, 2008.

The original instrument was prepared by Tim Prather. The following digest,
 which does not constitute a part of the legislative instrument, was prepared
 by Linda Nugent.

DIGEST

Chaisson (SB 10)

Proposed law prohibits a lobbyist from accepting or receiving compensation for, or entering
 into any arrangement or contract to, lobby contingent upon the passage or defeat of any
 legislation or the inclusion of any item in the Executive Budget.

Proposed law prohibits a lobbyist from intentionally misleading, attempting to mislead, or providing false or misleading information to a legislator or an executive branch official while lobbying.

Proposed law prohibits a lobbyist from instigating the introduction or commencement of any legislation or executive branch action for the purpose of obtaining employment as a lobbyist to oppose or support such legislation or action.

Proposed law prohibits a member of the immediate family of a legislator who is a lobbyist from lobbying the legislator or communicating with his staff concerning any matter which may be subject to action by the legislator.

Proposed law provides that such provisions shall not apply to persons solely involved in making vendor sales.

Proposed law prohibits the immediate family member of a statewide elected official or person holding one of a specified list of officials who is a lobbyist from lobbying such official or his staff.

Specifies that this Act does not apply to any arrangement or contract entered into prior to the effective date of this Act until March 31, 2008.

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

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

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Senate and Governmental Affairs to the original bill.

1. Excludes from the effect of the prohibitions regarding executive branch lobbying persons interacting with the State Bond Commission and persons solely involved in making vendor sales.
2. Prohibits any member of the immediate family of a legislator who is a lobbyist from lobbying such legislator or communicating with his staff concerning any matter which may be the subject of action by the legislature.
3. Prohibits any member of the immediate family of a statewide elected official or persons holding specified positions who is a lobbyist from lobbying the official or his staff.
4. Specifies that the prohibition on a lobbyist misleading a legislator or executive branch official relates to intentionally doing so.
5. Specifies that the prohibition on contingency contracts for executive branch lobbying is limited to lobbying for the passage or defeat of legislation or the inclusion of any item in the Executive Budget.

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill.

1. Specifies that relative to legislators, the lobbying prohibition is not applicable to persons solely involved in making vendor sales.

2. Deletes exception for interaction regarding Executive Budget requests.
3. Adds to the list of persons prohibiting any member of the immediate family of persons holding specified positions who is a lobbyist from lobbying the person or his staff.