

SENATE BILL NO. 499

BY SENATORS CROWE, THOMPSON AND WALSWORTH

1 AN ACT

2 To amend and reenact R.S. 24:51(4) and (5) and 52 and R.S. 49:72(7) and 73 and to enact
3 R.S. 24:51(8), relative to lobbying; to provide for certain definitions of legislative
4 and executive branch lobbyist; to provide for the applicability of the laws relative to
5 lobbying; to provide exceptions to the requirement of certain individuals to register
6 as lobbyists; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 24:51(4) and (5) and 52 are hereby amended and reenacted and R.S.
9 24:51(8) is hereby enacted to read as follows:

10 §51. Definitions

11 When used in this Part:

12 * * *

13 (4) "Lobbying" or "to lobby" means **any of the following:**

14 **(a) any Any direct act or communication with a legislator, the purpose of**
15 **which is to aid in influencing the passage or defeat of any legislation.**

16 **(b) Any preparation or research specifically intended, at the time it is**
17 **performed, for use in or in support of any ongoing or planned direct act or**
18 **communication with a legislator, the purpose of which is to aid in influencing**
19 **the passage or defeat of any legislation.**

1 (c) Conducting or attending a meeting the purpose of which is to discuss
2 direct communication with a legislator to aid in influencing the passage or
3 defeat of any legislation.

4 (5)(a) "Lobbyist" means either of the following:

5 (a) (i) Any person who is employed or engaged for compensation to act in a
6 representative capacity for the purpose of lobbying if lobbying constitutes one of the
7 principal duties of such employment or engagement.

8 (b) (ii) Any person who ~~receives compensation of any kind, including~~
9 ~~reimbursement of expenditures, to act~~ acts in a representative capacity ~~when one of~~
10 ~~the functions for which compensation is paid is lobbying and makes expenditures as~~
11 ~~herein defined of five hundred dollars or more in a calendar year for the purpose of~~
12 ~~lobbying~~ an expenditure.

13 (b) However, "lobbyist" shall not mean any person who does not make
14 any direct act or have any direct communication with a legislator for the
15 purpose of influencing the passage or defeat of any legislation.

16 * * *

17 (8) "Principal duty" means any duty which is expected to account for
18 twenty percent or more of a person's time in fulfilling the terms of his
19 engagement or any duty which is expected to account for twenty percent or
20 more of a person's time in any given year in performing the responsibilities of
21 his employment.

22 * * *

23 §52. Persons to whom applicable; exceptions

24 The Unless the context clearly indicates otherwise, the provisions of this
25 Part shall apply only to persons who are lobbyists as defined in R.S. 24:51. The
26 provisions of this Part shall not apply to a an statewide elected official or to any
27 designees of the statewide elected official, when such designee is a public
28 employee and when such elected official or public employee is acting in the
29 performance of his or her official public duties.

30 Section 2. R.S. 49:72(7) and 73 are hereby amended and reenacted to read as

1 follows:

2 §72. Definitions

3 When used in this Part:

4 * * *

5 (7) "Lobbyist" means: ~~(a) Any person who is employed or engaged for~~
6 ~~compensation to act in a representative capacity for the purpose of lobbying if~~
7 ~~lobbying constitutes one of the duties of such employment or engagement; however,~~
8 ~~any person who is engaged or employed to provide a professional service to a person~~
9 ~~and incidental to such professional service such person communicates with an~~
10 ~~executive branch agency or official or makes an appearance or assists in an~~
11 ~~appearance with an executive branch agency or official shall not be a lobbyist unless~~
12 ~~such person or the person who engaged the professional services of or employed~~
13 ~~such person makes an expenditure as defined in this Section.~~

14 ~~(b) Any person who receives compensation of any kind, including~~
15 ~~reimbursement of expenditures, to act in a representative capacity when one of the~~
16 ~~functions for which compensation is paid is lobbying and makes expenditures as~~
17 ~~herein defined of five hundred dollars or more in a calendar year for the purpose of~~
18 ~~lobbying~~ **any person who acts in a representative capacity and makes an**
19 **expenditure.**

20 * * *

21 §73. Persons to whom applicable; exceptions

22 Except as otherwise provided in this Part relative to a principal or employer
23 of a lobbyist, the provisions of this Part shall apply only to persons who are lobbyists
24 as defined in R.S. 49:72. **The provisions of this Part shall not apply to** ~~An~~ an
25 elected or appointed public official or any designee of such an official, **when such**
26 **designee is a public employee and when such elected or appointed official or**
27 **public employee is** acting in the performance of his **or her official** public duties
28 shall not be considered to be a lobbyist as defined in this Part.

29 Section 3. This Act shall become effective upon signature by the governor or, if not
30 signed by the governor, upon expiration of the time for bills to become law without signature

1 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
2 vetoed by the governor and subsequently approved by the legislature, this Act shall become
3 effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____