

Regular Session, 2012

HOUSE BILL NO. 187

BY REPRESENTATIVE GISCLAIR

LOBBYING: Requires notification and reporting relative to certain communications made for the purpose of influencing the passage or defeat of legislation

1 AN ACT

2 To enact R.S. 24:55.1, relative to lobbying of the legislature; to provide for certain
3 notifications and reports regarding certain communications relative to influencing
4 of the passage or defeat of legislation; to provide for penalties; and to provide for
5 related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 24:55.1 is hereby enacted to read as follows:

8 §55.1. Communications to influence legislation; notices; reports; penalties

9 A. Notwithstanding the provisions of R.S. 24:52, the provisions of this
10 Section shall apply to any person who engages in or causes communication activities
11 as defined in this Section. Each such person shall file a notice with the Board of
12 Ethics within twenty-four hours of taking any action to engage in or commence
13 communication activities. Further, each such person who in any calendar year
14 receives or expends funds in excess of one thousand dollars for the purpose of
15 engaging in or causing communications activities shall file monthly reports with the
16 board as provided in this Section until a final report has been filed after the
17 conclusion of such communication activities.

18 B. For purposes of this Section, the term "communication activities" shall
19 mean an organized series of more than fifty telephone calls or automated calls made
20 for purpose of influencing the passage or defeat of legislation and which are

1 generated, transmitted, conveyed, or routed from a system or service that provides
2 for ability to route or transfer each person called to a telephone number assigned to
3 a legislator or the legislative branch of state government.

4 C. The notice and reports required by this Section shall be filed
5 electronically in the manner and on forms provided by the board. The report for each
6 month shall be filed by the twenty-fifth day of the following month.

7 D. The notice shall include the name and address of the person responsible
8 for the communication activities and a description of the legislation that is the
9 concern of the communication activities.

10 E. Each report shall include:

11 (1) The name and address of the person responsible for the communication
12 activities and a description of the legislation that is the concern of the
13 communication activities.

14 (2) The date or dates the communication activities will be occurring or have
15 occurred.

16 (3) The name and address of each person from whom funds were received
17 for the purpose of conducting the communication activities, the amount of such
18 funds received, and the date on which such funds were received. The report shall
19 also include an aggregate total of all such funds received during the reporting period.

20 (4) A statement of each payment for the communication activities, including
21 a description of the purpose of the payment, the date on which and to whom such
22 payment was made, and a description of the legislation that such payment was made
23 to influence. The report shall also include an aggregate total of all such payments
24 made during the reporting period.

25 F. In addition to any other applicable penalties, any person required to file a
26 notice or report under the provisions of this Section who knowingly fails to do so or
27 who knowingly fails to disclose or to disclose accurately any information required
28 by this Section shall be assessed a civil penalty not to exceed ten thousand dollars
29 per violation.

1 G. The board shall notify the chief clerical officer of each house of the
2 legislature immediately upon receipt of a notice filed pursuant to this Section.

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 or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Gisclair

HB No. 187

Abstract: Requires persons who engage in certain automated calls for the purpose influencing the passage or defeat of legislation to electronically file a notice and reports with the Board of Ethics.

Present law (relative to legislative lobbying) requires certain persons to register as lobbyists and to file expenditure reports electronically with the Board of Ethics (board). Provides for enforcement by the board and penalties including late fees of \$50 per day for failing to register or failing to timely file any required report and after hearing by the board, assessment of a civil penalty not to exceed \$10,000 for any person whose registration or report is filed 11 or more days late. Further specifically provides for civil penalties of up to \$10,000 assessed in accordance with the Code of Governmental Ethics and referral to the district attorney for prosecution pursuant to present law (R.S. 14:133) of any person who with knowledge of falsity files a registration or report that contains a false statement or false representation of a material fact.

Proposed law retains present law and further requires each person who engages in or causes "communication activities" to file a notice with the board within 24 hours of taking any action to engage in or commence such activities which are defined as an organized series of more than 50 telephone calls or automated calls made for the purpose of influencing the passage or defeat of legislation and which are generated, transmitted, conveyed, or routed from a system or service that provides for ability to route or transfer each person called to a telephone number assigned to a legislator or the legislative branch of state government. Requires the notice to include the name and address of the person responsible for the communication activities and a description of the legislation that is the concern of the communication activities.

Proposed law further requires each such person who in any calendar year receives or expends funds in excess of \$1,000 for the purpose of engaging in or causing communications activities to file monthly reports (due on the 25th day of the following month) with the board until a final report has been filed after the conclusion of such communication activities. Requires each report to include: the name and address of the person responsible for the communication activities and a description of the legislation that is the concern of the communication activities; the date or dates the communication activities will be occurring or have occurred; the name and address of each person from whom funds were received for the purpose of conducting the communication activities, the amount of such funds received, and the date on which such funds were received; an aggregate total of all such funds received during the reporting period; a statement of each payment for the communication activities, including a description of the purpose of the payment, the date on which and to whom such payment was made, and a description of the legislation that such payment was made to influence; and an aggregate total of all such payments made during the reporting period.

Proposed law provides that in addition to the applicable penalties in present law any person required to file a notice or report under the provisions proposed law who fails to do so or who fails to disclose or to disclose accurately any information required by proposed law shall be assessed a civil penalty not to exceed \$10,000 per violation.

Proposed law requires the board to notify the chief clerical officer of each house of the legislature immediately upon receipt of a notice filed pursuant to present law.

(Adds R.S. 24:55.1)