

Regular Session, 2014

HOUSE BILL NO. 161

BY REPRESENTATIVE THIBAUT

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 require certain notifications
3 and reports regarding certain communications relative to influencing the passage or
4 defeat of legislation; to prohibit misleading or false information; to provide for
5 penalties; and to provide for 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.(1) Notwithstanding the provisions of R.S. 24:52, the provisions of this
10 Section shall apply to any person who is responsible for causing communication
11 activities as defined in this Section.

12 (2) The provisions of this Section shall not apply to a common carrier or its
13 employees if the common carrier is contracted with an unaffiliated person to engage
14 in communication activities.

15 B. For purposes of this Section, the term "communication activities" shall
16 mean an organized series of more than fifty telephone calls or automated calls that
17 are made for the purpose of influencing the passage or defeat of legislation and that
18 are generated, transmitted, conveyed, or routed from a system or service that
19 provides the ability to route or transfer each person called to a telephone number
20 assigned to a legislator or the legislative branch of state government.

1 C. Each person who is responsible for causing communication activities shall
2 file a notice with the Board of Ethics within twenty-four hours of taking any action
3 to commence or cause communication activities. Further, each such person who in
4 any calendar year receives or expends funds in excess of one thousand dollars for the
5 purpose of engaging in or causing communications activities shall file monthly
6 reports with the board as provided in this Section until a final report has been filed
7 after such communication activities have concluded and the receipt or expenditure
8 of funds related to such communication activities have concluded.

9 D.(1) The notice and reports required by this Section shall be filed
10 electronically in the manner and on forms provided by the board.

11 (2) The report for each month shall be filed by the twenty-fifth day of the
12 following month.

13 E. The notice shall include the name and address of the person responsible
14 for the communication activities and a description of the legislation that is the
15 concern of the communication activities.

16 F. Each report shall include:

17 (1) The name and address of the person responsible for the communication
18 activities and a description of the legislation that is the concern of the
19 communication activities.

20 (2) The date or dates the communication activities will be occurring, are
21 occurring, or have occurred.

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

26 (4) A statement of each payment for the communication activities, including
27 a description of the purpose of the payment, the date on which and to whom such
28 payment was made, and a description of the legislation that such payment was made

1 to influence. The report shall also include an aggregate total of all such payments
2 made during the reporting period.

3 G. No person who is responsible for causing communication activities shall
4 convey or cause the conveying of any information that is false or misleading to any
5 person in connection with the communication activities. The board shall afford any
6 person accused of violating the provisions of this Subsection a hearing in accordance
7 with Part III of Chapter 15 of Title 42 of the Louisiana Revised Statutes of 1950.

8 H.(1) Any person who fails to timely file a notice pursuant to this Section
9 shall be assessed a late fee of fifty dollars per day pursuant to R.S. 42:1157.

10 (2) The penalty for failing to timely file a report shall be as provided in R.S.
11 24:58.

12 (3) In addition to any other applicable penalty, any person required to file a
13 notice or report pursuant to the provisions of this Section who fails to do so or who
14 fails to disclose or to disclose accurately any information required by this Section
15 shall be assessed a civil penalty not to exceed ten thousand dollars per violation.

16 (4) In addition to any other applicable penalty, any person required to file a
17 notice or report pursuant to the provisions of this Section who, after a hearing, has
18 been found, in violation of this Section, to have conveyed or caused the conveying
19 of any information that is false or misleading in connection with communication
20 activities shall be assessed a civil penalty not to exceed ten thousand dollars per
21 violation.

22 I. The board shall notify the chief clerical officer of each house of the
23 legislature immediately upon receipt of a notice filed pursuant to this Section.

24 Section 2. This Act shall become effective on January 1, 2015.

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)]

Thibaut

HB No. 161

Abstract: Requires persons who are responsible for causing certain automated calls for the purpose of influencing the passage or defeat of legislation to electronically file a notice and reports with the Board of Ethics. Prohibits the conveyance of false or misleading information in connection with such activity.

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 a 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 is responsible for causing communication "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 that are generated, transmitted, conveyed, or routed from a system or service that provides for the 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 and the receipt or expenditure of funds related to such communication activities have concluded. 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, are 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 for a \$50 per day penalty for failing to timely file a notice. Present law provides for a \$50 per penalty for failing to timely file a report. Present law (R.S. 42:1157) provides for a maximum of \$1,500 for failing to timely file. Proposed law further provides that in addition to other applicable penalties, any person required to file a notice or report pursuant to 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 further prohibits any person who is responsible for causing communication activities from conveying or causing the conveying of any information that is false or misleading in connection with the communication activities, provides that the Board of Ethics shall afford any person accused of such a hearing in accordance with present law (ethics code), and that any person determined to have engaged in such activity 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.

Proposed law provides an exemption from proposed law for a common carrier or its employees if the common carrier is contracted with an unaffiliated person to engage in communication activities.

Effective Jan. 1, 2015.

(Adds R.S. 24:55.1)