
DIGEST

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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)