

2017 Regular Session

HOUSE BILL NO. 308

BY REPRESENTATIVES MCFARLAND, ABRAHAM, ANDERS, TERRY BROWN, CHANEY, DEVILLIER, DWIGHT, HOFFMANN, JACKSON, DUSTIN MILLER, PYLANT, SCHRODER, AND THIBAUT AND SENATORS FANNIN, THOMPSON, AND WALSWORTH

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

ETHICS/NEPOTISM: Allows the continued employment of a cadet or graduate of the state police training academy in the classified state police service under certain circumstances

1 AN ACT

2 To enact R.S. 42:1119(H), relative to nepotism; to provide an exception to allow the
3 continued employment of a cadet or graduate of the state police training academy in
4 the classified state police service under certain circumstances; to provide for the
5 application and effectiveness of the exception; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 42:1119(H) is hereby enacted to read as follows:

8 §1119. Nepotism

9 * * *

10 H. Nothing in this Section shall prohibit the continued employment of a
11 cadet or graduate of the state police training academy in the classified state police
12 service nor shall it be construed to hinder, alter, or in any way affect normal
13 promotional advancements for such public employee in the classified state police
14 service where a member of the public employee's immediate family becomes the
15 agency head of such public employee's agency, provided that such public employee
16 has been employed in the classified state police service for a period of at least four
17 months prior to the member of the public employee's immediate family becoming
18 the agency head.

1 Section 2. The provisions of this Act shall be given prospective and retroactive
2 application.

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

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)]

HB 308 Engrossed

2017 Regular Session

McFarland

Abstract: Allows the continued employment of a cadet or graduate of the state police training academy in the classified state police service where a member of the public employee's immediate family becomes the agency head of such public employee's agency, provided that he has been employed in the classified state police service for a period of at least four months.

Present law (ethics code) generally prohibits an immediate family member of an agency head from being employed in his agency but present law has a general exception to allow the continued employment of an immediate family member of an agency head provided that such public employee has been employed in the agency for a period of at least one year prior to the public employee's immediate family member becoming the agency head. Present law contains additional, more specific exceptions.

Proposed law retains present law and provides an additional exception to allow the continued employment of a cadet or graduate of the state police training academy in the classified state police service and specifies that present law shall not be construed to hinder, alter, or in any way affect normal promotional advancements for such public employee in the classified state police service where a public employee's immediate family member becomes the agency head, provided that such public employee has been employed in the classified state police service for a period of at least four months prior to his immediate family member becoming the agency head.

Provides that the provisions of the Act are to be applied retroactively as well as prospectively.

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

(Adds R.S. 42:1119(H))