

2018 Regular Session

HOUSE BILL NO. 849

BY REPRESENTATIVE LANCE HARRIS

ETHICS/CODE: Provides for certain requirements for specified agency heads including prohibitions on engaging in outside activities or employment for any thing of economic value

1 AN ACT

2 To enact R.S. 42:1113.2, relative to ethics; to require certain agency heads to serve in such  
3 capacity full-time; to prohibit certain agency heads from engaging in certain  
4 activities; to provide certain exceptions; 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. 42:1113.2 is hereby enacted to read as follows:

8 §1113.2. State executive branch agency heads; requirements; restrictions;  
9 exceptions

10 A. For the purposes of this Section, the following phrases shall have the  
11 following meanings:

12 (1) "Executive branch agency head" shall mean a person who is appointed  
13 by the governor or the lieutenant governor to be the executive head and chief  
14 administrative officer of a department designated in R.S. 36:4(A).

15 (2) "Full time" shall mean the period of time which a person normally works  
16 or is expected to work and which is at least seven hours per day of work and at least  
17 forty hours per week of work.

1           B.(1) Each executive branch agency head shall serve full-time in the position  
2           to which he was appointed and except for taking earned leave, shall report to work  
3           on each day that his agency is open to the public.

4           (2) No executive branch agency head shall engage in any outside  
5           employment or activities if as a result of the outside employment or activities the  
6           executive branch agency head receives, directly or indirectly, any thing of economic  
7           value from any person or agency subject to the supervision or jurisdiction of or  
8           regulation by the executive branch agency head's agency or from any person or  
9           agency that receives or seeks to receive funding from or through the executive  
10          branch agency head's agency.

11          C. Nothing in this Section shall be construed to prohibit an executive branch  
12          agency head from providing volunteer services on his own time to a bona fide  
13          charitable organization which is exempt from federal income tax pursuant to Section  
14          501(c)(3) of the Internal Revenue Code if the organization is not subject to the  
15          supervision or jurisdiction of or regulation by the executive branch agency head's  
16          agency and if the organization does not receive and is not seeking to receive funding  
17          from or through the executive branch agency head's agency.

18          D.(1) In addition to the penalties for violations of this Chapter, any executive  
19          branch agency head who violates the provisions of this Section shall be subject to an  
20          additional fine of up to five thousand dollars per day for each day that such executive  
21          branch agency head is in violation of this Section.

22          (2) If an investigation conducted of a violation of this Section reveals that  
23          an executive branch agency head has violated a provision of this Section to his  
24          economic advantage, and after an adjudicatory hearing on the matter, the Ethics  
25          Adjudicatory Board shall order recovery and the payment of penalties. Recovery  
26          shall include an amount equal to such economic advantage and penalties not to  
27          exceed one half of the amount of the economic advantage. Further, the Ethics  
28          Adjudicatory Board shall order the forfeiture of any gifts received in violation of this  
29          Section.

1 Section 2. This Act shall become effective upon signature by the governor or, if not  
2 signed by the governor, upon expiration of the time for bills to become law without signature  
3 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
4 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
5 effective on the day following such approval.

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#### 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)]

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HB 849 Engrossed

2018 Regular Session

Lance Harris

**Abstract:** Requires an executive branch agency head to serve in such capacity full-time and prohibits an executive branch agency head from engaging in certain outside employment or activities if he receives any thing of economic value as a result.

Proposed law requires each executive branch agency head to serve full-time in the position to which he was appointed and except for taking earned leave, to report to work on each day that his agency is open to the public. Defines "executive branch agency head" as a person who is appointed by the governor or the lieutenant governor to be the executive head and chief administrative officer of a department designated in present law (R.S. 36:4(A)) and defines "full time" as the period of time which a person normally works or is expected to work and which is at least seven hours per day of work and at least 40 hours per week of work.

Proposed law prohibits an executive branch agency head from engaging in any outside employment or activity if the executive branch agency head receives, directly or indirectly, any thing of economic value from any person or agency subject to the supervision or jurisdiction of or regulation by the executive branch agency head's agency or from any person or agency that receives or seeks to receive funding from or through the executive branch agency head's agency.

Proposed law specifies that proposed law shall not be construed to prohibit an executive branch agency head from providing volunteer services on his own time to a bona fide charitable organization which is exempt from federal income tax pursuant to present law (Section 501(c)(3) of the Internal Revenue Code) if the organization is not subject to the supervision or jurisdiction of or regulation by the executive branch agency head's agency and if the organization does not receive and is not seeking to receive funding from or through the executive branch agency head's agency.

Violations of proposed law would be subject to the penalties in present law for violation of the ethics code. For public employees those penalties include removal, suspension, reduction in pay, or demotion and/or a fine of up to \$10,000 per violation.

Proposed law provides that in addition to the penalties for violations of present law (ethics code), an executive branch agency head who violates proposed law shall be subject to an additional fine of up to \$5,000 per day for each day and if an investigation reveals that an executive branch agency head has violated proposed law to his economic advantage, the Ethics Adjudicatory Board shall order recovery and the payment of penalties in an amount equal to such economic advantage and penalties not to exceed one half of the amount of the

economic advantage and shall order the forfeiture of any gifts received in violation of proposed law.

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

(Adds R.S. 42:1113.2)