

2020 Regular Session

HOUSE BILL NO. 866

BY REPRESENTATIVE CORMIER

ETHICS: Prohibits the receipt of certain things of economic value by certain persons affiliated with a political subdivision's official journal and related persons subdivision

1 AN ACT

2 To enact R.S. 42:1111.2, relative to the Code of Governmental Ethics; to prohibit the receipt
3 of certain things of economic value by persons affiliated with the official journal of
4 a political subdivision and their immediate family members; to provide for the period
5 of time the prohibitions apply; to provide for penalties; and to provide for related
6 matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 42:1111.2 is hereby enacted to read as follows:

9 §1111.2. Official journals; prohibitions

10 A. No owner, officer, director, agent, or employee of a person who has been
11 designated as an official journal of a political subdivision in accordance with the
12 provisions of Chapter 4 of Title 43 of the Louisiana Revised Statutes of 1950 shall
13 directly receive any thing of economic value from the political subdivision or from
14 any agency or other governmental entity under the jurisdiction, control, or
15 supervision of the political subdivision.

16 B. No immediate family member of a person included in Subsection A of
17 this Section shall directly receive any thing of economic value from the political
18 subdivision or from any agency or other governmental entity under the jurisdiction,
19 control, or supervision of the political subdivision.

1 C. The prohibitions contained in Subsections A and B of this Section shall
 2 apply throughout the time period of the designation of the person as the official
 3 journal and for a period of two years following the termination of the designation as
 4 the official journal. However, if a person terminates affiliation with the person
 5 designated as the official journal, the prohibitions contained in Subsection A and B
 6 applicable to such person and his immediate family members shall continue for a
 7 period of two years following the termination of the affiliation with the official
 8 journal.

9 Section 2. This Act shall become effective upon signature by the governor or, if not
 10 signed by the governor, upon expiration of the time for bills to become law without signature
 11 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 12 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 13 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 866 Engrossed

2020 Regular Session

Cormier

Abstract: Prohibits the receipt of certain things of economic value by persons affiliated with the official journal of a political subdivision and their immediate family members from the political subdivision its agencies.

Present law (ethics code) defines "public employee" as including anyone, whether compensated or not, who is engaged in the performance of a governmental function or who is under the supervision or authority of an elected official or another employee of the governmental entity.

Present law (ethics code—R.S. 42:1111) prohibits a public servant from receiving any thing of economic value from a person to whom the public servant has directed business of the governmental entity and prohibits a public servant from receiving compensation from certain sources, including those which have or are seeking a contractual, business, or financial relationship with the public servant's agency. Present law (R.S. 42:1111 & 1113) prohibits a public servant and specified related legal entities from receiving any thing of economic value for assisting persons in transactions with the public servant's agency or from engaging in transactions with the public servant's agency. Present law (R.S. 42:1112) prohibits a public servant from participating in a transaction involving his governmental entity when the public servant or a person in which he is an officer, director, trustee, partner, or employee has a substantial economic interest.

Proposed law further prohibits an owner, officer, director, agent, or employee (and his immediate family members) of a person who has been designated as an official journal of

a political subdivision in accordance with present law (Ch. 4 of Title 43) from directly receiving any thing of economic value from the political subdivision or from any agency or other governmental entity under the jurisdiction, control, or supervision of the political subdivision. Provides that the prohibitions apply throughout the time period of the designation of the person as the official journal and for a period of two years following the termination of the designation as the official journal. Provides however, that if a person terminates affiliation with the official journal, the prohibitions applicable to such person and his immediate family members shall continue for a period of two years following the termination of the affiliation with the official journal.

Present law provides that violations of present law (ethics code) are punishable by a fine of up to \$10,000 and provides additional penalties for illegal gain and authorizes the Ethics Adjudicatory Board to cancel or rescind any contract of or permit or license issued by a governmental entity when a violation of law within the jurisdiction of the board has influenced the issuance of the permit or license or the making of the contract. Proposed law makes penalties and provisions in present law (ethics code) applicable to proposed law.

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

(Adds R.S. 42:1111.2)