

Regular Session, 2013

HOUSE BILL NO. 264

BY REPRESENTATIVE FOIL

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

PUBLIC EMPLOYEES: Excludes persons whose public service is limited to certain professional services from the provisions of the Code of Governmental Ethics

1 AN ACT

2 To amend and reenact R.S. 42:1102(18)(b), relative to the application of the Code of
3 Governmental Ethics to certain persons; to provide an exception to the definition of
4 "public employee" for persons contracted to perform specified, limited contractual
5 services; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 42:1102(18)(b) is hereby amended and reenacted to read as follows:

8 §1102. Definitions

9 Unless the context clearly indicates otherwise, the following words and
10 terms, when used in this Chapter, shall have the following meanings:

11 * * *

12 (18)

13 * * *

14 (b) However, "public employee" ~~does~~ shall not mean anyone whose public
15 service is limited to ~~periodic~~ any of the following:

16 (i) A contract to provide professional services as defined in R.S. 38:2310(7).

17 (ii) A contract to provide professional services as a certified public
18 accountant.

19 (iii) Periodic duty in the National Guard pursuant to 32 U.S.C.A. 502.

20 * * *

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)]

Foil

HB No. 264

Abstract: Provides for purposes of the ethics code that "public employee" does not include anyone whose public service is limited to specific contractual services performed by a certified public accountant, architect, engineer, or landscape architect.

Present law (Code of Governmental Ethics) provides for ethical standards for elected officials, public employees, and certain other persons including prohibited conflicts of interest involving payments from nonpublic sources, prohibited participation in transactions, prohibited contractual arrangements, prohibited gifts, abuse of office, and nepotism. Provides definitions and exceptions.

Present law provides that for purposes of the Code of Governmental Ethics, the term "public employee" means anyone, whether compensated or not, who is any of the following:

- (1) An administrative officer or official of a governmental entity who is not filling an elective office.
- (2) Appointed by any elected official when acting in an official capacity, and the appointment is to a post or position wherein the appointee is to serve the governmental entity or an agency thereof, either as a member of an agency, or as an employee thereof.
- (3) Engaged in the performance of a governmental function.
- (4) Under the supervision or authority of an elected official or another employee of the governmental entity.

Present law specifically provides that "public employee" does not mean anyone whose public service is limited to periodic duty in the National Guard pursuant to certain provisions of federal law (32 U.S.C.A. 502) relative to required training, drills, field exercises, and specified other duties.

Present law specifies that a public employee shall be in such status on days on which he performs no services as well as days on which he performs services and that the termination of any particular term or employment of a public employee shall take effect on the day the termination is clearly evidenced.

Proposed law excludes from the definition of "public employee" and therefore from the applicable provisions of the ethics code anyone whose public service is limited to a contract to provide professional certified public accountant services or professional services as defined in present law (R.S. 38:2310(7))- services performed by an architect, engineer, or landscape architect).

(Amends R.S. 42:1102(18)(b))