

2018 Regular Session

HOUSE BILL NO. 59

BY REPRESENTATIVE CONNICK

ETHICS: Provides relative to the post-service restrictions applicable to certain public servants

1 AN ACT

2 To enact R.S. 42:1121.2, relative to post-service restrictions; to provide additional post-
3 service restrictions for former public servants in certain departments; to provide
4 additional restrictions on entities related to certain former public servants involving
5 certain transactions; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 42:1121.2 is hereby enacted to read as follows:

8 §1121.2 Additional post-service restrictions; Department of Environmental Quality;
9 Department of Transportation and Development

10 A.(1) No former public servant of the Department of Environmental Quality
11 shall, for a period of four years following the termination of his public service in
12 such department, assist another person, for compensation, in a transaction, or in an
13 appearance in connection with a transaction, involving any agency in such
14 department or render any service on a contractual basis to or for any agency within
15 such department.

16 (2) No former public servant of the Department of Transportation and
17 Development shall, for a period of four years following the termination of his public
18 service in such department, assist another person, for compensation, in a transaction,
19 or in an appearance in connection with a transaction, involving any agency in such

1 department or render any service on a contractual basis to or for any agency within
2 such department.

3 B.(1) No legal entity in which a former public servant of the Department of
4 Environmental Quality is an officer, director, trustee, partner, or employee shall, for
5 a period of four years following the termination of his public service, assist another
6 person, for compensation, in a transaction, or in an appearance in connection with
7 a transaction in which such public servant at any time participated during his public
8 service and involving the department by which he was formerly employed or in
9 which he formerly held office.

10 (2) No legal entity in which a former public servant of the Department of
11 Transportation and Development is an officer, director, trustee, partner, or employee
12 shall, for a period of four years following the termination of his public service, assist
13 another person, for compensation, in a transaction, or in an appearance in connection
14 with a transaction in which such public servant at any time participated during his
15 public service and involving the department by which he was formerly employed or
16 in which he formerly held office.

17 C.(1) No former public servant of the Department of Environmental Quality
18 shall share in any compensation received by another person for assistance which
19 such former public servant is prohibited from rendering by this Section.

20 (2) No former public servant of the Department of Transportation and
21 Development shall share in any compensation received by another person for
22 assistance which such former public servant is prohibited from rendering by this
23 Section.

24 D. For the purposes of this Section, "termination of public service" means
25 the date the public servant's service or employment with the Department of
26 Environmental Quality or the Department of Transportation and Development
27 ceased.

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 59 Original

2018 Regular Session

Connick

Abstract: Provides additional post-service restrictions for former public servants of DEQ and DOTD, and related legal entities, for a period of four years following the termination of the public servant's public service.

Present law (R.S. 42:1121(A)(1)-ethics code) relative to agency heads, prohibits a former agency head, for a period of two years following the termination of his public service, from assisting another person, for compensation, in a transaction, or in an appearance in connection with a transaction involving that agency or rendering any service on a contractual basis to or for such agency. Present law (R.S. 42:1121(B)-ethics code) relative to other public employees, prohibits a former public employee, for a period of two years following the termination of his public employment, from assisting another person, for compensation, in a transaction, or in an appearance in connection with a transaction in which such former public employee participated at any time during his public employment and involving the governmental entity by which he was formerly employed, or for a period of two years following termination of his public employment, render, on a contractual basis to or for the agency with which he was formerly employed, any service which such former public employee had rendered to the agency during the term of his public employment. Present law (R.S. 42:1121 (C) and (D)) prohibits a legal entity in which a former public servant is an officer, director, trustee, partner, or employee, for a period of two years following the termination of the public servant's service, from assisting another person, for compensation, in a transaction, or in an appearance in connection with a transaction in which the public servant at any time participated during his public service and involving his former agency. Further prohibits a former public servant from sharing in any compensation received by another person for assistance which the former public servant is prohibited from rendering.

Proposed law makes the post-service restrictions applicable to agency heads; applicable to every public servant in the Dept. of Environmental Quality (DEQ); and in the Dept. of Transportation and Development (DOTD) for a period of four years after the termination of public service in the following manner:

- (1) Prohibits a former public servant of DEQ or DOTD, for a period of four years following the termination of his public service in such position, from assisting another person, for compensation, in a transaction, or in an appearance in connection with a transaction involving DEQ (relative to former public servants of DEQ) or DOTD (relative to former public servants of DOTD) or from rendering any service on a contractual basis to or for DEQ (relative to former public servants of DEQ) or DOTD (relative to former public servants of DOTD).
- (2) Prohibits a legal entity in which a former public servant of DEQ or DOTD is an officer, director, trustee, partner, or employee, for a period of four years following the termination of the former public servant's public service in such position, from assisting another person, for compensation, in a transaction, or in an appearance in connection with a transaction in which such public servant at any time participated during his public service and involving the department by which he was formerly employed or in which he formerly held office.
- (3) Prohibits a former public servant of DEQ or DOTD from sharing in any thing of economic value received by another person for any activity, action, or assistance which such former public servant is prohibited from performing by proposed law.

Proposed law defines "termination of public service" for its purposes as the date the public servant's service or employment with DEQ or DOTD ceased.

Violations of proposed law would be subject to the penalties in present law for violation of the ethics code and certain other laws within the ethics board's jurisdiction. For public servants and other persons those penalties include censure and/or a fine of up to \$10,000 per violation and for public employees and other persons, include removal, suspension, reduction in pay, or demotion and/or a fine of up to \$10,000 per violation.

(Adds R.S. 42:1121.2)