

2018 Regular Session

SENATE BILL NO. 376

BY SENATOR GARY SMITH

PUBLIC EMPLOYEES. Excludes persons whose public service is limited to certain professional services from the provisions of the Code of Governmental Ethics. (8/1/18)

1 AN ACT

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

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 42:1102(18)(b)(iii) is hereby enacted 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 (b) However, "public employee" shall not mean a person whose public  
14 service is limited to the following:

15 \* \* \*

16 **(iii) A contract to provide professional services as defined in R.S.**

17 **38:2310(7).**

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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Tim Prather.

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DIGEST

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Present law 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.

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 relative to required training, drills, field exercises, and specified other duties.

Present law specifies that a public employee will 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 services as defined in present law such as services performed by an architect, engineer, or landscape architect.

Effective August 1, 2018.

(Adds R.S. 42:1102(18)(b)(iii))