
DIGEST

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HB 718 Original

2018 Regular Session

Connick

Abstract: Extends the post-service restrictions applicable to former agency heads in the executive branch of state government and related legal entities to a period of three years following the termination of the agency head's public service and additionally prohibits former agency heads from rendering compensated assistance involving any agency within their former department during the same time period.

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 extends the post-service restrictions applicable to former agency heads in the executive branch of state government and any legal entity in which such a former agency is an officer, director, trustee, partner, or employee to a period of three years after the termination of public service. Proposed law further prohibits a former agency head in the executive branch of state government from assisting another person, for compensation, in a transaction or in an appearance in connection with a transaction involving any agency in such department or rendering any service on a contractual basis to or for any agency within such department for a period of three years after termination of public service. Proposed law defines "termination of public service" for its purposes as the date the former agency head's service or employment in the executive branch of state government ceased.

Proposed law makes proposed law applicable only to a former agency head who assumed the position of agency head in the executive branch of state government on or after Aug. 1, 2018.

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)