2020 Regular Session

SENATE BILL NO. 193

BY SENATOR HEWITT

ETHICS. Provides for certain exceptions from Code of Governmental Ethics. (8/1/20)

1   AN ACT

2 To enact R.S. 42:1123(47) and (48), relative to the Code of Governmental Ethics; to provide

3   for certain exceptions from the code for certain members of local fire and police civil

4   service boards; to provide for exceptions for certain associations representing

5   members or classified employees before such boards; and to provide for related

6   matters.

7 Be it enacted by the Legislature of Louisiana:

8   Section 1. R.S. 42:1123(47) and (48) are hereby enacted to read as follows:

9   §1123. Exceptions

10   This Part shall not preclude:

11   *   *   *

12   **(47) Notwithstanding the provisions of R.S. 42:1112, 1120, or 1120.4, an**

13   **officer of a state or local law enforcement or firefighter association serving as**

14   **an appointed or elected member of a fire or police civil service board from**

15   **participating in a transaction involving a member of the association or a**

16   **classified employee represented in collective bargaining by the association,**

17   **provided that:**

1   **(a) The board member shall not participate or be in any way interested**

2   **in a transaction involving the agency in which he or an immediate family**

3   **member has a substantial economic interest.**

4   **(b) The board member shall not participate or be in any way interested**

5   **in a transaction involving the agency in which a person with whom the member**

6   **is negotiating or has an arrangement concerning prospective employment has**

7   **a substantial economic interest.**

8   **(c)The board member shall not participate or be in any way interested**

9   **in a transaction involving the agency in which a person who is a party to an**

10   **existing contract with the board member, or with any legal entity in which the**

11   **board member exercises control or owns an interest in excess of twenty-five**

12   **percent, or who owes any thing of economic value to the board member, or to**

13   **any legal entity in which the board member exercises control or owns an**

14   **interest in excess of twenty-five percent, and who by reason thereof is in a**

15   **position to affect directly the economic interests of the board member has a**

16   **substantial economic interest.**

17   **(48) Notwithstanding the provisions of R.S. 42:1111, a state or local law**

18   **enforcement or firefighter association representing its member or classified**

19   **employee of the agency whom it represents in collective bargaining before any**

20   **fire or police civil service board although an officer of the association serves as**

21   **a member of the civil service board.**

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

DIGEST

SB 193 Original   2020 Regular Session   Hewitt

Present law generally prohibits public servants from participating in transactions in which
they have a personal substantial economic interest, of which they may be reasonably
expected to know, involving their governmental entity as well as from participating in
transactions in which, to their actual knowledge any: immediate family member; person of
which they are an officer, director, trustee, partner, or employee; person with whom they are
negotiating or have an arrangement concerning prospective employment; or person who is
a party to an existing contract with such public servant or with any legal entity in which the
public servant exercises control or owns an interest in excess of 25%, or who owes any thing
of economic value to such public servant, or to any legal entity in which the public servant

exercises control or owns an interest in excess of 25%, and who by reason thereof is in a position to affect directly the economic interests of such public servant has a substantial economic interest.

Proposed law provides exceptions to present law by allowing an officer of a state or local law enforcement or firefighter association serving as an elected or appointed member of any fire or police civil service board to participate in transactions in which the association of which he is an officer has a substantial economic interest involving members of the association as well as transactions involving a classified employee of the agency whom the association represents in collective bargaining.

Present law requires any elected official to recuse himself from voting on a matter which would be a violation of R.S. 42:1112, but does not require him to abstain from participating in debate and discussion on the matter, provided he makes the disclosure of his conflict or potential conflict part of the record of his agency prior to the vote.

Present law requires any appointed member of a board or commission to recuse himself from voting on a matter which would be a violation of R.S. 42:1112 and prohibits him from participating in debate and discussion on the matter.

Proposed law provides exceptions to present law by allowing an officer of a state or local law enforcement or firefighter association serving as an elected or appointed member of a fire or police civil service board to vote on matters involving the association of which they are an officer that would otherwise be a violation of R.S. 42:1112.

Present law prohibits a legal entity of which a public servant is an officer from receiving any thing of economic value for assisting a person in a transaction, or in appearance in connection with a transaction, with the agency of such public servant.

Proposed law provides an exception to present law by allowing a state or local law enforcement or firefighter association to represent a member or classified employee of the agency whom it represents in collective bargaining before any fire or police civil service board when an officer of the association serves as a member of the civil service board.

Effective August 1, 2020.

(Adds R.S. 42:1123(47) and (48))

Coding: Words which are ~~struck through~~ are deletions from existing law;
words in **boldface type and underscored** are additions.