

2021 Regular Session

HOUSE BILL NO. 113

BY REPRESENTATIVE GADBERRY

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

ETHICS/CODE: Allows the spouse of a public servant to be employed by a person who has or who is seeking a business or financial relationship with the agency of the public servant under specified circumstances

1 AN ACT

2 To enact R.S. 42:1111(C)(5), relative to the Code of Governmental Ethics; to allow the
3 spouse of a public servant to be employed by a person with or seeking business or
4 financial relationships with the agency of the public servant under specified
5 circumstances; to provide for an effective date; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 42:1111(C)(5) is hereby enacted to read as follows:

8 §1111. Payment from nonpublic sources

9 * * *

10 C. Payments for nonpublic service.

11 * * *

12 (5) Notwithstanding the provisions of Subparagraph (2)(d) of this
13 Subsection, the spouse of a public servant may be employed by a person who has or
14 is seeking a contractual or other business or financial relationship with the public
15 servant's agency provided all of the following conditions are met:

16 (a) The spouse is a salaried or wage-earning employee.

17 (b) The compensation of the spouse is substantially unaffected by a
18 contractual or other business or financial relationship with the public servant's
19 agency.

with a transaction, with the agency of the public employee. Present law (R.S. 42:1112) generally prohibits a public servant from participating in a transaction in which, to his actual knowledge, any of the following persons has a substantial economic interest: any member of his immediate family; any person in which he has a substantial economic interest of which he may reasonably be expected to know; any person of which he is an officer, director, trustee, partner, or employee; any person with whom he is negotiating or has an arrangement concerning prospective employment; and any 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 twenty-five percent, 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 percent and who by reason thereof is in a position to affect directly the economic interests of such public servant. Present law further requires a public employee to disqualify himself from participating in a transaction involving the governmental entity in the manner prescribed by the Board of Ethics when a violation of the ethics code would result. Present law (R.S. 42:1114) generally requires financial disclosure statements to be filed by each public servant and each member of his immediate family who derives any thing of economic value, directly, through any transaction involving the agency of such public servant or who derives any thing of economic value of which he may be reasonably expected to know through a person which has bid on or entered into or is in any way financially interested in any contract, subcontract, or any transaction under the supervision or jurisdiction of the agency. Proposed law retains present law.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 42:1111(C)(5))