

Regular Session, 2013

SENATE BILL NO. 129

BY SENATOR JOHN SMITH

ETHICS. Provides for an exception to the definition of "public employee" relative to the Code of Governmental Ethics. (8/1/13)

1 AN ACT

2 To amend and reenact R.S. 42:1102(18)(b), relative to public employees and the Code of  
3 Governmental Ethics; to provide an exception to the definition of a public employee;  
4 to provide relative to Hospital Service District Number Two of Beauregard Parish;  
5 to provide for retroactive application; and to provide for related matters.

6 Notice of intention to introduce this Act has been published.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 42:1102(18)(b) is hereby amended and reenacted to read as follows:

9 §1102. Definitions

10 Unless the context clearly indicates otherwise, the following words and  
11 terms, when used in this Chapter, shall have the following meanings:

12 \* \* \*

13 (18)(a) \* \* \*

14 (b) However, "public employee" ~~does~~ **shall** not mean ~~anyone~~ **a person** whose  
15 public service is limited to ~~periodic~~ **any of the following:**

16 **(i) The donation of property to and the operation of a hospital within**  
17 **Hospital Service District Number Two of Beauregard Parish.**

1   **(ii) Periodic** duty in the National Guard pursuant to 32 U.S.C.A. 502.

2   \*             \*             \*

3   Section 2. The provisions of this Act shall be given retroactive application.

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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

Present law defines "public employee" as anyone, whether compensated or not, who is:

- (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 provides that "public employee" does not mean anyone whose public service is limited to periodic duty in the National Guard.

Proposed law retains present law exception and further adds anyone who donates property to and operates a hospital within Hospital Service District Number Two of Beauregard Parish.

Effective August 1, 2013

(Amends R.S.42:1102(18)(b))