
DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Talbot

HB No. 452

Abstract: Prohibits a public servant from using or obligating the funds or assets of his governmental entity to urge the passage or defeat of any matter pending before the legislature or any local governing authority. Prohibits a public servant from using or obligating the funds or assets of his governmental entity to or for promoting, achieving, establishing, or restoring a favorable relationship with the public related to the image of or advocacy of any agency or public servant.

Proposed law prohibits a public servant (elected official or public employee, including a member of a board or commission) from using or obligating the funds or assets of his governmental entity to urge the passage or defeat of any matter pending before the legislature or any local governing authority. Proposed law specifically provides that nothing in proposed law shall be construed to limit the ability of a public servant whose duty is to vote on matters pending before his agency to carry out the constitutional and statutory functions and duties of his office, including advocating for the passage or defeat of matters pending before his agency.

Proposed law prohibits a public servant from using or obligating the funds or assets of his governmental entity to or for promoting, achieving, establishing, or restoring a favorable relationship with the public related to the image of or advocacy of any agency or public servant.

Proposed law specifically provides that nothing in proposed law shall be construed to prohibit the preparation, presentation, and dissemination of factual information or the preparation, presentation, and dissemination of information that is specifically authorized or required by present law (state or federal law).

Present law provides that violations of present law (ethics code) are punishable by a fine of up to \$10,000. Also provides that an elected official may be censured and that a public employee may be removed, suspended, demoted, or have his pay reduced. Proposed law makes penalties and provisions in present law (ethics code) applicable to proposed law. Proposed law additionally provides that any agency head of any branch, department, agency, or entity who violates any provision of proposed law and any public servant who, without the authorization of his administrative superior, violates any provision of proposed law shall be assessed and personally liable for an amount equal to the funds or for the fair market value of the assets of his governmental entity used or obligated in violation of proposed law.

(Adds R.S. 42:1113.2)