

2018 Regular Session

HOUSE BILL NO. 188

BY REPRESENTATIVE GREGORY MILLER AND SENATOR MORRELL

ETHICS/CODE: Provides relative to acceptance by a public servant of transportation, admission, and lodging given by a third party

1 AN ACT

2 To enact R.S. 42:1115.2 and to repeal R.S. 42:1123(41), relative to the acceptance of things
3 of economic value by public servants; to provide for the circumstances under which
4 a public servant may accept complimentary admission, transportation, and lodging
5 from a third party; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 42:1115.2 is hereby enacted to read as follows:

8 §1115.2. Admission to events; lodging; travel

9 A. The provisions of R.S. 42:1111 or 1115 shall not preclude the acceptance
10 by a public servant of complimentary admission, lodging, and reasonable
11 transportation, or reimbursement for such expenses, if the agency head of the public
12 servant's agency certifies each of the following:

13 (1) The public servant's acceptance of complimentary admission, lodging,
14 and reasonable transportation, or reimbursement for such expenses, is either of direct
15 benefit to the agency or will enhance the knowledge or skill of the public servant as
16 it relates to the performance of his public service.

17 (2) The agency head approved the public servant's acceptance of
18 complimentary admission, lodging, and reasonable transportation, or reimbursement
19 for such expenses, prior to acceptance.

1 B.(1) Any public servant who accepts complimentary admission, lodging,
 2 or transportation, or reimbursement for such expenses, shall file with the Board of
 3 Ethics, within sixty days after such acceptance, a certification, on a form designed
 4 by the board, disclosing all of the following:

5 (a) The date and location of complimentary admission, lodging, or
 6 transportation and a brief description of its purpose.

7 (b) The name of the person who gave, provided, paid for, or reimbursed in
 8 whole or in part the admission, lodging, or transportation.

9 (c) The amount expended on his behalf or reimbursed by the person for
 10 admission, lodging, and transportation.

11 (2) The certification required by this Subsection shall include the
 12 certifications of the agency head required by Subsection A of this Section.

13 Section 2. R.S. 42:1123(41) is hereby repealed in its entirety.

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)]

HB 188 Original

2018 Regular Session

Gregory Miller

Abstract: Provides an exception to allow a public servant to accept complimentary admission, lodging, and reasonable transportation, or reimbursement for such expenses from a third party with agency head approval and with disclosure if it is either of direct benefit to the public servant's agency or will enhance the knowledge or skill of the public servant as it relates to the performance of his public service.

Present law (R.S. 42:1111 - Code of Governmental Ethics) provides, subject to certain exceptions, that no public servant (defined as a public employee or an elected official) shall receive any thing of economic value, other than compensation and benefits from the governmental entity to which he is duly entitled, for the performance of the duties and responsibilities of his office or position. Present law (R.S. 42:1115(A)) prohibits a public servant from soliciting or accepting any thing of economic value as a gift or gratuity from any person if the public servant knows or should know that such person has or is seeking to obtain a business relationship with the public servant's agency or is seeking to influence the passage or defeat of legislation by the public servant's agency. Present law (R.S. 42:1115(B)) further prohibits a public employee from accepting any thing of economic value from any person who conducts operations regulated by the public employee's agency or who has substantial economic interests which may be substantially affected by the performance or nonperformance of the public employee's official duty.

Present law (R.S. 42:1123(41)) allows the acceptance by a public servant of complimentary admission to, lodging reasonably related to, and reasonable transportation to and from an educational or professional development seminar or conference held in any state of the

United States or Canada, provided that the public servant is requested or invited to attend by the sponsoring civic, nonprofit, educational, or political group or organization, provided that (a) the sponsor is not a person from whom the public servant is prohibited from receiving or accepting a gift pursuant to present law (R.S. 42:1115(A)(2)), (b) the seminar or conference is related to the public service of the public servant and is designed to enhance the knowledge or skill of the public servant as it relates to the performance of his public service, and (c) the public servant's agency head approves the acceptance. Present law requires any public servant who accepts complimentary admission, lodging, or transportation to and from an educational or professional development seminar or conference shall file an affidavit with the Bd. of Ethics within 60 days after such acceptance, disclosing (a) the name of the person or organization who gave, provided, or paid in whole or in part for the admission, lodging, or transportation, (b) the person or organization hosting the seminar or conference, and (c) the amount expended on his behalf by the person or organization on admission, lodging, and transportation. Present law does not require an affidavit to be filed in connection with the acceptance by a public servant of admission, lodging, or transportation relative to a seminar or conference held or hosted by the agency or governmental entity of the public servant.

Proposed law repeals the exception in present law (R.S. 42:1123(41)) and provides instead for an exception to present law (R.S. 42:1111 and 1115) to allow a public servant to accept complimentary admission, lodging, and reasonable transportation, or reimbursement for such expenses, provided the public servant's agency head certifies (1) that the public servant's acceptance of complimentary admission, lodging, and reasonable transportation, or reimbursement for such expenses, is either of direct benefit to the agency or will enhance the knowledge or skill of the public servant as it relates to the performance of his public service and (2) that he approved the public servant's acceptance of complimentary admission, lodging, and reasonable transportation, or reimbursement for such expenses prior to acceptance.

Proposed law requires the public servant to file, within 60 days of acceptance, a certification with the Bd. of Ethics on a form designed by the board containing all of the following:

- (1) The date and location of complimentary admission, lodging, or transportation and a brief description of its purpose.
- (2) The name of the person who gave, provided, paid for, or reimbursed in whole or in part the admission, lodging, or transportation.
- (3) The amount expended or reimbursed by the person for admission, lodging, and transportation.
- (4) The required certifications of the agency head.

(Adds R.S. 42:1115.2; Repeals R.S. 42:1123(41))