

RÉSUMÉ DIGEST

ACT 200 (HB 188)

2018 Regular Session

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Existing law (R.S. 42:1111—ethics code) 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. Existing 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. Existing 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.

Prior law (R.S. 42:1123(41)) exception allowed the acceptance by a public servant of complimentary admission, lodging, and transportation reasonably related to an educational or professional development seminar or conference held in the United States or Canada, if the public servant was requested or invited to attend by the sponsoring civic, nonprofit, educational, or political group or organization, provided that (a) the sponsor was not a person from whom the public servant is prohibited from receiving or accepting a gift pursuant to existing law (R.S. 42:1115(A)(2)), (b) the seminar or conference was related to the public service of the public servant and was designed to enhance the knowledge or skill of the public servant as it related to the performance of his public service, and (c) the public servant's agency head approved the acceptance. Prior law required any public servant who accepted such complimentary admission, lodging, or transportation to file an affidavit with the Bd. of Ethics within 60 days after acceptance disclosing (a) the name of the person or organization who provided the admission, lodging, or transportation, (b) the person or organization hosting the seminar or conference, and (c) the amount expended on his behalf. Prior law did 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.

New law repeals the prior law exception and provides instead for an exception to existing 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 admission, lodging, or transportation 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 admission, lodging, or transportation.

New law requires the public servant to file, within 60 days of acceptance, a certification with the Bd. of Ethics 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 provided the admission, lodging, or transportation.
- (3) The amount expended or reimbursed.
- (4) The required certifications of the agency head.

Effective August 1, 2018.

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