

2018 Regular Session

HOUSE BILL NO. 718

BY REPRESENTATIVE CONNICK

ETHICS/CODE: Prohibits former agency heads in the executive branch of state government from assisting persons, for compensation, with their former departments or any agency therein for a period of three years after public service

1 AN ACT

2 To enact R.S. 42:1121.2, relative to post-service restrictions; to extend the period that the
3 post-service restrictions apply to former agency heads in the executive branch of
4 state government and to entities related to such former agency heads relative to
5 certain transactions; to provide additional post-service restrictions on such former
6 agency heads involving certain compensated assistance involving their former
7 department; to provide relative to the applicability of the restrictions; and to provide
8 for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 42:1121.2 is hereby enacted to read as follows:

11 §1121.2. Additional post-service restrictions on former executive branch agency

12 heads

13 A. No former agency head of an agency in the executive branch of state

14 government shall, for a period of three years following the termination of his public

15 service in such department, assist another person, for compensation, in a transaction

16 or in an appearance in connection with a transaction involving any agency in such

17 department or render any service on a contractual basis to or for any agency within

18 such department.

1 B. No legal entity in which a former agency head in the executive branch of
2 state government is an officer, director, trustee, partner, or employee shall, for a
3 period of three years following the termination of his public service, assist another
4 person, for compensation in a transaction, or in an appearance in connection with a
5 transaction in which such public servant at any time participated during his public
6 service and involving the department by which he was formerly employed or in
7 which he formerly held office.

8 C. No former agency head in the executive branch of state government shall
9 share in any compensation received by another person for assistance which such
10 former public servant is prohibited from rendering by this Section.

11 D. For the purposes of this Section, "termination of public service" means
12 the date the agency head's service or employment in the executive branch of state
13 government ceased.

14 E. The provisions of this Section shall apply only to each former agency
15 head who assumed the position of agency head in the executive branch of state
16 government on or after August 1, 2018.

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 718 Original

2018 Regular Session

Connick

Abstract: Extends the post-service restrictions applicable to former agency heads in the executive branch of state government and related legal entities to a period of three years following the termination of the agency head's public service and additionally prohibits former agency heads from rendering compensated assistance involving any agency within their former department during the same time period.

Present law (R.S. 42:1121(A)(1)-ethics code) relative to agency heads, prohibits a former agency head, for a period of two years following the termination of his public service, from assisting another person, for compensation, in a transaction or in an appearance in connection with a transaction involving that agency or rendering any service on a contractual basis to or for such agency. Present law (R.S. 42:1121(B)-ethics code) relative to other public employees, prohibits a former public employee, for a period of two years following the termination of his public employment, from assisting another person, for compensation, in a transaction or in an appearance in connection with a transaction in which such former public employee participated at any time during his public employment and involving the governmental entity by which he was formerly employed, or for a period of two years following termination of his public employment, render, on a contractual basis to or for the

agency with which he was formerly employed, any service which such former public employee had rendered to the agency during the term of his public employment. Present law (R.S. 42:1121 (C) and (D)) prohibits a legal entity in which a former public servant is an officer, director, trustee, partner, or employee, for a period of two years following the termination of the public servant's service, from assisting another person, for compensation, in a transaction or in an appearance in connection with a transaction in which the public servant at any time participated during his public service and involving his former agency. Further prohibits a former public servant from sharing in any compensation received by another person for assistance which the former public servant is prohibited from rendering.

Proposed law extends the post-service restrictions applicable to former agency heads in the executive branch of state government and any legal entity in which such a former agency is an officer, director, trustee, partner, or employee to a period of three years after the termination of public service. Proposed law further prohibits a former agency head in the executive branch of state government from assisting another person, for compensation, in a transaction or in an appearance in connection with a transaction involving any agency in such department or rendering any service on a contractual basis to or for any agency within such department for a period of three years after termination of public service. Proposed law defines "termination of public service" for its purposes as the date the former agency head's service or employment in the executive branch of state government ceased.

Proposed law makes proposed law applicable only to a former agency head who assumed the position of agency head in the executive branch of state government on or after Aug. 1, 2018.

Violations of proposed law would be subject to the penalties in present law for violation of the ethics code and certain other laws within the ethics board's jurisdiction. For public servants and other persons those penalties include censure and/or a fine of up to \$10,000 per violation and for public employees and other persons, include removal, suspension, reduction in pay, or demotion and/or a fine of up to \$10,000 per violation.

(Adds R.S. 42:1121.2)