
DIGEST

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HB 849 Original

2018 Regular Session

Lance Harris

Abstract: Requires an executive branch agency head to serve in such capacity full-time and prohibits an executive branch agency head from engaging in certain outside employment or activities if he receives any thing of economic value as a result.

Proposed law requires each executive branch agency head to serve full-time in the position to which he was appointed and except for taking earned leave, to report to work on each day that his agency is open to the public. Defines "executive branch agency head" as a person who is appointed by the governor or the lieutenant governor to be the executive head and chief administrative officer of a department designated in present law (R.S. 36:4(A)) and defines "full time" as the period of time which a person normally works or is expected to work and which is at least seven hours per day of work and at least 40 hours per week of work.

Proposed law prohibits an executive branch agency head from engaging in any outside employment or activity if the executive branch agency head receives, directly or indirectly, any thing of economic value from any person or agency subject to the supervision or jurisdiction of or regulation by the executive branch agency head's agency or from any person or agency that receives or seeks to receive funding from or through the executive branch agency head's agency.

Proposed law specifies that proposed law shall not be construed to prohibit an executive branch agency head from providing volunteer services on his own time to a bona fide charitable organization which is exempt from federal income tax pursuant to present law (Section 501(c)(3) of the Internal Revenue Code) if the organization is not subject to the supervision or jurisdiction of or regulation by the executive branch agency head's agency and if the organization does not receive and is not seeking to receive funding from or through the executive branch agency head's agency.

Violations of proposed law would be subject to the penalties in present law for violation of the ethics code. For public employees those penalties include removal, suspension, reduction in pay, or demotion and/or a fine of up to \$10,000 per violation.

Proposed law provides that in addition to the penalties for violations of present law (ethics code), an executive branch agency head who violates proposed law shall be subject to an additional fine of up to \$5,000 per day for each day and if an investigation reveals that an executive branch agency head has violated proposed law to his economic advantage, the Ethics Adjudicatory Board shall order recovery and the payment of penalties in an amount equal to such economic advantage and penalties not to exceed one half of the amount of the economic advantage and shall order the forfeiture of any gifts received in violation of proposed law.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 42:1113.2)