

2023 Regular Session

HOUSE BILL NO. 192

BY REPRESENTATIVE JEFFERSON

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

ETHICS/NEPOTISM: Provides an exception to allow an immediate family member of a village governing authority member to be appointed or employed by the village under certain circumstances

1 AN ACT

2 To enact R.S. 42:1119(B)(2)(c), relative to nepotism; to provide relative to the appointment
3 or employment of family members of certain municipal governing authority
4 members under certain circumstances; to require recusal by the related municipal
5 governing authority member; to provide for an effective date; and to provide for
6 related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 42:1119(B)(2)(c) is hereby enacted to read as follows:

9 §1119. Nepotism

10 * * *

11 B.

12 * * *

13 (2) Notwithstanding the provisions of Paragraph (1) of this Subsection:

14 * * *

15 (c) Any municipality with a population of one thousand persons or less
16 according to the most recent federal decennial census may employ or appoint,
17 notwithstanding R.S. 42:1113, any immediate family member of a municipal
18 governing authority member provided that the family member is the only qualified
19 applicant for the position after it has been advertised for at least thirty days in the

1 official journal of the municipality. Any municipal governing authority member
 2 whose immediate family member is appointed or employed by the municipality shall
 3 recuse himself from any decision involving the promotion or assignment of his
 4 family member.

5 * * *

6 Section 2. This Act shall become effective upon signature by the governor or, if not
 7 signed by the governor, upon expiration of the time for bills to become law without signature
 8 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 9 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 10 effective on the day following such approval.

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 192 Engrossed

2023 Regular Session

Jefferson

Abstract: Allows a family member of a village governing authority member to be appointed or employed by the village under certain circumstances.

Present law (ethics code – nepotism) prohibits an agency head from employing a member of his immediate family in his agency and prohibits a governmental entity from employing an immediate family member of a member of the governing authority or of the chief executive of the governmental entity. Present law (R.S. 42:1113-ethics code-prohibited transactions) generally prohibits immediate family members of a public servant from entering into transactions under the supervision or jurisdiction of the public servant's agency and the Bd. of Ethics has opined that appointment constitutes a transaction. Present law provides certain exceptions.

Proposed law provides an exception to allow, in municipalities of 1000 or less (villages), an immediate family member of a municipal governing authority member to be appointed or employed by the municipality provided that the immediate family member is the only qualified applicant for the position after it has been advertised for at least 30 days in the official journal of the municipality. Requires a municipal governing authority member whose immediate family member is appointed or employed by the municipality to recuse himself from any decision involving the promotion or assignment of his family member.

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

(Adds R.S. 42:1119(B)(2)(c))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on House and Governmental Affairs to the original bill:

1. Change the advertising requirement from the official journal of the parish to the official journal of the municipality.