

2018 Regular Session

HOUSE BILL NO. 739

BY REPRESENTATIVE GREGORY MILLER

ETHICS/CODE: Requires a statement and certification rather than an affidavit for certain disclosures by legislators to the ethics board relative to speeches

1 AN ACT

2 To amend and reenact R.S. 42:1123(16)(a), relative to disclosures filed by legislators for the
3 acceptance of certain things of value in relation to making a speech; to change the
4 requirement from an affidavit to a statement including a certification for the
5 disclosure; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 42:1123(16)(a) is hereby amended and reenacted to read as follows:

8 §1123. Exceptions

9 This Part shall not preclude:

* * *

(16)(a) Notwithstanding the provisions of R.S. 42:1102(22), when making a public speech, the acceptance by a member of the legislature of food, refreshments, and lodging reasonably related to making such speech, as well as reasonable transportation from his home, or the capitol, to and from the site of the speaking engagement from the sponsoring group or organization, provided the public speech is given in any state of the United States or Canada and provided such member of the legislature files ~~an affidavit~~ a statement with the Board of Ethics, within sixty days of making such public speech, disclosing the name of the sponsoring group or organization and the amount expended on his behalf by the sponsoring group or organization on food and refreshments, lodging, and transportation. The statement

1 shall include a certification by the member of the legislature filing it that the
2 information contained in the statement is true and correct to the best of his
3 knowledge, information, and belief.

4 * * *

DIGEST

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HB 739 Original

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Gregory Miller

Abstract: Removes the requirement for an affidavit when a legislator discloses the acceptance of food, refreshments, transportation, and lodging reasonably related to making a speech in the U.S. or Canada, and instead requires a statement including a certification by the legislator that the statement is true and correct.

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 provides an exception for members of the legislature, when making a public speech, to allow the acceptance of food, refreshments, and lodging reasonably related to making such speech, as well as reasonable transportation from his home, or the capitol, to and from the site of the speaking engagement from the sponsoring group or organization, provided the public speech is given in any state of the U.S. or Canada and provided the legislator files an affidavit with the ethics board, within 60 days of making the speech, disclosing the name of the sponsoring group or organization and the amount expended on his behalf by the sponsoring group or organization on food and refreshments, lodging, and transportation. Defines "public speech" as a speech, or other oral presentation, including a panel discussion, or radio or television appearance before the public at large, or before any civic, political, religious, educational, or eleemosynary group or organization by a member of the legislature in his capacity as a legislator.

Proposed law removes the requirement for an affidavit. Provides instead for the filing of a statement that includes a certification by the legislator filing it that the information contained in the statement is true and correct to the best of his knowledge, information, and belief. Otherwise retains present law.

(Amends R.S. 42:1123(16)(a))