

2016 Regular Session

HOUSE BILL NO. 80

BY REPRESENTATIVE RICHARD

PUBLIC OFFLS/EMPS: Limits an exception to the dual officeholding provisions applicable to education professionals

1 AN ACT

2 To amend and reenact R.S. 42:66(B), relative to dual officeholding and employment; to limit
3 the exception pertaining to persons employed in a professional educational capacity
4 to certain classroom teachers; to provide for penalties; and to provide for related
5 matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 42:66(B) is hereby amended and reenacted to read as follows:

8 §66. Exemptions

9 * * *

10 B. Nothing in this Part shall be construed to prevent a ~~school teacher or~~
11 ~~person employed in a professional educational capacity~~ as a classroom teacher in a
12 ~~grade school; or high school; other educational institution, parish or city school board~~
13 from holding at the same time an elective or appointive office.

14 * * *

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 80 Original

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Richard

Abstract: Removes a general exception to the dual officeholding provisions for persons employed in a professional educational capacity and limits an exception for school teachers to persons employed as classroom teachers in grade schools and high schools.

Present law regulates dual officeholding and dual employment in order to prevent conflicts of interest and to promote and maintain citizen trust in government. Prohibits a person from holding certain offices and employment at the same time.

Present law prohibits a person holding office or employment in one branch of state government from at the same time holding another office or employment in any other branch of state government. Present law prohibits a person who holds an elective office in state government from at the same time holding another elective office, a full-time appointive office, or employment in state government or in the government of a political subdivision. Present law prohibits a person holding an elective office in a political subdivision from at the same time holding another elective office or full-time appointive office in state government or in the government of a political subdivision. Provides that no such person shall hold at the same time employment in state government, or in the same political subdivision in which he holds an elective office. Provides further that no sheriff, assessor, or clerk of court shall hold any office or employment under a parish governing authority or school board, nor shall any member of any parish governing authority or school board hold any office or employment with any sheriff, assessor, or clerk of court. Present law prohibits a person holding a full-time appointive office or full-time employment in state government or a political subdivision from at the same time holding another full-time appointive office or full-time employment in state government, in the government of a political subdivision, or in a combination of these. Present law, in addition to the above prohibitions, provides for certain incompatible offices and employments based on the authority and duties of each office or employment. Proposed law retains present law.

Present law provides for an exception to allow a school teacher or person employed in a professional educational capacity in a grade school, high school, other educational institution, parish or city school board to hold at the same time an elective or appointive office.

Proposed law limits the applicability of present law exception to persons employed as classroom teachers in grade schools or high schools.

Present law provides for civil remedies and penalties for violations of present law and provides that if the court finds a violation, it shall declare the office with the term first to expire or one of the employments vacant and enjoin the person from carrying out the duties of that office or employment and may order the reimbursement to the appropriate governmental body of all pay or other compensation and all allowances during a period of time not to exceed six months preceding the filing of the suit for declaratory judgment relative to matter. Proposed law retains present law.

(Amends R.S. 42:66(B))