
DIGEST

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HB 188 Engrossed

2018 Regular Session

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Abstract: Provides an exception to allow a public servant to accept complimentary admission, lodging, and reasonable transportation, or reimbursement for such expenses from a third party with agency head approval and with disclosure if it is either of direct benefit to the public servant's agency or will enhance the knowledge or skill of the public servant as it relates to the performance of his public service.

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 (R.S. 42:1115(B)) further prohibits a public employee from accepting any thing of economic value from any person who conducts operations regulated by the public employee's agency or who has substantial economic interests which may be substantially affected by the performance or nonperformance of the public employee's official duty.

Present law (R.S. 42:1123(41)) allows the acceptance by a public servant of complimentary admission to, lodging reasonably related to, and reasonable transportation to and from an educational or professional development seminar or conference held in any state of the United States or Canada, provided that the public servant is requested or invited to attend by the sponsoring civic, nonprofit, educational, or political group or organization, provided that (a) the sponsor is not a person from whom the public servant is prohibited from receiving or accepting a gift pursuant to present law (R.S. 42:1115(A)(2)), (b) the seminar or conference is related to the public service of the public servant and is designed to enhance the knowledge or skill of the public servant as it relates to the performance of his public service, and (c) the public servant's agency head approves the acceptance. Present law requires any public servant who accepts complimentary admission, lodging, or transportation to and from an educational or professional development seminar or conference shall file an affidavit with the Bd. of Ethics within 60 days after such acceptance, disclosing (a) the name of the person or organization who gave, provided, or paid in whole or in part for the admission, lodging, or transportation, (b) the person or organization hosting the seminar or conference, and (c) the amount expended on his behalf by the person or organization on admission, lodging, and transportation. Present law does not require an affidavit to be filed in connection with the acceptance by a public servant of admission, lodging, or transportation relative to a seminar or conference held

or hosted by the agency or governmental entity of the public servant.

Proposed law repeals the exception in present law (R.S. 42:1123(41)) and provides instead for an exception to present law (R.S. 42:1111 and 1115) to allow a public servant to accept complimentary admission, lodging, and reasonable transportation, or reimbursement for such expenses, provided the public servant's agency head certifies (1) that the public servant's acceptance of complimentary admission, lodging, and reasonable transportation, or reimbursement for such expenses, is either of direct benefit to the agency or will enhance the knowledge or skill of the public servant as it relates to the performance of his public service and (2) that he approved the public servant's acceptance of complimentary admission, lodging, and reasonable transportation, or reimbursement for such expenses prior to acceptance.

Proposed law requires the public servant to file, within 60 days of acceptance, a certification with the Bd. of Ethics on a form designed by the board containing all of the following:

- (1) The date and location of complimentary admission, lodging, or transportation and a brief description of its purpose.
- (2) The name of the person who gave, provided, paid for, or reimbursed in whole or in part the admission, lodging, or transportation.
- (3) The amount expended or reimbursed by the person for admission, lodging, and transportation.
- (4) The required certifications of the agency head.

(Adds R.S. 42:1115.2; Repeals R.S. 42:1123(41))