

Regular Session, 2014

HOUSE BILL NO. 452

BY REPRESENTATIVE TALBOT

ETHICS: Prohibits public servants from engaging in certain activities with public funds and assets

1 AN ACT

2 To enact R.S. 42:1113.2, relative to the Code of Governmental Ethics; to prohibit the use of
3 public funds and assets for certain purposes; to provide for penalties; and to provide
4 for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 42:1113.2 is hereby enacted to read as follows:

7 §1113.2. Prohibited uses of public funds and assets

8 A.(1) No public servant shall use or obligate the funds or assets of his
9 governmental entity to urge the passage or defeat of any matter pending before the
10 legislature or any local governing authority.

11 (2) Nothing in this Subsection shall be construed to limit the ability of a
12 public servant whose duty is to vote on matters pending before his agency to carry
13 out the constitutional and statutory functions and duties of his office, including
14 advocating for the passage or defeat of matters pending before his agency.

15 B. No public servant shall use or obligate the funds or assets of his
16 governmental entity to or for promoting, achieving, establishing, or restoring a
17 favorable relationship with the public related to the image of or advocacy of any
18 agency or public servant.

19 C. Nothing in this Section shall be construed to prohibit the preparation,
20 presentation, and dissemination of factual information or the preparation,

1 presentation, and dissemination of information that is specifically authorized or
2 required by state or federal law.

3 D. In addition to any applicable penalties for violations of this Chapter, any
4 agency head of any branch, department, agency, or entity who violates any provision
5 of this Section and any public servant who, without the authorization of his
6 administrative superior, violates any provision of this Section shall be assessed and
7 personally liable for an amount equal to the funds or for the fair market value of the
8 assets of his governmental entity used or obligated in violation of this Section.

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)]

Talbot

HB No. 452

Abstract: Prohibits a public servant from using or obligating the funds or assets of his governmental entity to urge the passage or defeat of any matter pending before the legislature or any local governing authority. Prohibits a public servant from using or obligating the funds or assets of his governmental entity to or for promoting, achieving, establishing, or restoring a favorable relationship with the public related to the image of or advocacy of any agency or public servant.

Proposed law prohibits a public servant (elected official or public employee, including a member of a board or commission) from using or obligating the funds or assets of his governmental entity to urge the passage or defeat of any matter pending before the legislature or any local governing authority. Proposed law specifically provides that nothing in proposed law shall be construed to limit the ability of a public servant whose duty is to vote on matters pending before his agency to carry out the constitutional and statutory functions and duties of his office, including advocating for the passage or defeat of matters pending before his agency.

Proposed law prohibits a public servant from using or obligating the funds or assets of his governmental entity to or for promoting, achieving, establishing, or restoring a favorable relationship with the public related to the image of or advocacy of any agency or public servant.

Proposed law specifically provides that nothing in proposed law shall be construed to prohibit the preparation, presentation, and dissemination of factual information or the preparation, presentation, and dissemination of information that is specifically authorized or required by present law (state or federal law).

Present law provides that violations of present law (ethics code) are punishable by a fine of up to \$10,000. Also provides that an elected official may be censured and that a public employee may be removed, suspended, demoted, or have his pay reduced. Proposed law makes penalties and provisions in present law (ethics code) applicable to proposed law. Proposed law additionally provides that any agency head of any branch, department, agency, or entity who violates any provision of proposed law and any public servant who, without the authorization of his administrative superior, violates any provision of proposed law shall

be assessed and personally liable for an amount equal to the funds or for the fair market value of the assets of his governmental entity used or obligated in violation of proposed law.

(Adds R.S. 42:1113.2)