

First Extraordinary Session, 2008

HOUSE BILL NO. 14

BY REPRESENTATIVES TUCKER, PETERSON, AND GALLOT

ETHICS: Restricts the provision of food, drink, and refreshment to public servants (Item #3(6))

1 AN ACT

2 To enact R.S. 42:1115.1, relative to the Code of Governmental Ethics; to restrict the
3 provision of food, drink, or refreshment to a public servant by certain prohibited
4 sources; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 42:1115.1 is hereby enacted to read as follows:

7 §1115.1. Limitation on food, drink, and refreshment

8 A. No person from whom a public servant is prohibited by R.S. 42:1115(A)
9 or 1111 from receiving a thing of economic value shall give or offer, either directly
10 or indirectly, to such a public servant any food, drink, or refreshment the total value
11 of which exceeds fifty dollars per occasion.

12 B. No person from whom a public employee is prohibited by R.S.
13 42:1115(B) or 1111 from receiving a thing of economic value shall give or offer,
14 either directly or indirectly, to such a public employee any food, drink, or
15 refreshment the total value of which exceeds fifty dollars per occasion.

16 Section 2. This Act shall become effective upon signature by the governor or, if not
17 signed by the governor, upon expiration of the time for bills to become law without signature
18 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
19 vetoed by the governor and subsequently approved by the legislature, this Act shall become
20 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 [R.S. 1:13(B)] and do not constitute proof or indicia of legislative intent. [R.S. 24:177(E)]

Tucker

HB No. 14

Abstract: Prohibits certain prohibited sources from giving or offering, directly or indirectly, to a public servant any food, drink, or refreshment the total value of which exceeds \$50 per occasion.

Present law (R.S. 42:1111) prohibits a public servant (which includes a public employee or an elected official) from receiving any thing of economic value, other than compensation and benefits from the governmental entity to which he is entitled, for the performance of his duties.

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. 42:1102(22)) defines a "thing of economic value" as money or any other thing having economic value except promotional items having no substantial resale value. Contains certain enumerated exceptions including the provision of food, drink, or refreshments consumed by a public servant, including reasonable transportation and entertainment incidental thereto.

Proposed law prohibits a person from whom a public servant is prohibited by present law (R.S. 42:1115(A) or 1111) from receiving a thing of economic value from giving or offering, directly or indirectly, to such public servant any food, drink, or refreshment, the total value of which exceeds \$50 per occasion.

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

(Adds R.S. 42:1115.1)