

First Extraordinary Session, 2008

SENATE BILL NO. 2

BY SENATORS CHAISSON, ALARIO, AMEDEE, BROOME, CHEEK, CRAVINS, CROWE, DONAHUE, DORSEY, DUPLESSIS, DUPRE, ERDEY, B. GAUTREAU, N. GAUTREAU, HEBERT, HEITMEIER, JACKSON, KOSTELKA, LONG, MARIONNEAUX, MARTINY, MICHOT, MORRISH, MOUNT, MURRAY, NEVERS, QUINN, RISER, SCALISE, SHAW, SHEPHERD, SMITH, THOMPSON AND WALSWORTH

ETHICS. Prohibits certain public servants from receiving any thing of economic value for assistance to a person in a transaction for the purpose of lobbying and for such assistance for a certain period of time post public service.

1 AN ACT

2 To amend and reenact R.S. 42:1111(E)(1) and (2)(a), relative to conflicts of interest; to
3 prohibit certain public servants from receiving or agreeing to receive any thing of
4 economic value for assistance to persons in certain transactions related to lobbying;
5 to prohibit certain former public servants from receiving compensation for assistance
6 to persons in certain transactions related to lobbying; and to provide for related
7 matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 42:1111(E)(1) and (2)(a) are hereby amended and reenacted to read
10 as follows:

11 §1111. Payment from nonpublic sources

12 * * *

13 E. Payments for rendering assistance to certain persons.

14 (1)(a) No public servant, and no legal entity of which such public servant is
15 an officer, director, trustee, partner, or employee, or in which such public servant has
16 a substantial economic interest, shall receive or agree to receive any thing of
17 economic value for assisting a person in a transaction, or in an appearance in

1 connection with a transaction, with the agency of such public servant.

2 (b)(i) No legislator shall receive or agree to receive any thing of
3 economic value for assisting a person in a transaction or in an appearance in
4 connection with a transaction for the purpose of lobbying an executive branch
5 official.

6 (ii) No former legislator shall, for a period of one year following the
7 termination of his public service as a legislator, receive or agree to receive any
8 thing of economic value for assisting a person in a transaction or in an
9 appearance in connection with a transaction for the purpose of lobbying an
10 executive branch official.

11 (iii) For the purpose of this Subparagraph, the terms "lobbying" and
12 "executive branch official" shall have the same meaning as provided by R.S.
13 49:72.

14 (c)(i) No statewide elected official, head of any executive branch
15 department, or person holding an office or position included in Item (iv) of this
16 Subparagraph shall receive or agree to receive any thing of economic value for
17 assisting a person in a transaction or in an appearance in connection with a
18 transaction for the purpose of lobbying a legislator.

19 (ii) No former statewide elected official, former head of any executive
20 branch department, or person holding an office or position included in Item (iv)
21 of this Subparagraph shall, for a period of one year following the termination
22 of his public service as a statewide elected official or head of an executive
23 branch department, receive or agree to receive any thing of economic value for
24 assisting a person in a transaction or in an appearance in connection with a
25 transaction for the purpose of lobbying a legislator.

26 (iii) For the purpose of this Subparagraph, the term "lobbying" shall
27 have the same meaning as provided by R.S. 24:51.

28 (iv) This Subparagraph shall apply to persons holding the following
29 offices or positions:

- 1 (aa) The members of the State Civil Service Commission and the
2 director of state civil service.
- 3 (bb) The secretary of the Department of Economic Development.
- 4 (cc) The secretary of the Department of Culture, Recreation and
5 Tourism.
- 6 (dd) The secretary of the Department of Environmental Quality.
- 7 (ee) The secretary of the Department of Health and Hospitals.
- 8 (ff) The secretary of the Department of Labor.
- 9 (gg) The secretary of the Department of Natural Resources.
- 10 (hh) The secretary of the Department of Public Safety and Corrections.
- 11 (ii) The secretary of the Department of Revenue.
- 12 (jj) The secretary of the Department of Social Services.
- 13 (kk) The secretary of the Department of Transportation and
14 Development.
- 15 (ll) The secretary of the Department of Wildlife and Fisheries.
- 16 (mm) The secretary of the Department of Veterans Affairs.
- 17 (nn) The state superintendent of education.
- 18 (oo) The executive secretary of the Public Service Commission.
- 19 (pp) The commissioner of the division of administration.
- 20 (qq) The executive counsel to the governor.
- 21 (rr) The chief of staff of the office of the governor.
- 22 (ss) Members of the Public Service Commission.
- 23 (tt) Members of the State Board of Elementary and Secondary
24 Education.
- 25 (uu) Members of the Board of Regents.
- 26 (vv) Members of the Board of Supervisors of the University of Louisiana
27 System.
- 28 (ww) Members of the Board of Supervisors of the Louisiana State
29 University and Agricultural and Mechanical College.

1 (xx) Members of the Board of Supervisors of Southern University and
2 Agricultural and Mechanical College.

3 (yy) Members of the Board of Supervisors of Community and Technical
4 College.

5 (zz) Members of the Wildlife and Fisheries Commission.

6 (aaa) Members of the State Police Commission.

7 (bbb) Members of the Board of Ethics.

8 (ccc) The Louisiana Gaming Control Board.

9 (ddd) The Louisiana Board of Parole.

10 (eee) The Louisiana Board of Pardons.

11 (fff) The Mineral Board.

12 (ggg) The Louisiana Lottery Commission.

13 (hhh) The Governor's legislative director.

14 (iii) The Board of Commerce and Industry.

15 (d)(i) In addition to the other prohibitions and restrictions contained
16 within this Chapter, no statewide elected official, head of any executive branch
17 department, or person holding an office or position included in Item (iv) of this
18 Subparagraph shall receive or agree to receive any thing of economic value for
19 assisting a person in a transaction or in an appearance in connection with a
20 transaction for the purpose of lobbying an executive branch official.

21 (ii) In addition to the other prohibitions and restrictions contained
22 within this Chapter, no former statewide elected official, former head of any
23 executive branch department, or person holding an office or position included
24 in Item (iv) of this Subparagraph shall, for a period of one year following the
25 termination of his public service as a statewide elected official or head of an
26 executive branch department, receive or agree to receive any thing of economic
27 value for assisting a person in a transaction or in an appearance in connection
28 with a transaction for the purpose of lobbying an executive branch official.

29 (iii) For the purpose of this Subparagraph, the terms "lobbying" and

1 "executive branch official" shall have the same meaning as provided by R.S.
2 49:72.

3 (iv) This Subparagraph shall apply to persons holding the following
4 offices or positions:

5 (aa) The members of the State Civil Service Commission and the
6 director of state civil service.

7 (bb) The secretary of the Department of Economic Development.

8 (cc) The secretary of the Department of Culture, Recreation and
9 Tourism.

10 (dd) The secretary of the Department of Environmental Quality.

11 (ee) The secretary of the Department of Health and Hospitals.

12 (ff) The secretary of the Department of Labor.

13 (gg) The secretary of the Department of Natural Resources.

14 (hh) The secretary of the Department of Public Safety and Corrections.

15 (ii) The secretary of the Department of Revenue.

16 (jj) The secretary of the Department of Social Services.

17 (kk) The secretary of the Department of Transportation and
18 Development.

19 (ll) The secretary of the Department of Wildlife and Fisheries.

20 (mm) The secretary of the Department of Veterans Affairs.

21 (nn) The state superintendent of education.

22 (oo) The executive secretary of the Public Service Commission.

23 (pp) The commissioner of the division of administration.

24 (qq) The executive counsel to the governor.

25 (rr) The chief of staff of the office of the governor.

26 (ss) Members of the Public Service Commission.

27 (tt) Members of the State Board of Elementary and Secondary
28 Education.

29 (uu) Members of the Board of Regents.

The original instrument was prepared by Jerry J. Guillot. The following digest, which does not constitute a part of the legislative instrument, was prepared by Ann S. Brown.

DIGEST

Chaisson (SB 2)

Present law prohibits a public servant and any legal entity in which he is an officer, director, trustee, partner, or employee or has a substantial economic interest from receiving or agreeing to receive any thing of economic value for assisting a person in a transaction (or in an appearance in connection with a transaction) with the public servant's agency.

Proposed law retains present law and additionally prohibits a legislator from receiving or agreeing to receive any thing of economic value for assisting a person in a transaction (or in an appearance in connection with a transaction) for the purpose of lobbying an executive branch official and further prohibits a former legislator for a period of one year following the termination of his public service as a legislator, from engaging in such activity. Defines "lobbying" and "executive branch official" according to present law (R.S. 49:72), relative to executive branch lobbying.

Proposed law additionally prohibits a statewide elected official, the head of any executive branch department or any person holding specific offices or positions from receiving or agreeing to receive any thing of economic value for assisting a person in a transaction or in an appearance in connection with a transaction for the purpose of lobbying a legislator and further prohibits such a public servant, for a year following the termination of his public service as such an official, from engaging in such activity. Defines "lobbying" according to present law (R.S. 24:51), relative to legislative lobbying. Specifics which offices or positions are affected by proposed law.

Present law (primarily R.S. 42:1111, 1112, and 1113) prohibits a public servant from receiving certain things of economic value for certain activities involving his agency or his public duties or responsibilities, from certain participation involving his agency and governmental entity, and from entering into certain transactions under the supervision and jurisdiction of his agency. Present law (R.S. 42:1121) prohibits former agency heads and elected officials and certain affiliated legal entities (for certain transactions), for a period of two years following termination of public service as such, from assisting another person for compensation, in a transaction, or in appearance in connection with a transaction involving his agency or from rendering any service on a contractual basis to or for such agency. Present law defines the agency of the governor and the lieutenant governor as the executive branch of state government. For each of the other statewide elected officials and for each of the heads of the executive branch departments, the agency is the department in which he serves.

Proposed law prohibits, in addition to the other prohibitions and restrictions contained within Code of Governmental Ethics, a statewide elected official, the head of any executive branch department or any person holding specific offices or positions from receiving or agreeing to receive any thing of economic value for assisting a person in a transaction or in an appearance in connection with a transaction for the purpose of lobbying an executive branch official, and further prohibits such a public servant, for a year following the termination of his public service as such an official or department head, from engaging in such activity. Defines "lobbying" and "executive branch official" according to present law (R.S. 49:72), relative to executive branch lobbying. Specifics which offices or positions are affected by proposed law.

Present law provides that no elected official shall receive any thing of value for assisting a person in a transaction or in an appearance in connection with a transaction unless he files a sworn statement. Proposed law clarifies that nothing in the Section limits the effect of the

prohibitions provided elsewhere in proposed law.

(Amends R.S. 42:1111(E)(1) and (2)(a))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Senate and Governmental Affairs to the original bill.

1. Clarifies the effect of a provision in present law.

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill.

1. Provides that proposed law shall apply to persons holding specific offices or positions in state government.
2. Names the specific offices and positions which will be affected by proposed law as follows:
 - a. Members and director of the State Civil Service Commission.
 - b. The secretary of the following departments: Economic Development, Culture, Recreation and Tourism, Environmental Quality, Health and Hospitals, Labor, Natural Resources, Public Safety and Corrections, Revenue, Social Services, Transportation and Development, Wildlife and Fisheries, and Veterans Affairs.
 - c. The executive secretary of the Public Service Commission, the commissioner of the division of administration, the executive counsel to the governor and the chief of staff of the office of the governor.
 - d. Members of the Public Service Commission, the State Board of Elementary and Secondary Education, the Board of Regents, the Board of Supervisors of the University of Louisiana System, the Board of Supervisors of the Louisiana State University and Agricultural and Mechanical College, the Board of Supervisors of Southern University and Agricultural and Mechanical College, the Board of Supervisors of Community and Technical College, the Wildlife and Fisheries Commission, the State Police Commission and the Board of Ethics.
 - e. Also included persons holding offices or positions with the Louisiana Gaming Control Board, Board of Parole, Board of Pardons, Mineral Board, the Louisiana Lottery Commission, Governor's legislative director and the Board of Commerce and Industry.