

Regular Session, 2012

HOUSE BILL NO. 270

BY REPRESENTATIVES JIM MORRIS AND GEYMANN

ETHICS: Requires disclosure of requests made by legislators and state officials for expenditures of public funds by other agencies

1 AN ACT

2 To enact R.S. 42:1118.2, relative to ethics; to require disclosure of certain activities to
3 influence public spending; to provide for reports; to provide for penalties; and to
4 provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 42:1118.2 is hereby enacted to read as follows:

7 §1118.2. Influencing expenditures of public funds; required disclosures

8 A. No state legislator or other state official or other person on behalf of a
9 state legislator or other state official shall request an agency or public servant in the
10 executive branch of state government to make or cause an expenditure of public
11 funds unless such request is in writing. Each such request shall contain the name of
12 the requestor, the name of the person or entity on whose behalf the request was
13 made, and the purpose of the requested use of public funds. Notwithstanding any
14 provision of law to the contrary, all such requests shall be a public record and shall
15 be subject to public inspection and copying or reproduction.

16 B. If an agency or public servant in the executive branch of state government
17 contacted by a state legislator or other state official or other person on behalf of a
18 state legislator or other state official in a manner other than in writing and the
19 purpose of the contact was to make a request which would cause or require an
20 expenditure of public funds, the agency or public servant shall immediately notify

1 the person that such contact is a violation of the Code of Governmental Ethics and
2 instruct the person to immediately submit the request in writing. If the person fails
3 to immediately submit the request in writing, the agency or public servant receiving
4 the request shall notify the Board of Ethics within twenty-four hours of the improper
5 contact.

6 C. A list of all requests made to an agency or official for inclusion in the
7 Executive Budget shall be submitted to the Joint Legislative Committee on the
8 Budget at the same time as the submission of the executive budget. The list shall
9 include the name of each requestor, the name of the person or entity on whose behalf
10 the request was made, and the purpose of the requested use of public funds. Copies
11 of all other requests shall be submitted by the receiving agency or public servant to
12 the Joint Legislative Committee on Budget no later than the tenth of the month
13 following the receipt of the request.

14 D. The provisions of this Section shall not apply to intraoffice
15 communications that are not conducted at the request of or to benefit any person or
16 agency outside of the agency.

17 E. The Board of Ethics shall annually notify each agency of state
18 government of the requirements of this Section.

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

Jim Morris

HB No. 270

Abstract: Requires requests by legislators and other state officials and persons acting on behalf of those persons requesting that agencies or public servants in the executive

branch of state government make or cause expenditures of public funds to be in writing and provides for reporting and notifications related to those requests.

Proposed law prohibits a state legislator or other state official or other person on behalf of a state legislator or other state official from requesting an agency or public servant in the executive branch of state government to make or cause an expenditure of public funds unless such request is in writing. Provides that each such request shall contain the name of the requestor, the name of the person or entity on whose behalf the request was made, and the purpose of the requested use of public funds. Specifies that all such requests are public record. Proposed law provides that if an agency or public servant in the executive branch is contacted by a state legislator or other state official or other person on behalf of a state legislator or other state official in a manner other than in writing and the purpose of the contact was to make a request which would cause or require an expenditure of public funds, the agency or public servant shall immediately notify the person that such contact is a violation of the ethics code and that the request be immediately submitted in writing. Provides that if the person fails to immediately submit the request in writing, the agency or public servant receiving the request shall notify the Board of Ethics within 24 hours of the improper contact.

Proposed law further requires a list of all requests made to an agency or official for inclusion in the executive budget to be submitted to the Joint Legislative Committee on the Budget at the same time as the submission of the executive budget. Requires the list to include the name of each requestor, the name of the person or entity on whose behalf the request was made, and the purpose of the requested use of public funds. Copies of all other requests shall be submitted by the receiving agency or public servant to the Joint Legislative Committee on Budget no later than the 10th of the month following the receipt of the request.

Proposed law exempts intraoffice communications which are not conducted at the request of or to benefit any person or agency outside of the agency. Proposed law further requires the Board of Ethics to annually notify each agency of state government of the requirements of proposed law.

Present law provides relative to the enforcement of violations of the ethics code and provides for penalties which for elected officials or other person include censure and/or civil penalties not to exceed \$10,000 per violation and for public employees or other persons include termination, suspension, demotion, reduction in pay, and/or civil penalties not to exceed \$10,000 per violation. Present law applies to violations of proposed law.

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

(Adds R.S. 42:1118.2)