

Regular Session, 2010

HOUSE BILL NO. 296

BY REPRESENTATIVE HUTTER

ETHICS/CODE: Allows a public servant to accept gifts valued at fifteen dollars or less, up to an aggregate value of forty-five dollars from any one person in a calendar year

1 AN ACT

2 To amend and reenact R.S. 42:1123(26), relative to the Code of Governmental Ethics; to
3 allow the acceptance of certain gifts by public servants under certain circumstances;
4 and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 42:1123(26) is hereby amended and reenacted to read as follows:

7 §1123. Exceptions

8 This Part shall not preclude:

9 * * *

10 (26)(a) The acceptance by a public servant of anything of economic value
11 as a gift or gratuity from any person when the value of such gift or gratuity does not
12 exceed one hundred dollars per event, for flowers or a donation in connection with
13 the death of a member of the immediate family of a public servant.

14 (b) The acceptance by a public servant of anything of economic value as a
15 gift from any person when the value of the gift does not exceed fifteen dollars and
16 the aggregate value of all gifts from any one person pursuant to this Subparagraph
17 does not exceed forty-five dollars in a calendar year.

18 * * *

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)]

Hutter

HB No. 296

Abstract: Allows a public servant to accept a gift valued up to \$15, up to an aggregate value of \$45 for all gifts from any one person in a calendar year.

Present law (R.S. 42:1111) prohibits a public servant (which includes a public employee or an elected official) from receiving anything 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 anything 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)) prohibits a public employee from soliciting or accepting anything of economic value as a gift or gratuity from any person if the public employee knows or should know that such person conducts operations or activities which are regulated by the public employee's agency or 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. 42:1102(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 other exceptions, including the acceptance of food, drink, or refreshments consumed by a public servant while the personal guest of a person, including reasonable transportation and entertainment incidental thereto.

Present law (R.S. 42:1126) contains an exception to the ethics code to allow a public servant to accept a gift or gratuity from any person when the value of such gift or gratuity does not exceed \$100 per event, for flowers or a donation in connection with the death of a member of the immediate family of a public servant.

Proposed law additionally allows a public servant to accept a gift from any person when the value of the gift does not exceed \$15 and the aggregate value of all gifts from any one person pursuant to proposed law does not exceed \$45 in a calendar year.

(Amends R.S. 42:1123(26))

Summary of Amendments Adopted by House

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

1. Removed proposed limitation that the gift be "for a customary social occasion".