

2018 Regular Session

HOUSE BILL NO. 7

BY REPRESENTATIVE GREGORY MILLER

ETHICS/CODE: Provides relative to certain statements required to be filed by elected officials

1 AN ACT

2 To amend and reenact R.S. 42:1111(E)(2), relative to certain required statements filed by
3 elected officials regarding certain transactions with their governmental entity or its
4 officials or agencies; to remove the requirement for a sworn statement; to provide for
5 a certification by the elected official; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 42:1111(E)(2) is hereby amended and reenacted to read as follows:

8 §1111. Payment from nonpublic sources

9 * * *

10 E. Payments for rendering assistance to certain persons.

11 * * *

12 (2)(a) No elected official of a governmental entity shall receive or agree to
13 receive any thing of economic value for assisting a person in a transaction or in an
14 appearance in connection with a transaction with the governmental entity or its
15 officials or agencies, unless he files a ~~sworn~~ written statement with the board prior
16 to or within ten days after initial assistance is rendered.

17 (b) For purposes of this Paragraph, "transaction" shall not include a
18 ministerial transaction. "Ministerial transaction" means a transaction that involves
19 routine, administrative communications intended to obtain service, information, or

1 assistance from a public employee whose duties are established in plain and
2 unmistakable terms by law, rule, or regulation.

3 (c) The contents of the ~~sworn~~ written statement required by this Paragraph
4 shall be prescribed by the board and ~~such~~ shall include a certification by the elected
5 official filing it that the information contained in the statement is true and correct
6 to the best of his knowledge, information, and belief. The statement shall be a public
7 record.

8 (d) The board shall review all ~~sworn~~ statements filed in accordance with this
9 Paragraph. If the board determines that ~~any such sworn~~ a statement is deficient or
10 may suggest a possible violation of this Part, it shall, within ten days of the receipt
11 of such statement, notify the elected official filing the statement of its findings. Such
12 notification shall be deemed confidential and privileged and shall be made public
13 only in connection with a public hearing by the board for an alleged violation of this
14 Part where such would be relevant to the alleged violation for which the elected
15 official is being investigated.

16 Section 2. This Act shall become effective on January 1, 2019.

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)]

HB 7 Original

2018 Regular Session

Gregory Miller

Abstract: Removes the requirement that the statement required to be filed by an elected official who receives any thing of economic value for assisting a person in certain transactions with his governmental entity or its officials or agencies be sworn; provides instead for a certification by the elected official that the statement is true and correct.

Present law (R.S. 42:1111(E)(2)) provides that no elected official of a governmental entity shall receive or agree 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 governmental entity or its officials or agencies, unless he files a sworn written statement with the Bd. of Ethics prior to or within 10 days after initial assistance is rendered. Present law excludes ministerial transactions from this requirement.

Present law provides that the contents of the statement shall be prescribed by the board, provides that the statement shall be a public record, and requires the board to review all the statements, and if it determines a statement to be deficient or suggest a violation of the ethics code, the board shall notify the official of its findings. Provides that the notification is

confidential and privileged and made public only in connection with a public hearing for a relevant violation of the code.

Proposed law removes the requirement that the statement be sworn. Provides instead that it include a certification by the elected official filing it that the information contained in the statement is true and correct to the best of his knowledge, information, and belief. Otherwise retains present law.

Effective January 1, 2019.

(Amends R.S. 42:1111(E)(2))