

Regular Session, 2013

SENATE BILL NO. 148

BY SENATOR LAFLEUR

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

ETHICS. Provides an exception to the Code of Governmental Ethics for persons whose public service is limited to a contract providing professional services as a CPA. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 42:1102(18)(b), relative to public employees and the Code of
3 Governmental Ethics; to provide an exception to the definition of public employee;
4 to provide for professional services as a certified public accountant; and to provide
5 for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 42:1102(18)(b) is hereby amended and reenacted to read as follows:

8 §1102. Definitions

9 Unless the context clearly indicates otherwise, the following words and
10 terms, when used in this Chapter, shall have the following meanings:

11 * * *

12 (18)

13 * * *

14 (b) However, "public employee" ~~does~~ shall not mean ~~anyone~~ a person whose
15 public service is limited to the following:

16 (i) To periodic duty in the National Guard pursuant to 32 U.S.C.A. 502.

17 (ii) To a contract to provide professional services as a certified public

1 **accountant.**

2 Section 2. This Act shall become effective upon signature by the governor or, if not
3 signed by the governor, upon expiration of the time for bills to become law without signature
4 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
5 vetoed by the governor and subsequently approved by the legislature, this Act shall become
6 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by James Benton.

DIGEST

Present law defines "public employee" as anyone, whether compensated or not, who is:

- (1) An administrative officer or official governmental entity who is not filling an elective office.
- (2) Appointed by an elected official when acting in an official capacity, and the appointment is to a post or position wherein the appointee is to serve the governmental entity or an agency thereof, either as a member of an agency, or as an employee thereof.
- (3) Engaged in the performance of a governmental function.
- (4) Under the supervision or authority of an elected official or another employee of the governmental entity.

Present law provides that the "public employee" does not mean anyone whose public service is limited to periodic duty in the National Guard.

Proposed law retains present law and adds an exception for contracts to provide professional services as a certified public accountant.

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

(Amends R.S. 42:1102(18)(b))