ENROLLED

2021 Regular Session

ACT No. 272

HOUSE BILL NO. 113

BY REPRESENTATIVE GADBERRY

AN ACT

To enact R.S. 42:1111(C)(5), relative to the Code of Governmental Ethics; to allow the continued employment of the spouse of a public servant by a person with or seeking business or financial relationships with the agency of the public servant under specified circumstances; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 42:1111(C)(5) is hereby enacted to read as follows:

§1111. Payment from nonpublic sources

* * *

C. Payments for nonpublic service.

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<u>(5)(a) Notwithstanding the provisions of Subparagraph (2)(d) of this Subsection, the spouse of a public servant may continue employment with a person who has or is seeking a contractual or other business or financial relationship with the public servant's agency provided all of the following conditions are met:</u>

<u>(i) The spouse is a salaried or wage-earning employee and has been continuously employed by the person for at least one year prior to the date the compensated employment would have otherwise initially been prohibited.</u>

<u>(ii) The compensation of the spouse is substantially unaffected by a contractual or other business or financial relationship with the public servant's agency.</u>

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(iii) Neither the public servant nor the spouse is an owner, officer, director, trustee, or partner in the legal entity which has or is seeking to have the relationship with the public servant's agency.

(iv) The public servant recuses or disqualifies himself from participating in any transaction involving the spouse's employer in accordance with R.S. 42:1112 and related rules and regulations.

(v) Either prior to or within ten business days of the date the compensated employment would otherwise be prohibited, the spouse and the public servant jointly file with the Board of Ethics a written notice containing a brief description of the nature of the contractual, business, or financial relationship with the public servant's agency, the date the spouse was employed by the person, and any other information required by the board.

(vi) The spouse complies with the disclosure requirements in R.S. 42:1114.

(b) The provisions of this Paragraph shall not apply to members of the legislature.

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

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

_____
PRESIDENT OF THE SENATE

_____
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

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