

First Extraordinary Session, 2005

SENATE BILL NO. 76

BY SENATOR DARDENNE

ETHICS. Requires elected officials and their family members and businesses to report any disaster contracts and make the reporting an ethics code violation. (11/23/05)

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AN ACT

To enact R.S. 42:1114.3, relative to the Code of Governmental Ethics; to require any elected official, any member of the immediate family of an elected official, or any entity in which the official or family member has a substantial economic interest who seeks, enters into, or otherwise participates in any remunerative contract to provide any goods, supplies, or services that arise from certain declared emergencies or disasters to report such activity; to provide that the filing of such report and the failure to provide such report is a violation of the code; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 42:1114.3 is hereby enacted to read as follows:

§1114.3. Financial disclosure; contracts to provide any goods, supplies, or services that arise from certain declared emergencies or disasters; penalties

A. In addition to other requirements and limitations of this Chapter and notwithstanding any exceptions otherwise provided in this Chapter to such requirements and limitations, each elected official, each member of the immediate family of any elected official, and each entity in which the elected

1 official or any member of his immediate family has a substantial economic
2 interest who seeks, enters into, or otherwise participates in any remunerative
3 contract to provide any goods, supplies, or services of any kind that are
4 authorized, directed, or requested by any local, state, or federal emergency
5 management agency or any local, state, or federal government agency to
6 respond to an emergency that has been declared by the governor, pursuant to
7 Chapter 6 of Title 29 of the Louisiana Revised Statutes of 1950, or declared by
8 the president of the United States of America pursuant to his authority under
9 the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42
10 U.S.C. §§5121, et seq., subsequent to August 25, 2005, regardless of the source
11 of the money to pay such contract, shall disclose to the Board of Ethics that such
12 a remunerative contract has been sought, entered into or otherwise participated
13 in. Such disclosure shall be filed in a written statement in the form and
14 containing the information required by the Board of Ethics and shall be filed
15 not less than ninety days after any of these conducts occur.

16 B. The failure to file a disclosure statement required in Subsection A of
17 this Section and the filing of a disclosure statement required in Subsection A of
18 this Section shall be a violation of this Chapter subject to the penalties provided
19 by law for such violation.

20 Section 2. This Act shall become effective on November 23, 2005.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Diane M. Burkhart.

DIGEST

Present law restricts the participation of an elected official, except a state legislator and any member of a governing authority of a parish with a population of 10,000 or less and mayors and governing authority members of municipalities with a population of 5,000 or less, and the immediate family member of such an official and a legal entity in which he or a family member has a controlling interest from bidding on or entering into a contract that is under the supervision of the agency of the official.

Present law prohibits legislators, members of the immediate family, and legal entities in which any of them have a controlling interest from bidding on or entering into or in any way be interested in any contract with the legislature. Present law further prohibits legislators, legislators-elect or spouse of either or a legal entity in which any of them owns an interest, except publicly traded corporations, from entering into any contract with any branch of state

government or with LIGA or LHIGA or other quasi-public entity unless the contract is awarded by a competitive bid process. Specifies exceptions to such prohibition.

Proposed law retains present law and adds a requirement that any elected official, member of the immediate family of any elected official, and entity in which the elected official or any member of his immediate family has a substantial economic interest who seeks, enters into, or otherwise participates in any remunerative contract to provide any goods, supplies, or services of any kind that are authorized, directed, or requested by any local, state, or federal emergency management agency or any local state, or federal governmental agency to respond to an emergency that has been declared by the governor or declared by the president of the United States subsequent to August 25, 2005, regardless of the source of the money to pay such contract, shall disclose that such a remunerative contract has been sought, entered into or otherwise participated in. Eliminates exception for elected officials from small parishes or towns. Requires such disclosure be filed in a written statement in the form and containing the information required by the Board of Ethics and shall be filed not less than 90 days after any of these conducts occur.

Makes failure to file such a disclosure statement or filing such a disclosure statement a violation of the code and subject to the penalties of the code.

Effective 11/23/05.

(Adds R.S. 42:1114.3)