

First Extraordinary Session, 2005

SENATE BILL NO. 15

BY SENATORS CAIN, BARHAM, BOASSO, DARDENNE, HOLLIS, KOSTELKA, LENTINI, MALONE, MICHOT, QUINN, ROMERO, SCHEDLER AND THEUNISSEN AND REPRESENTATIVES ALEXANDER, BEARD, BRUNEAU, BURNS, CROWE, DOVE, DOWNS, ERDEY, GEYMANN, GREENE, HUTTER, JOHNS, KATZ, KENNARD, KLECKLEY, LABRUZZO, LAMBERT, LANCASTER, MARTINY, MCVEA, MORRISH, PITRE, M. POWELL, T. POWELL, SCALISE, SCHNEIDER, SMILEY, JANE SMITH, STRAIN, TOOMY, TRAHAN, TUCKER, WADDELL, WALSWORTH, WHITE AND WINSTON

ETHICS. Requires state elected and appointed officials and members of their immediate family to report income received from the federal government as a result of services performed or products sold for disaster recovery.

1 AN ACT

2 To enact R.S. 42:1114(D) and 1114.1(A)(1)(c), relative to the Code of Governmental Ethics;
3 to require that all elected and appointed officials report all funds received from, or
4 which is to be reimbursed by, the federal government as a result of work performed
5 in connection with a proclamation of a state of emergency; and to provide for related
6 matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 42:1114(D) and 1114.1(A)(1)(c) are hereby enacted to read as
9 follows:

10 §1114. Financial disclosure

11 * * *

12 **D. Other than members of the legislature, each elected official and each**
13 **official appointed pursuant to R.S. 42:62 and each member of his or her**
14 **immediate family who derives a thing of economic value, through any**
15 **transaction where funds are received from, in whole or in part, or reimbursed**
16 **by, in whole or in part, the United States government in connection with the**
17 **proclamation of a state of emergency by the governor pursuant to R.S. 29:721,**

1 **et seq., shall report such transaction to the board. This Subsection shall apply**
 2 **whether the payment is made to the official or through a subcontract where the**
 3 **contractor receives funds or is reimbursed by the United States government.**
 4 **This Subsection shall not apply to any product sold unless such product is sold**
 5 **pursuant to a procurement order from the United States government. This**
 6 **Subsection shall not apply to a licensed attorney.**

7 * * *

8 §1114.1. Financial disclosure; legislators

9 A. Each member of the legislature shall file a report with the clerical officer
10 of the house to which he belongs, by July first of each year of his or her term of
11 office, showing the following:

12 (1) Any and all income exceeding two hundred fifty dollars received during
13 the immediately preceding calendar year by such member, the spouse of such
14 member, or any business enterprise in which such member and/or his spouse owns
15 at least ten percent, which is received from any of the following:

16 * * *

17 **(c) The United States government, whether the payment is made directly**
 18 **to the legislator or is subject to reimbursement by the United States government**
 19 **or whether the payment is made to the legislator through a subcontract where**
 20 **the contractor receives funds or is reimbursed by the United States government.**
 21 **This Subparagraph shall only apply to work performed in areas designated by**
 22 **the governor, pursuant to R.S. 29:721, et seq., in the proclamation of a state of**
 23 **emergency. This Subsection shall not apply to any product sold unless such**
 24 **product is sold pursuant to a procurement order from the United States**
 25 **government. This Subsection shall not apply to a licensed attorney.**

26 * * *

The original instrument was prepared by Carla S. Roberts. The following digest, which does not constitute a part of the legislative instrument, was prepared by Diane M. Burkhart.

DIGEST

Cain (SB 15)

Present law requires each elected official (other than a legislator), his spouse, and any business enterprise in which he has a substantial economic interest, who derives anything of economic value through a contract or other subcontract from the state or any political subdivision will disclose the following:

- (a) The amount of income or value of anything of economic value derived;
- (b) The nature of the business activity;
- (c) The name and address, and relationship to the elected official, if applicable; and
- (d) The name and business address of the political subdivision, if applicable.

Proposed law retains present law but also requires that each official (other than a member of the legislature), whether appointed or elected, and each member of his or her immediate family who derives a thing of economic value through any transaction where funds are received from, in whole or in part, or reimbursed, in whole or in part, by the U.S. government in connection with any disaster recovery to report such transaction to the Board of Ethics. Specifies that this requirement does not apply to any products sold unless such products are sold pursuant to a procurement order from the U.S. government. Also, specifies that the requirement does not apply to licensed attorneys.

Present law requires each member of the legislature to file a report with the clerical officer of the house to which he belongs, by July first of each year of his or her term of office, showing any and all income exceeding \$250 received during the immediately preceding calendar year by such member, the spouse of such member, or any business enterprise in which such member and/or his spouse owns at least 10%, which is received from the state or any political subdivision.

Proposed law retains present law but requires any legislator to report any money received from the U.S. government, whether the payment is made directly to the legislator or is subject to reimbursement by the U.S. government or whether the payment is made to the legislator through a subcontract where the contractor receives funds or is reimbursed by the U.S. government. This provision only applies to work performed in areas designated by the governor, pursuant to the proclamation of a state of emergency. Specifies that this requirement does not apply to any products sold unless such products are sold pursuant to a procurement order from the U.S. government. Also, specifies that the requirement does not apply to licensed attorneys.

(Adds R.S. 42:1114(D) and 1114.1(A)(1)(c))

Summary of Amendments Adopted by Senate

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

1. Specifies that these additional reporting requirements do not apply to any products sold unless such products are sold pursuant to a procurement order from the U.S. government nor to licensed attorneys.