
The original instrument was prepared by Tabitha Irvin-Gray. The following digest, which does not constitute a part of the legislative instrument, was prepared by Todd Parker.

DIGEST

Hines (SB 81)

Proposed law requires an elected or appointed official to disclose certain specific information regarding the receipt (either directly, through his spouse, or through a legal entity in which he or his spouse owns 10% or more) of any thing of economic value through a contract or subcontract which is related to a gubernatorially declared disaster or emergency and which the official or his spouse knows or reasonably should know is or may be funded or reimbursed in whole or in part with federal funds. Establishes an aggregate reporting threshold of \$2500. Proposed law requires the following information to be disclosed to the Board of Ethics (ethics board):

- (1) The official's name, address, and office held and if the thing of economic value is derived through a spouse, the name and address of such person.
- (2) If through a legal entity, the name and business address of the entity, the official's or spouse's ownership interest in the entity, and the position, if any, held by the official or his spouse in the legal entity.
- (3) The nature of the contract or subcontract, including the amount of the contract or subcontract and a description of the goods or services provided or to be provided.
- (4) The amount of income or value of any thing of economic value derived through the contract or subcontract by the official or his spouse for the previous calendar year (except as provided for initial statements).

Proposed law requires each elected or appointed official, other than a legislator, to file an initial disclosure statement containing all of the information specified above with the ethics board no later than 30 days after the effective date of proposed law or 15 days after the official or legal entity enters into the contract or subcontract, whichever occurs later. Requires legislators to file on initial disclosure statement with the clerical officer of his/her respective house no later than 30 days after this effective date of proposed law or 15 days after the legislator, spouse, or legal entity enters into the contract or subcontract, whichever occurs later. Specifies instead of disclosing the actual amount of income or value of any thing of economic value derived from the contract or subcontract for the previous calendar year, the official shall include the amount of income or value of any thing of economic value to be derived or reasonably expected to be derived from the contract or subcontract for the first calendar year of the contract or subcontract. Proposed law then requires annual disclosure statements to be filed no later than February 15 of each year that include information for the previous calendar year. Proposed law requires such disclosure statements to be filed until a disclosure statement is filed after the completion of the contract or subcontract or until the person filing the statements is no longer an elected or appointed official,

whichever occurs first.

Proposed law specifies that annual disclosure statements shall not be required for the receipt of things of economic value pursuant to contracts or subcontracts entered into prior to an elected or appointed official taking office. However, provides that if an elected or appointed official or spouse of such a person receives or reasonably expects to receive a thing of economic value otherwise required to be disclosed by proposed law pursuant to the renewal of such a contract or subcontract occurring after he takes office, such official shall file a disclosure statement no later than 15 days after such renewal in accordance with the provisions of proposed law requiring an initial disclosure statement and annually thereafter in accordance with proposed law. Proposed law specifies that all disclosure statements filed pursuant to proposed law are public records.

Proposed law provides that failure to file a statement, failure to timely file a statement, failure to disclose required information, or filing a false statement shall subject a person to penalties as provided in the Code of Governmental Ethics (present law). Additionally imposes penalties of \$100 per day for failure to file, knowingly and willfully failing to timely file, or knowingly and willfully failing to disclose or accurately disclose any information required for each day until the statement or required accurate information is filed.

Proposed law provides that nothing in proposed law shall require the disclosure of any thing of economic value received from an individual assistance claim.

Proposed law requires the secretary of the Senate and the clerk of the House to jointly prescribe a form for filing reports by members of the legislature. Requires the secretary and the clerk to notify each member that the report is due within the required time. Further requires the secretary and the clerk, within 15 days of receipt, to transmit to the Board of Ethics copies of all disclosure reports filed with them, respectively. Provides that reports transmitted by the secretary and the clerk shall be deemed to having been filed with the Board of Ethics by the member, as of the date of filing with the clerical officer.

Proposed law defines for its purposes the term "appointed state official" or "appointed official" as a person holding an office in any branch of state government or other position on a state agency, board, or commission or any executive office of any state agency, board, commission, or department which is specifically established or specifically authorized by the constitution or laws of this state or by executive order of the governor and which is filled by appointment or election by an elected or appointed public official or by a governmental body composed of such officials of this state.

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

(Adds R.S. 42:1114.3)

Summary of Amendments Adopted by Senate

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

1. Increases the percentage of ownership of a legal entity by an elected or appointed official or spouse which triggers the reporting requirement for the entity from the official or his spouse owning 5% of the entity to the official or his spouse owning 10% of the entity.
2. Establishes a reporting threshold of the total value received to an aggregate of \$2500.

Senate Floor Amendments to engrossed bill.

1. Provides that nothing in proposed law shall require the disclosure of any thing of economic value received from an individual assistance claim.
2. Requires legislators to file an initial disclosure statement with the clerical officer of his/her respective house no later than 30 days after the effective date of proposed law or 15 days after the legislator, spouse, or legal entity enters into the contract or subcontract, whichever occurs later.
3. Requires the secretary of the Senate and the clerk of the House to jointly prescribe a form for filing reports by members of the legislature. Requires the secretary and the clerk to notify each member that the report is due within the required time. Further requires the secretary and the clerk, within 15 days of receipt, to transmit to the Board of Ethics copies of all disclosure reports filed with them, respectively. Provides that reports transmitted by the secretary and the clerk shall be deemed to having been filed with the Board of Ethics by the member, as of the date of filing with the clerical officer.