

New law requires an elected official, an appointed state official, or an immediate family member of such an official to disclose certain specific information regarding the receipt (either directly or through a legal entity in which such person owns 10% or more) of any thing of economic value valued at more than \$2,500 through a contract or subcontract which is related to a gubernatorially declared disaster or emergency and which the official or immediate family member knows or reasonably should know is or may be funded or reimbursed in whole or in part with federal funds. New law prohibits a person from entering into separate contracts or subcontracts valued at \$2,500 or less with the same person or governmental entity or agency thereof as a subterfuge to avoid the disclosure requirements of new law. New law specifies that nothing in new law shall require the disclosure of any thing of economic value received from an individual assistance claim.

New law requires the following information to be disclosed to the Board of Ethics (ethics board):

- (1) If an elected or appointed official, the official's name, address, and office held; or if an immediate family member the name and address of such person, the name, address, and office of the elected or appointed official to whom the person is related, and the nature of the relationship.
- (2) If through a legal entity, the name and business address of the entity, the percentage of the official's or immediate family member's ownership interest in the entity, and the position, if any, held by the official or immediate family member 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 immediate family member for the previous calendar year (except as provided for initial statements).

New law requires an initial disclosure statement containing all of the information specified above to be filed with the ethics board (except for legislators) no later than 30 days after the effective date of new law or 15 days after the official, immediate family member, or legal entity enters into the contract or subcontract, whichever occurs later. Specifies that, 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 (if known) the amount of income or value of any thing of economic value to be derived (or if not known, reasonably expected to be derived) from the contract or subcontract for the first calendar year of the contract or subcontract. New 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.

New law requires any member of the legislature to file an initial disclosure statement with the clerical officer of the house to which he belongs no later than 30 days after the effective date of new law or 15 days after the legislator or legal entity enters into the contract or subcontract, whichever occurs later. Specifies that 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 legislator shall include (if known) the amount of income or value of any thing of economic value to be derived (or if not known, reasonably expected to be derived) from the contract or subcontract for the first calendar year of the contract or subcontract. Requires that after filing the initial disclosure statement, legislators file an annual disclosure statement with the appropriate clerical officer no later than February 15 of each year which includes such information for the previous calendar year. Requires the clerical officer to transmit a copy of each such disclosure statement to the ethics board within 15 days of receipt. Provides that the disclosure statement shall be deemed to be filed with the ethics board by the member as of the date of filing with the clerical officer. Provides that once a legislator has filed an initial disclosure statement, the appropriate clerical officer shall notify such legislator that an annual disclosure statement is due until a final statement is filed in accordance with new law.

New law requires all 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 or to whom the immediate family member is related is no longer an elected or appointed official, whichever occurs first.

New 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 immediate family member of such a person receives or reasonably expects to receive a thing of economic value otherwise required to be disclosed by new law pursuant to the renewal of such a contract or subcontract occurring after the official takes office, such official or immediate family member shall file a disclosure statement no later than 15 days after such renewal in accordance with the provisions of new law requiring an initial disclosure statement and annually thereafter in accordance with new law.

New law specifies that all disclosure statements filed pursuant to new law are public records.

New law provides that failure to file a statement, failure to timely file a statement, failure to disclose required information, filing a false statement, or engaging in a subterfuge to avoid the disclosure requirements shall subject a person to penalties as provided in the Code of Governmental Ethics (existing law). New 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. Specifies that whoever enters into separate contracts or subcontracts valued at \$2,500 or less as a subterfuge to avoid the disclosure requirements of new law shall be subject to the penalties of existing law (R.S. 42:1153--which provides that the ethics board may impose a fine of up to \$10,000 and other types of penalties).

New 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 governor (November 29, 2005).

(Adds R.S. 42:1114.3)