

Regular Session, 2013

SENATE BILL NO. 61

BY SENATOR MORRISH

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

ETHICS. Provides for exceptions to the provisions of law relative to ethical standards for public servants. (8/1/13)

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AN ACT

To amend and reenact R.S. 42:1113(D)(1)(a)(ii)(qq) and to enact R.S. 42:1123(43), relative to the Code of Governmental Ethics; to provide for an exception to the prohibition of a public servant from doing business with a person who has a business relationship with the agency of the public servant under certain circumstances; to provide for limits on the contracting authority for members of the State Board of Elementary and Secondary Education; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 42:1113(D)(1)(a)(ii)(qq) is hereby amended and reenacted and R.S. 42:1123(43) is hereby enacted to read as follows:

§1113. Prohibited contractual arrangements

* * *

D. (1)(a)(i)

* * *

(ii) The provisions of this Subparagraph and other provisions which reference this

Item shall apply to the following persons:

* * *

(qq) Each ~~member~~ **The executive director or director** of the State Board of

1 Elementary and Secondary Education.

2 * * *

3 §1123. Exceptions

4 This Part shall not preclude:

5 * * *

6 **(43) Any member of a governing authority of a municipality with a population**
7 **of five thousand or less according to the latest federal decennial census, or legal entity**
8 **in which he has a controlling interest, from entering into any transaction with or**
9 **accepting anything of economic value from a person or entity which has entered into**
10 **a transaction with the municipality.**

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Lauren B. Bailey.

DIGEST

Present law provides that no public servant and no legal entity in which the public servant exercises control or owns an interest in excess of 25% shall receive any thing of economic value for or in consideration of services rendered, or to be rendered, to or for any person who has or is seeking to obtain a contractual or other business or financial relationships with the public servant's agency.

Present law provides that no public servant shall solicit or accept, directly or indirectly, any thing of economic value as a gift or gratuity from any person or from any officer, director, agent, or employee of such person, if such public servant knows or reasonably should know that such person has or is seeking to obtain contractual or other business or financial relationships with the public servant's agency.

Present law defines "public servant" as a public employee or an elected official.

Proposed law provides an exception to present law to allow a member of a governing authority of a municipality with a population of 5,000 or less or legal entity in which he has a controlling interest to enter into any transaction with or accept anything of economic value from a person or entity which has entered into a transaction with the municipality.

Present law prohibits each member of the State Board of Elementary and Secondary Education or their spouse or any legal entity owned by the member from entering into a contract with the state.

Proposed law provides an exemption from the prohibition for the members of the State Board of Elementary and Secondary Education or their spouse or any legal entity owned by the member from entering into a contract with the state.

Proposed law prohibits the executive director or director of the State Board of Elementary and Secondary Education, his spouse or any legal entity owned by him from entering into a contract with the state.

Effective August 1, 2013.

(Amends R.S. 42:1113(D)(1)(a)(ii)(qq); adds R.S. 42:1123(43))