

2017 Regular Session

HOUSE BILL NO. 90

BY REPRESENTATIVES DANA HAY AND GREGORY MILLER

1 AN ACT

2 To enact R.S. 42:1111.1 and to repeal R.S. 42:1123(36), relative to ethics; to allow public
3 servants to accept certain donations and contributions from not-for-profit
4 organizations or funds within the organizations following a gubernatorially declared
5 disaster or emergency; to require disclosures to the Board of Ethics; to provide
6 relative to the effectiveness of such provisions; to remove a substantially similar
7 exception specific to Hurricanes Katrina and Rita; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 42:1111.1 is hereby enacted to read as follows:

10 §1111.1. Charitable giving to public servants during gubernatorially declared
11 disasters and emergencies; limitations; requirements; annual reports

12 A. Notwithstanding any contrary provision of this Part, during the time
13 period extending from the date of a gubernatorially declared disaster or emergency
14 and ending on the date five years after the date the gubernatorially declared disaster
15 or emergency was initially declared by the governor, a public servant may receive
16 any thing of economic value as a contribution or donation from a not-for-profit
17 organization or a fund within a not-for-profit organization for the purpose of disaster
18 aid or relief to offset any economic losses suffered by the public servant as a result
19 of the gubernatorially declared disaster or emergency, provided that the total value
20 of contributions or donations received by the public servant related to the
21 gubernatorially declared disaster or emergency from not-for-profit organizations or
22 funds within not-for-profit organizations shall not exceed twenty-five thousand
23 dollars.

1 B. Each not-for-profit organization which disburses, either directly or
2 through a fund, a contribution or donation to a public servant that, except for the
3 provisions of Subsection A of this Section, would otherwise be prohibited by this
4 Part shall utilize objective criteria in both evaluating the need for and the
5 disbursement of contributions or donations to public servants to ensure that fair and
6 equitable disbursements are made and that the disbursements are based upon
7 demonstrated and documented needs directly related to the gubernatorially declared
8 disaster or emergency.

9 C. Not later than February fifteenth of each year following a year that a not-
10 for-profit organization has given, either directly or through a fund, a contribution or
11 donation to a public servant that, except for the provisions of Subsection A of this
12 Section, would otherwise be prohibited by this Part, the not-for-profit organization
13 shall file a report with the Board of Ethics containing the identification of the
14 gubernatorially declared disaster associated with the contribution or donation, the
15 objective criteria utilized as required by Subsection B of this Section, the name of
16 each public servant to whom a contribution or donation was given, the name of the
17 agency of each such public servant, the nature of the donation or contribution given
18 to each such public servant, and the value of the donation or contribution given to
19 each such public servant.

20 Section 2. Each not-for-profit organization that gave a public servant a contribution
21 or donation, either directly or through a fund, for the purpose of disaster aid or relief to offset
22 any economic losses suffered by the public servant as a result of a gubernatorially declared
23 disaster or emergency occurring in 2016, that, except for the provisions of R.S. 42:1111.1(A)
24 as enacted by Section 1 of this Act, was otherwise prohibited by the Code of Governmental
25 Ethics, shall file a report no later than February 15, 2018, with the Board of Ethics
26 containing the identification of the gubernatorially declared disaster associated with the
27 contribution or donation, the criteria used by the not-for-profit organization to determine the
28 need for and make disbursements to public servants, the name of each public servant to
29 whom a contribution or donation was given, the name of the agency of each such public

1 servant, the nature of the donation or contribution given to each such public servant, and the
2 value of the donation or contribution given to each such public servant.

3 Section 3. R.S. 42:1123(36) is hereby repealed in its entirety.

4 Section 4. The provisions of Section 1 of this Act are declared to be remedial and
5 curative and shall be applied retroactively to January 1, 2016, as well as prospectively.

6 Section 5. This Act shall become effective upon signature by the governor or, if not
7 signed by the governor, upon expiration of the time for bills to become law without signature
8 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
9 vetoed by the governor and subsequently approved by the legislature, this Act shall become
10 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____