

RÉSUMÉ DIGEST

ACT 408 (HB 231)

2017 Regular Session

Thibaut

Existing law provides that the ethics code does not preclude a mayor or 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, from entering into any transaction that is under the supervision or jurisdiction of the municipality. Requires the municipality to submit a plan to the Bd. of Ethics for approval. Requires the plan to include recusal of the elected official in matters affecting the transaction; quarterly affidavits concerning the recusal filed with the clerk of the municipality and the board; and the manner of supervising the transactions after recusal. Existing law provides certain requirements based on the amount of the transaction. Exempts individual transactions of \$250 or less, until they exceed \$2,500 in the aggregate in a calendar year; thereafter such a transaction requires at least three telephone quotations with written confirmation in the manner provided for transactions in excess of \$250, but less than \$2,500. Requires telephone quotations with written confirmation or facsimile quotations to be solicited from at least three vendors within the municipality, the parish, or within a 50-mile radius of the municipality for transactions in excess of \$250, but less than \$2,500, except in case of emergency. Provides that the plan adopted by the municipality and subject to board approval may specify situations in which a quotation submitted by the elected official or his legal entity may be accepted even if it was not the lowest bid received by the municipality. Provides for an elected official or legal entity in which the elected official has a controlling interest to enter into transactions with the municipality in excess of \$2,500 only after written invitations are sent to at least three bona fide qualified bidders, other than the elected official or his legal entity, and upon specific advance approval by the board.

New law additionally allows an immediate family member of such a mayor or governing authority member or legal entity in which such an immediate family member has a controlling interest to enter into transactions with the municipality subject to the same conditions, and requires the elected official involved to file the same affidavits required by existing law for transactions entered into by his immediate family member and legal entities in which his immediate family member owns a controlling interest.

Effective upon signature of governor (June 26, 2017).

(Amends R.S. 42:1123(22))