

Regular Session, 2014

HOUSE BILL NO. 252

BY REPRESENTATIVE TIM BURNS

DISTRICTS/ECONOMIC DEVEL: Provides relative to the application of certain ethics code provisions to certain members of the board of commissioners of the St. Tammany Parish Development District

1 AN ACT

2 To amend and reenact R.S. 33:130.402(D) and 130.409(A) and to enact R.S. 33:130.402(H),  
3 relative to the St. Tammany Parish Development District and its board of  
4 commissioners; to provide relative to the service of certain members of the board of  
5 commissioners; to provide an exception to certain provisions of the Code of  
6 Governmental Ethics for certain members of the board of commissioners; and to  
7 provide for related matters.

8 Notice of intention to introduce this Act has been published  
9 as provided by Article III, Section 13 of the Constitution of  
10 Louisiana.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. R.S. 33:130.402(D) and 130.409(A) are hereby amended and reenacted  
13 and R.S. 33:130.402(H) is hereby enacted to read as follows:

14 §130.402. Board of commissioners; members; officers; employees

15 \* \* \*

16 D. ~~Elected~~ Except as specifically provided by Subparagraph (A)(1)(d) of this  
17 Section, elected officials are prohibited from serving on the board of commissioners.

18 \* \* \*

1            H. Notwithstanding the provisions of R.S. 42:1111, 1112, 1113, and 1120.4,  
 2            a member of the board of commissioners who is appointed or who serves pursuant  
 3            to Paragraph (A)(1) of this Section who is an officer, director, trustee, or employee  
 4            of the St. Tammany Economic Development Foundation may serve on the board of  
 5            commissioners and may participate and vote on matters involving the district and the  
 6            foundation as authorized by R.S. 33:130.403(22).

7    \*          \*          \*

8            §130.409. General compliances; enhancement

9            A. ~~No provisions~~ Except as otherwise specifically provided by R.S.  
 10           33:130.402(H), no provision of this Subpart shall be construed so as to exempt the  
 11           district from compliance with the provisions of Louisiana laws pertaining to open  
 12           meetings, public records, fiscal agents, official journals, dual officeholding and  
 13           employment, public bidding for the purchase of supplies and materials and  
 14           construction of public works, the Code of Governmental Ethics, the Right to  
 15           Property in Article I, Section 4 of the Constitution of Louisiana, and the Louisiana  
 16           Election Code.

17    \*          \*          \*

18            Section 2. The provisions of this Act shall be given prospective and retroactive  
 19 application.

20            Section 3. This Act shall become effective upon signature by the governor or, if not  
 21 signed by the governor, upon expiration of the time for bills to become law without signature  
 22 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
 23 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
 24 effective on the day following such approval.

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

## DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Tim Burns

HB No. 252

**Abstract:** Allows certain persons affiliated with the St. Tammany Economic Development Foundation to serve on the board of commissioners of the St. Tammany Parish Development District and to participate and vote on certain matters involving the district and the foundation.

Present law creates the St. Tammany Parish Development District and its board of commissioners. Provides that the board of commissioners consists of 13 persons, including four members appointed by the St. Tammany Parish president, four members appointed by the St. Tammany Parish council, three members appointed by the St. Tammany Economic Development Foundation, the St. Tammany Parish president or his designee, and the executive director of the St. Tammany Economic Development Foundation.

Present law specifically authorizes the district acting by and through the board of commissioners to enter into a cooperative endeavor agreement with the St. Tammany Parish Economic Development Foundation to achieve any of the lawful purposes of the district.

Present law (ethics code–R.S. 42:1111) prohibits a public servant from receiving compensation from certain sources, including those which have or are seeking a contractual or business or financial relationship with the public servant's agency. Present law (R.S. 42:1111 & 1113) prohibits a public servant and specified related legal entities from receiving any thing of economic value for assisting persons in transactions with the public servant's agency or from engaging in transactions with the public servant's agency. Present law (R.S. 42:1112) prohibits a public servant from participating in a transaction involving his governmental entity when the public servant or a person in which he is an officer, director, trustee, partner, or employee has a substantial economic interest. Present law (R.S. 42:1120.4) further requires an appointed member of a board or commission to recuse himself from voting on certain specified matters that would violate present law (R.S. 42:1112) and further prohibits such an appointed member of a board or commission from participating in discussion and debate concerning the matter.

Proposed law provides that notwithstanding the provisions of present law (ethics code–R.S. 42:1111, 1112, 1113, and 1120.4), a member of the board of commissioners who is the executive director of or who is an officer, director, trustee, or employee of the St. Tammany Economic Development Foundation may serve on the board of commissioners of the St. Tammany Parish Development District and may participate and vote on matters involving the district and the foundation as authorized by present law relative to cooperative endeavors between the district and the foundation.

Present law prohibits elected officials from serving on the board of commissioners. Proposed law clarifies that other than the St. Tammany Parish president, elected officials are prohibited from serving on the board.

Provides that the provisions are to be applied retroactively as well as prospectively.

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

(Amends R.S. 33:130.402(D) and 130.409(A); Adds R.S. 33:130.402(H))