

First Extraordinary Session, 2005

SENATE BILL NO. 63

BY SENATORS DARDENNE, BARHAM, BOASSO, CAIN, HOLLIS, KOSTELKA, LENTINI, MALONE, MICHOT, QUINN, ROMERO, SCHEDLER AND THEUNISSEN AND REPRESENTATIVES ALEXANDER, BEARD, BRUNEAU, BURNS, CROWE, DOVE, DOWNS, ERDEY, GEYMAN, GREENE, HUTTER, JOHNS, KATZ, KENNARD, KLECKLEY, LABRUZZO, LAMBERT, MARTINY, MCVEA, MORRISH, PITRE, T. POWELL, M. POWELL, SCALISE, SCHNEIDER, SMILEY, JANE SMITH, STRAIN, TOOMY, TRAHAN, TUCKER, WADDELL, WALSWORTH, WHITE AND WINSTON

ETHICS. Precludes any elected official or member of his immediate family or entity in which any of them have a substantial economic interest from seeking or participating in any contracts arising from the disaster recovery effort.

1 AN ACT

2 To enact R.S. 42:1113(E), relative to the Code of Governmental Ethics; to prohibit any
3 elected official, any member of the immediate family of an elected official, or any
4 entity in which the official or family member has a substantial economic interest
5 from seeking, entering into, or otherwise participating in any remunerative contract
6 to provide any goods, supplies, or services that arise from certain declared
7 emergencies or disasters; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 42:1113(E) is hereby enacted to read as follows:

10 §1113. Prohibited contractual arrangements

11 * * *

12 **E. In addition to other requirements and limitations of this Chapter and**
13 **notwithstanding any exceptions otherwise provided in this Chapter to such**
14 **requirements and limitations, no elected official, no member of the immediate**
15 **family of any elected official, and no entity in which the elected official or any**
16 **member of his immediate family has a substantial economic interest may seek,**
17 **enter into, or otherwise participate in any remunerative contract to provide any**

1 **goods, supplies, or services of any kind that are authorized, directed, or**
2 **requested by any local, state, or federal emergency management agency or any**
3 **local, state, or federal governmental agency to respond to an emergency that has**
4 **been declared by the governor, pursuant to Chapter 6 of Title 29 of the**
5 **Louisiana Revised Statutes of 1950, or declared by the president of the United**
6 **States of America pursuant to his authority under the Robert T. Stafford**
7 **Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§5121, et seq**
8 **subsequent to August 25, 2005, regardless of the source of the money to pay**
9 **such contract.**

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Diane M. Burkhart.

DIGEST

Present law restricts the participation of an elected official, except a state legislator and any member of a governing authority of a parish with a population of 10,000 or less and mayors and governing authority members of municipalities with a population of 5,000 or less, and the immediate family member of such an official and a legal entity in which he or a family member has a controlling interest from bidding on or entering into a contract that is under the supervision of the agency of the official.

Present law prohibits legislators, members of the immediate family, and legal entities in which any of them have a controlling interest from bidding on or entering into or in any way be interested in any contract with the legislature. Present law further prohibits legislators, legislators-elect or spouse of either or a legal entity in which any of them owns an interest, except publicly traded corporations, from entering into any contract with any branch of state government or with LIGA or LHIGA or other quasi-public entity unless the contract is awarded by a competitive bid process. Specifies exceptions to such prohibition.

Proposed law retains present law and adds a prohibition on any elected official, member of the immediate family of any elected official, and entity in which the elected official or any member of his immediate family has a substantial economic interest seeking, entering into, or otherwise participating in any remunerative contract to provide any goods, supplies, or services of any kind that are authorized, directed, or requested by any local, state, or federal emergency management agency or any local, state, or federal governmental agency to respond to an emergency that has been declared by the governor or declared by the president of the United States subsequent to August 25, 2005, regardless of the source of the money to pay such contract.

(Adds R.S. 42:1113(E))