

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 prohibit the contracting authority of the executive director and each member 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:

* * *

1 (qq) Each member **and the executive director or director** of the State Board of
2 Elementary and Secondary Education.

3 * * *

4 §1123. Exceptions

5 This Part shall not preclude:

6 * * *

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

The original instrument was prepared by Lauren Bailey. The following digest, which does not constitute a part of the legislative instrument, was prepared by Tim Prather.

DIGEST

Morrish (SB 61)

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% will 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 will 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 render compensated services to 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 extends the prohibition to 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))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Senate and Governmental Affairs to the original bill

1. Extends the prohibition on contracting to the executive director or director of the State Board of Elementary and Secondary Education.
2. Changes the exception to the Code of Ethics to allow certain members of a governing authority of a municipality in which he has a controlling interest to render compensated services to a person which has entered into a transaction with the municipality.