

Regular Session, 2010

SENATE BILL NO. 126

BY SENATOR ADLEY

ETHICS. Provides that the provisions of the Code of Governmental Ethics prohibiting or restricting contracts involving the secretary, deputy secretary, undersecretary, and assistant secretary, or equivalent position of each state department shall also apply to the spouses and immediate family members of such officials. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 42:1113(D)(1)(a)(i) and (b)(i) and to repeal R.S. 42:1113(D)(6),  
3 relative to conflicts of interest; to provide relative to certain contracts involving  
4 certain public servants and certain affiliated persons and entities; to provide  
5 restrictions on certain contracts with respect to certain persons; and to provide for  
6 related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 42:1113(D)(1)(a)(i) and (b)(i) are hereby amended and reenacted to  
9 read as follows:

10 §1113. Prohibited contractual arrangements; exceptions; reports

11 \* \* \*

12 D.(1)(a)(i) No person identified in Item (ii) of this Subparagraph, ~~nor~~ **or** the  
13 spouse **or immediate family members** of such person, nor any legal entity of a **such**  
14 person shall enter into any contract with state government.

15 \* \* \*

16 (b)(i) No immediate family member, ~~except the spouse,~~ **including the**  
17 **spouse**, of a person identified in Item (a)(ii) of this Paragraph, nor any legal entity

1 of a family member shall enter into any contract with state government unless the  
 2 contract is awarded by competitive bidding after being advertised and awarded in  
 3 accordance with Part II of Chapter 10 of Title 38 of the Louisiana Revised Statutes  
 4 of 1950 or is competitively negotiated through a request for proposal process or any  
 5 similar competitive selection process in accordance with Chapter 16 or 17 of Title  
 6 39 of the Louisiana Revised Statutes of 1950; however, this exception for  
 7 competitively negotiated contracts shall not include contracts for consulting services.

8 \* \* \*

9 Section 2. R.S. 42:1113(D)(6) is hereby repealed in its entirety.

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

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The original instrument and the following digest, which constitutes no part  
 of the legislative instrument, were prepared by Alden A. Clement, Jr.

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#### DIGEST

Present law, with respect to contractual arrangements under the Code of Governmental Ethics, provides that none of the following persons, nor the spouse, nor any legal entity of such person, is permitted to enter into any contract with state government:

- (1) A legislator and any person who has been certified by the secretary of state as elected to the legislature.
- (2) The governor and each person holding statewide elected office.
- (3) The secretary, deputy secretary, undersecretary, and each assistant secretary, or the equivalent position of the Department of Economic Development.
- (4) The secretary, deputy secretary, undersecretary, and each assistant secretary, or the equivalent position of the Department of Culture, Recreation and Tourism.
- (5) The secretary, deputy secretary, undersecretary, and each assistant secretary, or the equivalent position of the Department of Environmental Quality.
- (6) The secretary, deputy secretary, undersecretary, and each assistant secretary, or the equivalent position of the Department of Health and Hospitals.
- (7) The secretary, deputy secretary, undersecretary, and each assistant secretary, or the equivalent position of the Department of Labor.

- (8) The secretary, deputy secretary, undersecretary, and each assistant secretary, or the equivalent position of the Department of Natural Resources.
- (9) The secretary, deputy secretary, undersecretary, and each assistant secretary, or the equivalent position of the Department of Public Safety and Corrections and any warden or assistant warden of a state penal institution.
- (10) The secretary, deputy secretary, undersecretary, and each assistant secretary, or the equivalent position of the Department of Revenue.
- (11) The secretary, deputy secretary, undersecretary, and each assistant secretary, or the equivalent position of the Department of Social Services.
- (12) The secretary, deputy secretary, undersecretary, and each assistant secretary, or the equivalent position of the Department of Transportation and Development.
- (13) The secretary, deputy secretary, undersecretary, and each assistant secretary, or the equivalent position of the Department of Wildlife and Fisheries.
- (14) The secretary, deputy secretary, undersecretary, and each assistant secretary, or the equivalent position of the Department of Veterans Affairs.
- (15) The executive secretary of the Public Service Commission.
- (16) The director of state civil service.
- (17) Each member of the State Board of Elementary and Secondary Education.
- (18) The commissioner of higher education and the president of each public postsecondary education system.
- (19) Each member of the Board of Ethics and the ethics administrator.
- (20) The chief of staff to the governor.
- (21) The commissioner of the division of administration.
- (22) The executive counsel to the governor.
- (23) The legislative director for the governor.
- (24) The deputy chief of staff to the governor.
- (25) The director of policy for the governor.
- (26) The assistant commissioner for management and finance, the deputy commissioner, the confidential assistant, and each assistant commissioner of the Department of Agriculture and Forestry.
- (27) The superintendent of education, the deputy superintendent of education, the deputy superintendent for management and finance, and each assistant superintendent of the Department of Education.
- (28) The chief deputy commissioner, each deputy commissioner, the assistant commissioner, and the executive counsel of the Department of Insurance.
- (29) The first assistant attorney general of the Department of Justice.

- (30) The deputy secretary of the Department of State, the deputy secretary for the office of the Uniform Commercial Code, and the deputy secretary for the office of GeauxBiz or his successor.
- (31) Each deputy state treasurer and each assistant state treasurer of the Department of the Treasury.

Proposed law extends the prohibition contained in present law to the immediate family members of the persons enumerated in present law. Proposed law otherwise retains present law.

Present law further provides that no immediate family member, except the spouse, of any of the persons enumerated in present law, nor any legal entity of a family member of such person, are permitted to enter into any contract with state government unless the contract is awarded by competitive bidding pursuant to present law or is competitively negotiated through a request for proposal process or any similar competitive selection process in accordance with present law. Present law provides that this exception for competitively negotiated contracts does not include contracts for consulting services.

Proposed law extends the prohibition contained in present law to the spouse of the persons enumerated in present law. Proposed law otherwise retains present law.

Present law further provides that the prohibitions contained in present law do not apply to the spouses and immediate family members of the deputy secretaries, undersecretaries, assistant secretaries, or equivalent positions in the following agencies:

- (1) Department of Economic Development.
- (2) Department of Culture, Recreation, and Tourism.
- (3) Department of Environmental Quality.
- (4) Department of Health and Hospitals.
- (5) Department of Labor.
- (6) Department of Natural Resources.
- (7) Department of Public Safety and Corrections.
- (8) Department of Revenue.
- (9) Department of Social Services.
- (10) Department of Transportation and Development.
- (11) Department of Wildlife and Fisheries.
- (12) Department of Veterans Affairs.
- (13) Department of Agriculture and Forestry.
- (14) Department of Education.
- (15) Department of Insurance.
- (16) Department of Justice.

(17) Department of State.

(18) Department of the Treasury.

Proposed law deletes the exemption from present law provided to the spouses and immediate family members of the deputy secretaries, undersecretaries, assistant secretaries, or equivalent positions in the agencies enumerated in present law.

Proposed law otherwise retains present law.

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

(Amends R.S. 42:1113(D)(1)(a)(i) and (b)(i); repeals R.S. 42:1113(D)(6))