

Regular Session, 2011

HOUSE BILL NO. 331

BY REPRESENTATIVES LIGI, BILLIOT, CONNICK, HENRY, LABRUZZO, LOPINTO, TEMPLET, AND WILLMOTT AND SENATORS APPEL, MARTINY, MORRELL, AND QUINN

LOCAL GOVT/ORDINANCES: Authorizes certain local governmental subdivisions to adopt and enforce local codes of conduct or ethics ordinances

1 AN ACT

2 To enact R.S. 33:9612.1, relative to certain local governmental subdivisions; to authorize
3 certain local governmental subdivisions to adopt and enforce local codes of conduct
4 or ethics ordinances; to provide limitations; and to provide for related matters.

5 Notice of intention to introduce this Act has been published
6 as provided by Article III, Section 13 of the Constitution of
7 Louisiana.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 33:9612.1 is hereby enacted to read as follows:

10 §9612.1. Local codes of conduct or ethics ordinances

11 A. The governing authority of a local governmental subdivision may adopt
12 and enforce local codes of conduct or ethics ordinances. Any such code or ordinance
13 may regulate the same or similar activity as regulated by the provisions of the Code
14 of Governmental Ethics, R.S. 42:1101 et seq., subject to the provisions of this
15 Section.

16 B. The adoption and enforcement of any such code or ordinance shall not
17 preempt, perempt, or otherwise preclude the enforcement of the Code of
18 Governmental Ethics, R.S. 42:1101 et seq., by the Board of Ethics nor preclude the
19 Board of Ethics from having exclusive jurisdiction over the enforcement of the Code
20 of Governmental Ethics, R.S. 42:1101 et seq.

1 C. The adoption and enforcement of any such code or ordinance shall neither
2 abridge nor abrogate any requirements of R.S. 42:1161.

3 Section 2. This Act shall become effective upon signature by the governor or, if not
4 signed by the governor, upon expiration of the time for bills to become law without signature
5 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
6 vetoed by the governor and subsequently approved by the legislature, this Act shall become
7 effective on the day following such approval.

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)]

Ligi

HB No. 331

Abstract: Authorizes certain local governmental subdivisions to adopt and enforce local codes of conduct or ethics ordinances. Prohibits any such subdivision from adopting codes or ordinances that preempt, perempt, or otherwise preclude the enforcement of the La. Code of Governmental Ethics.

Present law provides that if New Orleans, East Baton Rouge Parish, or Jefferson Parish is authorized by its home rule charter, by statute, or by other law to create local ethics entities, including but not limited to an ethics review board or office of inspector general, the governing authority may designate the local ethics entity, ethics review board, or office of inspector general as a law enforcement agency. Additionally authorizes the governing authority to confer upon the local ethics entity, ethics review board, or office of inspector general all investigative powers and privileges appurtenant to a law enforcement agency under state law. Provides further with respect to the powers granted to a local ethics entity, ethics review board, or office of inspector general.

Proposed law retains present law.

Proposed law additionally authorizes the governing authority of New Orleans, East Baton Rouge Parish, or Jefferson Parish to adopt and enforce local codes of conduct or ethics ordinances. Provides that the local codes or ordinances may regulate the same or similar activity as regulated by the provisions of the La. Code of Governmental Ethics (state ethics code), subject to the provisions of proposed law. Proposed law however prohibits the local governmental subdivisions from adopting and enforcing any local code or ordinance that preempts, perempts, or otherwise precludes the enforcement of the state ethics code by the La. Board of Ethics (ethics board) or precludes the ethics board from having exclusive jurisdiction over the enforcement of the state ethics code. Proposed law further provides that the adoption and enforcement of any local code or ordinance shall neither abridge nor abrogate any responsibility of an agency head to take preventive measures, report ethics violations, and cooperate in investigations as required by present law.

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

(Adds R.S. 33:9612.1)