HLS 10RS-1393 ORIGINAL

Regular Session, 2010

HOUSE BILL NO. 670

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BY REPRESENTATIVES HENRY, BILLIOT, GISCLAIR, GIROD JACKSON, LABRUZZO, LIGI, LOPINTO, AND WILLMOTT AND SENATORS APPEL, MARTINY, AND MORRELL

AN ACT

MUNICIPALITIES: Provides relative to local ethics entities in certain parishes

2	To amend and reenact R.S. 33:9611(A), 9612, and 9613(D) and (E)(2) and (5), relative to
3	local ethics entities; to provide for the creation and administration of local ethics
4	entities by certain parishes; to provide for the powers of local ethics entities; and to
5	provide for related matters.
6	Be it enacted by the Legislature of Louisiana:
7	Section 1. R.S. 33:9611(A), 9612, and 9613(D) and (E)(2) and (5) are hereby
8	amended and reenacted to read as follows:
9	§9611. Application and purpose
10	A.(1) This Chapter applies to the following:
11	(a) municipalities Municipalities that are governed by a home rule charter
12	and that have a population in excess of two hundred fifty thousand persons according
13	to the latest federal decennial census.
14	(b) Parishes that are governed by a home rule charter and that have a
15	population in excess of four hundred thousand persons according to the latest federal
16	decennial census.
17	(2) "Local governmental subdivision", as used in this Chapter, means
18	municipalities and parishes to which the Chapter is applicable.
19	* * *

## Page 1 of 4

§9612. Local ethics entities

A municipality local governmental subdivision that is authorized by its home rule charter, by statute, or by ordinance to create local ethics entities, including but not limited to an ethics review board or office of inspector general, or both, may designate the local ethics entity, ethics review board, or office of inspector general as a law enforcement agency and may thereby 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, which shall include access to computer systems, information maintained for the use of law enforcement personnel, and any information contained in the criminal history record and identification file of the Louisiana Bureau of Criminal Identification and Information.

§9613. Investigative powers

\* \* \*

D.(1) A local ethics entity, ethics review board, or office of inspector general shall have the authority to examine, review, audit, inspect, and investigate the records, books, reports, documents, papers, correspondence, accounts, audits, inspections, reviews, recommendations, plans, films, tapes, pictures, computer hard drives, software data, hardware data, e-mails, instant messages, text messages, and any other data and material relevant to any matter under audit, investigation, inspection, or performance review of all entities of municipal government the local government subdivision or entities receiving funds through or for the benefit of municipal government the local governmental subdivision.

(2) For the purposes of this Section, these entities shall include but not be limited to every municipal local governmental subdivision officer, employee, elected official, department, agency, board, commission, public benefit corporation, quasi public agency or body, contractor, subcontractor, licensee of the municipality local governmental subdivision, and every applicant for certification of eligibility for a municipal contract or program.

1	(3) These entities shall also include all municipal local governmental
2	subdivision governing authorities, all districts, boards, and commissions created by
3	municipal local governmental subdivision governing authorities either independently
4	or in conjunction with other units of government, and all independently elected
5	parish public officials whose offices receive funds from the municipality.
6	E. For the purposes of this Section, a quasi public agency or body shall be
7	defined as:
8	* * *
9	(2) An organization, either not-for-profit or for profit, that is a component
10	unit of a municipal local governmental subdivision reporting entity, as defined under
11	generally accepted accounting principles.
12	* * *
13	(5) Any organization, either not-for-profit or for profit, operating within the
14	municipality local governmental subdivision which is subject to the open meetings
15	law and derives a portion of its income from payments received from any municipal
16	local governmental subdivision agency or body.
17	* * *
18	Section 2. This Act shall become effective upon signature by the governor or, if not
19	signed by the governor, upon expiration of the time for bills to become law without signature
20	by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
21	vetoed by the governor and subsequently approved by the legislature, this Act shall become
22	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)]

HB No. 670 Henry

**Abstract:** Authorizes a parish with a home rule charter and a population over 400,000 to create local ethics entities.

Present law authorizes any municipality with a home rule charter and a population over 250,000 to designate its local ethics entity as a law enforcement agency and to confer upon

## Page 3 of 4

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

said entity all investigative powers and privileges which law enforcement agencies have under <u>present law</u>, including access to computer systems, information maintained for the use of law enforcement personnel, and access to any information contained in the criminal history record and identification file of the Louisiana Bureau of Criminal Identification and Information.

<u>Propose law</u> retains <u>present law</u> and extends its application to parishes with a home rule charter and a population over 400,000.

<u>Present law</u> conveys certain investigative powers upon local ethics entities created under <u>present law</u>. <u>Proposed law</u> retains <u>present law</u> and extends such powers to parishes qualifying under <u>proposed law</u>. Such powers include but are not limited to: the power to administer oaths, the power to subpoena persons and documents, and the power to make investigations and examinations, and the power to review, examine, or audit certain documents of certain entities described under <u>present law</u>.

<u>Present law</u> further provides restrictions and qualifications on such investigative powers bestowed under <u>present law</u>. <u>Proposed law</u> retains such restrictions and qualifications, but makes them applicable to qualifying parishes which create local ethics entities under <u>proposed law</u>.

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

(Amends R.S. 33:9611(A), 9612, and 9613(D) and (E)(2) and (5))