

Regular Session, 2010

HOUSE BILL NO. 670

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

MUNICIPALITIES: Provides relative to local ethics entities in certain parishes

1 AN ACT

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 * * *

1 §9612. Local ethics entities

2 A ~~municipality~~ local governmental subdivision that is authorized by its home
3 rule charter, by statute, or by ordinance to create local ethics entities, including but
4 not limited to an ethics review board or office of inspector general, or both, may
5 designate the local ethics entity, ethics review board, or office of inspector general
6 as a law enforcement agency and may thereby confer upon the local ethics entity,
7 ethics review board, or office of inspector general all investigative powers and
8 privileges appurtenant to a law enforcement agency under state law, which shall
9 include access to computer systems, information maintained for the use of law
10 enforcement personnel, and any information contained in the criminal history record
11 and identification file of the Louisiana Bureau of Criminal Identification and
12 Information.

13 §9613. Investigative powers

14 * * *

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

24 (2) For the purposes of this Section, these entities shall include but not be
25 limited to every ~~municipal~~ local governmental subdivision officer, employee, elected
26 official, department, agency, board, commission, public benefit corporation, quasi
27 public agency or body, contractor, subcontractor, licensee of the ~~municipality~~ local
28 governmental subdivision, and every applicant for certification of eligibility for a
29 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)]

Henry HB No. 670

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

said entity all investigative powers and privileges which law enforcement agencies have under present law, 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 La. Bureau of Criminal Identification and Information.

Proposed law retains present law and extends its application to parishes with a home rule charter and a population over 400,000.

Present law conveys certain investigative powers upon local ethics entities created under present law. Proposed law retains present law and extends such powers to parishes qualifying under proposed law. 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 present law.

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

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))