

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

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 * * *

20 §9612. Local ethics entities

21 A ~~municipality~~ local governmental subdivision that is authorized by its home
22 rule charter, by statute, or by ordinance to create local ethics entities, including but
23 not limited to an ethics review board or office of inspector general, or both, may

1 designate the local ethics entity, ethics review board, or office of inspector general
 2 as a law enforcement agency and may thereby confer upon the local ethics entity,
 3 ethics review board, or office of inspector general all investigative powers and
 4 privileges appurtenant to a law enforcement agency under state law, which shall
 5 include access to computer systems, information maintained for the use of law
 6 enforcement personnel, and any information contained in the criminal history record
 7 and identification file of the Louisiana Bureau of Criminal Identification and
 8 Information.

9 §9613. Investigative powers

10 * * *

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

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

26 (3) These entities shall also include all ~~municipal~~ local governmental
 27 subdivision governing authorities, all districts, boards, and commissions created by
 28 ~~municipal~~ local governmental subdivision governing authorities either independently
 29 or in conjunction with other units of government, and all independently elected
 30 parish public officials whose offices receive funds from the municipality.

1 E. For the purposes of this Section, a quasi public agency or body shall be
2 defined as:

3 * * *

4 (2) An organization, either not-for-profit or for profit, that is a component
5 unit of a ~~municipal~~ local governmental subdivision reporting entity, as defined under
6 generally accepted accounting principles.

7 * * *

8 (5) Any organization, either not-for-profit or for profit, operating within the
9 ~~municipality~~ local governmental subdivision which is subject to the open meetings
10 law and derives a portion of its income from payments received from any ~~municipal~~
11 local governmental subdivision agency or body.

12 * * *

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____