

TO: All governed by Louisiana Code of Governmental Ethics

FROM: LA Ethics Administration

DATE: October 9, 2012

RE: DISASTER AND EMERGENCY CONTRACTS (Prohibitions and Disclosure)

On August 26, 2012, Governor Bobby Jindal issued **Proclamation No. 92 BJ 2012**, wherein he declared a state of emergency due to Tropical Storm Isaac's potential to cause severe storms, high winds, and torrential rain that could cause flooding and damage to private property and public facilities and threaten the safety and security of the citizens of Louisiana.

On September 25, 2012, Governor Bobby issued **Proclamation No. 106 BJ 2012**, wherein he renewed Proclamation No. 92 BJ 2012, to further extend the state of emergency due to the continuation of emergency conditions due to Tropical Storm Isaac having strengthened and developed into Hurricane Isaac, impacting the State of Louisiana over the course of several days.

**La. R.S. 42:1113.1** states that during a *gubernatorial declared emergency or disaster*, a public servant is prohibited from converting property or resources of his agency or property or resources which have been loaned to his agency for his personal use. Nor is the public servant allowed to offer, loan, or donate the aforementioned property or resources to his family members over members of the general public.

**La. R.S. 42:1114.3** prohibits statewide elected officials, legislators, the commissioner of administration, and the chief of staff and executive counsel to the governor (and their respective spouses and legal entities in which they own in excess of 5%\*) from entering into a contract that is directed to addressing needs directly emanating from a gubernatorial declared disaster or emergency, which is funded or reimbursed in whole or in part with federal funds distributed, paid, or allocated to or by the state or a state department, agency, or official.

**Proclamation No. 92 BJ 2012 and 106 BJ 2012** may trigger the filing of disclosure statements with the LA Ethics Administration, pursuant to La. R.S. 42:1114.3, related to disaster or emergency contracts. Section 1114.3 requires disclosure by any elected or state appointed official, an immediate family member, or a legal entity in which he has a controlling interest that derives, either directly or through a legal entity in which he owns 10% or more, any thing of economic value through any contract or subcontract which is related to a gubernatorial declared disaster or emergency and which is funded or reimbursed in whole or in part with federal funds. The initial disclosure statement must be filed no later than 30 days after the elected official, state appointed official, immediate family member, or legal entity (in which the official or immediate family member owns 10% or more) enters into a contract. *Form 410: Disaster or Emergency Contract Disclosure Statement* is available on the agency website ([www.ethics.la.gov](http://www.ethics.la.gov)).

*\*Except a publicly traded corporation or a legal entity in which he owns a passive ownership interest that is the result of participation in a federally approved program of employee ownership.*