

TO: All governed by Louisiana Code of Governmental Ethics

FROM: LA Ethics Administration

DATE: October 4, 2021

RE: Disaster and Emergency Contracts

On August 26, 2021, Governor John Bel Edwards issued **Proclamation No. 165 JBE 2021**, wherein he declared a state of emergency due to the projection that Hurricane Ida would bring life-threatening storm surge, damaging hurricane-force winds, and heavy rainfall that could cause flooding and damage to private property and public facilities and threaten the safety and security of the citizens of Louisiana. Subsequently, Governor Edwards issued **Proclamation Nos. 166 JBE 2021, 170 JBE 2021, 172, JBE 2021, and 178 JBE 2021** thereby amending and extending the state of emergency due Hurricane Ida's continued impact on the citizens of Louisiana.

Please Remember:

- 1. La. R.S. 42:1113A prohibits** a public servant, immediate family member or their legal entity that they own more than 25% from entering into contracts, subcontracts, or other transactions with the public servant's agency.
- 2. La. R.S. 42:1113.1 prohibits** a public servant from converting property or resources of his agency, or property or resources which have been loaned to his agency, for his personal use during a *gubernatorially declared emergency or disaster*. It also prohibits the public servant from offering, loaning, or donating the aforementioned property or resources to his immediate family members over members of the general public.
- 3. 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 *gubernatorially 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.
- 4. Disclosure requirement – Parish and local elected officials and state appointed officials, and their immediate family members have to file disclosure statements** with the La. Board of Ethics if they receive anything of economic value through a contract related to a declared disaster or emergency. **La. R.S. 42:1114.3B** requires disclosure by any elected or state appointed official, their immediate family member or the immediate family member of those in paragraph 3, if they, either directly or through a legal entity in which they own 10% or more, receive any thing of economic value through any contract which is related to a *gubernatorially declared disaster or emergency* and which is funded or reimbursed in whole or in part with federal funds. **NOTE:** For the filer's convenience, Form 410 is available on the agency website.

**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.*