

CONFERENCE COMMITTEE REPORT

HB 231

2017 Regular Session

Thibaut

June 7, 2017

To the Honorable Speaker and Members of the House of Representatives and the Honorable President and Members of the Senate.

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning House Bill No. 231 by Representative Thibaut, recommend the following concerning the Engrossed bill:

1. That Senate Committee Amendments Nos. 1 and 4 by the Senate Committee on Senate and Governmental Affairs (#2605) be rejected.
2. That Senate Committee Amendments Nos. 2 and 3 by the Senate Committee on Senate and Governmental Affairs (#2605) be adopted.
3. That the following amendments to the engrossed bill be adopted:

AMENDMENT NO. 1

On page 1, line 2, after "1123(22)" and before the comma "," insert "and to enact R.S. 42:1123(44)"

AMENDMENT NO. 2

On page 3, between lines 22 and 23, insert the following:

"(44) The receipt of compensation by a public school teacher for providing academic tutoring services outside of normal school hours to any student enrolled in the teacher's school pursuant to a policy adopted by the school governing authority and approved by the Board of Ethics."

Respectfully submitted,

Representative Major Thibaut, Jr.

Senator Karen Carter Peterson

Representative Michael E. Danahay

Senator Neil Riser

Representative Chad Brown

Senator Mike Walsworth

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)]

CONFERENCE COMMITTEE REPORT DIGEST

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Keyword and oneliner of the instrument as it left the House

ETHICS/CODE: Allows the immediate family member of a mayor or governing authority member of a municipality with a population of five thousand or less or a legal entity in which the family member has an interest to enter into a transaction with the municipality subject to certain conditions

Report rejects Senate amendments which would have:

1. Provided an additional ethics exception to allow classroom teachers in public schools to provide tutoring services in academic subjects on a private fee basis outside school hours to their own students or other students enrolled in a school under the jurisdiction of the public school governing authority.

Report amends the bill to:

1. Provide an additional ethics exception to allow a public school teacher to receive compensation for providing academic tutoring services outside of normal school hours to any student enrolled in the teacher's school pursuant to a policy adopted by the school governing authority which has been approved by the Board of Ethics

Digest of the bill as proposed by the Conference Committee

Present law provides for any mayor or member of a governing authority of a municipality with a population of 5,000 or less, or legal entity in which he has a controlling interest, from entering into any transaction that is under the supervision or jurisdiction of the municipality. Provides that any person who enters into such a transaction does so under the supervision or jurisdiction of the municipality and requires the municipality to submit a plan to the Board of Ethics for approval. The plan shall include recusal of the elected official in matters affecting the transaction; quarterly affidavits concerning the recusal filed with the clerk of the municipality and the board; the manner of supervising the transactions. Present law provides certain rules based on the amount of the transaction. Exempts individual transactions of \$250 or less, until they exceed \$2,500 in the aggregate in a calendar year; thereafter such a transaction requires at least three telephone quotations with written confirmation in the manner provided for transactions in excess of \$250, but less than \$2,500. Requires telephone quotations with written confirmation or facsimile quotations to be solicited from at least three vendors within the municipality, the parish, or within a 50-mile radius of the municipality for transactions in excess of \$250, but less than \$2,500, except in case of emergency. Provides that the plan adopted by the municipality and subject to board approval may specify situations in which a quotation submitted by the elected official or his legal entity may be accepted even if it was not the lowest bid received by the municipality. Provides for an elected official or legal entity in which the elected official has a controlling interest to enter into transactions with the municipality in excess of \$2,500 only after written invitations are sent to at least three bona fide qualified bidders, other than the elected official or his legal entity, and upon specific advance approval by the board.

Proposed law retains present law, but additionally allows an immediate family member of such a mayor or governing authority member, or legal entity in which such an immediate family member has a controlling interest to enter into transactions with the municipality subject to the same conditions, and requires the elected official involved to file the same affidavits required by present law for transactions entered into by his immediate family members and legal entities in which his immediate family members own a controlling interest. Additionally makes some technical changes.

Present law (R.S. 42:1111) provides, subject to certain exceptions, that no public servant shall receive any thing of economic value, other than compensation and benefits from the governmental entity to which he is duly entitled, for the performance of the duties and responsibilities of his office or position or for any service the subject matter of which is devoted substantially to the responsibilities, programs, or operations of the agency of the public servant and in which the public servant has participated. Present law (R.S. 42:1115(A)) prohibits a public servant from soliciting or accepting any thing of economic value as a gift or gratuity from any person if the public servant knows or should know that such person has or is seeking to obtain a business relationship with the public servant's agency or is seeking to influence the passage or defeat of legislation by the public servant's agency. Present law (R.S. 42:1115(B)) further prohibits a public employee from accepting any thing of economic value from any person who conducts operations regulated by the public employee's agency or who has substantial economic interests which may be substantially affected by the performance or nonperformance of the public employee's official duty.

Proposed law additionally provides an exception to allow a public school teacher to receive compensation for providing academic tutoring services outside of normal school hours to any student enrolled in the teacher's school pursuant to a policy adopted by the school governing authority and approved by the Board of Ethics.

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

(Amends R.S. 42:1123(22); Adds R.S. 42:1123(44))