ENROLLED

2021 Regular Session

ACT No. 340

HOUSE BILL NO. 491

BY REPRESENTATIVE GADBERRY

AN ACT

To amend and reenact R.S. 42:1123(34), relative to ethics; to allow certain municipal and parochial elected and appointed officials and related persons and legal entities to enter into certain transactions regarding specified property under certain circumstances; to remove existing limitations on certain elected officials and related persons and legal entities regarding such transactions; to require certain written notice of such transactions; to require recusal of and prohibit participation by the public servant; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 42:1123(34) is hereby amended and reenacted to read as follows:

§1123. Exceptions

This Part shall not preclude:

* * *

(34) A member of a municipal or parish governing authority, an appointed member of a planning or zoning or appeals board or commission of a parish or municipality, ~~in a parish or municipality with a population of twenty-five thousand persons or less according to the latest federal decennial census~~ or a member of such ~~elected official's~~ public servant's immediate family or a legal entity in which ~~he~~ any such person has ~~a controlling~~ an interest from making application for the approval of the subdivision or resubdivision of property and for the zoning of such property or for a building permit and any inspections performed pursuant thereto, provided that (a) the zoning of such subdivided property shall not be less restrictive than the

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zoning of the original parcel; (b) ~~no variance or special exception from any planning or zoning regulation or requirement or any building code or permit shall be requested or granted; (c)~~ the subdivision, resubdivision, or zoning of such property shall be for residential purposes only; ~~(d)~~ (c) the application or applications submitted by or on behalf of the ~~elected official~~ public servant, a member of his immediate family, or legal entity ~~in which he has a controlling interest~~, collectively, shall be limited to the subdivision, resubdivision, or zoning of not more than twelve lots per calendar year and the construction of not more than twelve residential units per calendar year; ~~(e)~~ (d) no public funds shall be used to construct any infrastructure for the use or benefit of such property or development; ~~(f)~~ (e) the ~~elected official~~ public servant shall file written notice containing all details regarding the transaction deemed necessary by the Board of Ethics with his governing authority or board or commission and with the Board of Ethics no later than ten days prior to any hearing pertaining to any such application, or if no hearing is held pertaining to such application, shall file such notice at least ten days prior to final action on any such application; and ~~(g)~~ (f) any such ~~member of a governing authority~~ public servant shall recuse himself from any vote related to such application and shall not participate in any other aspect of the application or transaction.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

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