RÉSUMÉ DIGEST

ACT 340 (HB 491) **2021 Regular Session** **Gadberry**

Existing law generally prohibits a public servant, a member of his immediate family, or a legal entity in which he has a controlling interest from bidding on or entering into any contract, subcontract, or other transaction that is under the supervision or jurisdiction of the public servant's agency. Existing law further prohibits an appointed board or commission member, a member of his immediate family, or a legal entity in which he has a substantial economic interest from bidding on or entering into any contract, subcontract, or other transaction that is under the supervision or jurisdiction of the appointed member's agency. Existing law further prohibits a public servant from participating in a transaction in which he, his immediately family members, and specified other persons and entities have a substantial economic interest of which he may be reasonably expected to know involving the governmental entity.

Existing law provides an exception to allow certain municipal or parish officials, a member of such an official's immediate family, or a legal entity in which the official has a controlling interest to make application for the approval of a subdivision, resubdivision, or zoning of property or for a building permit and any inspections related thereto.

Prior law provided that the exception applied to a member of the governing authority of a parish or municipality with a population of 25,000 or less. New law provides that the exception applies to a member of the governing authority of any parish or municipality and to any appointed member of a planning, zoning, or appeals board.

Existing law provides that the exception applies if the following conditions are met:

(1) The zoning of such property is not less restrictive than the zoning of the original parcel.

(2) The subdivision, resubdivision, or zoning of such property is for residential purposes.

(3) The subdivision, resubdivision, or zoning affects not more than 12 lots per year and provides for the construction of not more than 12 residential units per year.

(4) No public funds are used to construct infrastructure for the benefit of the property.

(5) The public servant files written notice containing all details regarding the transaction deemed necessary by the Bd. of Ethics with the board and his governing authority or board or commission.

(6) The public servant recuses himself from any vote or participation related to such application.

Prior law included as an additional condition on such requests that no variance or special exception from any planning or zoning regulation or requirement or any building code or permit was requested or granted. New law removes this condition.

Effective August 1, 2021.

(Amends R.S. 42:1123(34))