

Legislative & Legal Updates
on
Public Laws

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WEALTH OF GOVERNMENT

- Money
 - Appropriated
 - Self Generated
- Time
 - Use of Workers
- Property
 - Equipment
 - Buildings
 - Good Name

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WORK OF GOVERNMENT

- Quasi Public – R.S. 24:513A(1)(b)(i) – (v)
- Exceptions
 - Private Water Companies – R.S. 24:513F
 - District Public Defender Offices – R.S. 24:513A(3)

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ACCOUNTABILITY

- Responsibility of Public Officials,
Employees and Agents
 - Intent
 - Sunshine
 - Family

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ACCESS TO RECORDS

- Public Records
- Auditor's Access to Records

"The authority granted to the legislative auditor in this Section to examine, audit, inspect or copy shall extend to all books, accounts, papers, documents, records, files, instruments, films, tapes, and any other forms of recordation, including but not limited to computers and recording devices, whether confidential or otherwise. However, the legislative auditor shall comply with any and all restrictions imposed by law on documents, data, or information deemed confidential by law and furnished to the legislative auditor."

R.S. 24:513I

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DONATION

- Constitution / Article VII, Section 14
NO GRATUITOUS ALIENATION OF PUBLIC PROPERTY
- The Attorney General established a three-prong test based on the *City of Port Allen case* (439 So.2d 399 (La. 1983)) to determine if certain actions by the government or arrangements between public and private entities violated the prohibition on the donation of public property. The legal obligation component was one of the three prongs. The test was:
 - 1. The expenditure or transfer of public funds or property must be based on a legal obligation or duty;
 - 2. The expenditure must be for a public purpose; and
 - 3. The expenditure must create a public benefit proportionate to its cost.

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**TRANSFER OF
PUBLIC PROPERTY**

- Alienation is governed by:
 - Constitution

 - Statutes

 - Promulgated Rules

 - Policies and Procedures

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USE OF PUBLIC FUNDS

- Cabela
 - LA Supreme Court Case (983 So. 2d 11)
 - LLA Cabela Memo (www.la.state.la.us/legalassistance)
- Act 18 – Appropriations Bill
 - “17(A). Notwithstanding any contrary provision of this Act or any contrary provision of law, no funds appropriated by this Act shall be released or provided to any recipient of an appropriation made in this Act if, when, and for as long as, the recipient fails or refuses to comply with the provisions of R.S. 24:513. No recipient shall be considered to fail or refuse to comply with the provision of R.S. 24:513 pursuant to this Section during any extension of time granted by the legislative auditor to the recipient to comply.”
- Act 28 – Capital Outlay Bill

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**USE OF PUBLIC FUNDS
(cont'd)**

- Attorney General (A.G.) Opinions
 - #07-0154
 - #07-0134
 - #07-0132
 - #07-0097
 - #07-0060
 - #07-0057
 - #07-0018

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USE OF PUBLIC FUNDS
(cont'd)

- A.G. Opinions (cont'd)
 - #06-0337
 - #06-0328
 - #06-0315
 - #06-0314
 - #06-0307
 - #06-0292
 - #06-0286

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PUBLIC BID LAW

- Act #336
 - Enact R.S. 38:2212(A)(1)(d)(iv)
 - Repealed R.S. 38:2212(A)(1)(d)(iv) (effective on July 31, 2008)
- Act #373
 - Amend and reenact R.S. 38:2318.1(B)
 - Enact R.S. 38:2212(D)(3)
 - Enact R.S. 2225.2.1

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PUBLIC BID LAW (cont'd)

- A.G. Opinions
 - #07-0061 Contracting for Services
 - #07-0002 Performance Based Energy Efficiency Contracts
 - #06-0236 Sale of Surplus Property for less than highest bidder
 - #06-0214 Restrictions on Leases of Lands
 - #06-0073 Sale of Surplus Property through Internet-based Auction Site
 - #06-0067 Emergency Provisions for Construction of Temporary Facilities

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ETHICS

- Act #141 (Enact R.S. 42:1113.1)
Actions of Public Servants During
Disasters (Cannot use property for
personal use or use of family.)

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SCHOOLS

- Act #341 (Enact R.S. 17:414.3(F))
Use of School Funds for Closed Schools
- A.G. Opinion #06-0207
Use of School Funds (Changed by Act #341)

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LAWRASON ACT

- R.S. 33:321 – R.S. 33:463
- A.G. Opinions
 - #07-0018 Power of Mayor in Regard to
Contracts & Agreements
 - #07-0048 Authority of Police Chief
 - #07-0082 Power of Mayor
 - #07-0087 Power of Mayor

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**OTHER SIGNIFICANT
A.G. OPINIONS**

- #07-0122 Dual Officeholding
- #07-0040 Votes in Writing violates Public Meetings Law
- #06-0156 Employing of Lobbyist by Public Entity
- #06-0133 Use of Public Funds for Parties and Celebrations

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**OTHER SIGNIFICANT
A.G. OPINIONS (cont'd)**

- #06-0125 Use of Cooperative endeavor for Agreement between City and Nonprofit
- #06-0124 Use of Public Vehicles by Fire Chiefs
- #06-0109 Sale of Immovable Property

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**OTHER SIGNIFICANT
A.G. OPINIONS (cont'd)**

- #05-0408 Records Retention Issues
- #05-0317 Advisory Groups must follow Open Meetings Law
- #05-0153 Cooperative Endeavor Agreements for Installation of Culverts

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**MOST IMPORTANT
LAWS/RULES**

- Public Bid Title 38
- State Procurement Code Title 39
- Ethics Title 42
- Public Meetings Title 42
- Public Records Title 44

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