



Public Affairs Research Council of Louisiana, Inc.

COMMENTARY

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PROHIBIT LEGISLATORS' CONTRACTS WITH STATE AGENCIES

The Public Affairs Research Council (PAR) and the Bureau of Governmental Research (BGR) are in the middle of a joint study on governmental ethics in Louisiana. Preliminary research has already identified special treatment of legislators as one problem area in the state's Code of Governmental Ethics. In particular, we are concerned with legislators' ability to contract with state agencies.

The Code prohibits elected officials and public employees from contracting with the agency for which they work and with any division that falls under that agency's jurisdiction. Based on this reasoning, it would follow that legislators would not be allowed to contract with the Legislature or with any agency of state government it oversees or has budgetary and policy jurisdiction over.

(MORE)

Prohibit Legislators' Contracts with State Agencies--add one

But the Code, written by the Legislature, does not apply the same standards to legislators that it applies to others. It prohibits legislators from contracting with their "agency," defined as the chamber of the Legislature in which they serve. They are not, however, prohibited from contracting with the state agencies over which they have jurisdiction. Legislators not only must approve appropriations for agency operations but also laws, rules and regulations governing the daily activities of those agencies. The ability of the legislators to carry out their oversight responsibilities is severely compromised.

The current practice creates a clear conflict of interest and perpetuates the belief that legislators serve to enhance their private interest and not to benefit the public. This omission is an apparent violation of the constitution which states "legislative office is a public trust, and every effort to realize personal gain through official conduct is a violation of that trust." The constitution further requires the Legislature to enact a code of ethics to prohibit conflicts of interest between the public duty and private interests of legislators.

Several bills introduced in the current session would remedy these constitutional violations and Code limitations by prohibiting legislators from contracting with state agencies. The Louisiana Legislature should follow the lead of the United States Congress which enacted a federal law to prohibit members of Congress from contracting with federal agencies. Such restrictions are intended to remove the temptation for members of Congress to influence public policy for their own gain and to prevent the executive branch from exercising inappropriate influence over the legislative branch.