



**EXECUTIVE DEPARTMENT
EXECUTIVE ORDER NUMBER JBE 2016 – 64**

***CHARITABLE GIVING TO PUBLIC EMPLOYEES
IN RESPONSE TO FLOODING***

- WHEREAS,** pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, La. R.S. 29:721, *et seq.*, the Governor declared a state of emergency in Proclamation No. 111 JBE 2016, which continues to be in effect;
- WHEREAS,** thousands of Louisiana citizens were displaced and forced to evacuate their homes, many of whom remain uncertain as to the scope and severity of the personal damage suffered, and many whose losses will likely not be covered by insurance;
- WHEREAS,** many citizens impacted are also public servants of the State of Louisiana;
- WHEREAS,** multiple public entities have reported employees with significant and severe personal devastating loss as a direct result of this event, and many citizens, businesses, and fellow employees have expressed a willingness and desire to provide aid to those affected;
- WHEREAS,** during a time of emergency, it is especially necessary to have public employees performing public business and providing critical services to address the overwhelming needs of our State;
- WHEREAS,** many public employees have performed critical services during the state of emergency declared by Proclamation No. 111 JBE 2016, and continue to serve the people and State of Louisiana without regard for their own personal losses;
- WHEREAS,** the Code of Governmental Ethics, specifically La. R.S. 42:1111(A), prohibits public servants from receiving anything of economic value for the performance of the duties and responsibilities of his office or position;
- WHEREAS,** Ethics Opinions 2012-1458 and 2009-794 recognized that charitable donations could be made to specific employees, provided such donation was unrelated to the performance of the employee's duties and the responsibilities of the office;
- WHEREAS,** while there is no indication that donations which are sought to be given to public employees are being offered with any relation to the performance of the employee's duties or the responsibilities of the office, the intent behind every donation provided is not expressly known;
- WHEREAS,** Louisiana Revised Statute 29:724 confers upon the Governor emergency powers to deal with emergencies and disasters and to ensure that preparations of this state will be adequate to deal with such emergencies or disasters, and to preserve the lives and property of the citizens of the State of Louisiana, including the authority to suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business, or the orders, rules, or regulations of any state agency, if strict compliance with the provisions of any statute, order, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency; and
- WHEREAS,** to the extent the Code of Governmental Ethics impedes such a goal, it is necessary to issue an Order for the limited purpose of recognizing an avenue for

public servants with flood damage to receive disaster assistance from non-prohibited sources as a direct result of this emergency.

NOW THEREFORE, I, JOHN BEL EDWARDS, Governor of the State of Louisiana, by virtue of the authority vested by the Constitution and the laws of the State of Louisiana, do hereby order and direct as follows:

SECTION 1: To the extent that La. R.S. 42:1111(A) might be interpreted to prohibit the receipt of a charitable donation for the express purpose of benefiting public employees affected by the state of emergency declared by 111 JBE 2016, more specifically, to provide disaster aid or relief to offset the economic losses suffered by public employees as a result of this event, such provision shall be suspended for the limited circumstances described within this Order.

Any fund established to provide charitable donations to a public employee or an identified class of public employees shall utilize objective criteria in both evaluating and administering funds to the employee or employees and include any safeguards necessary to ensure fair and equitable disbursements are made.

Any amounts distributed to or received by a public employee must be based on demonstrated and documented needs directly related to the state of emergency declared by 111 JBE 2016.

The total value of any contributions or donations received by a public employee from not-for-profit organizations or funds created within not-for profit organizations shall not exceed twenty-five thousand dollars.

SECTION 2: Adequate records shall be maintained which document any funds received, raised, and/or distributed pursuant to this Order that demonstrate the need for assistance and document the disbursement thereof, including: a complete description of the assistance provided; the purpose for which the aid was given; the objective criteria utilized for disbursing assistance; how the recipients were selected; and the name and address of each recipient, including the amount of any distribution. The recipient employee(s) shall maintain records of all such donations.

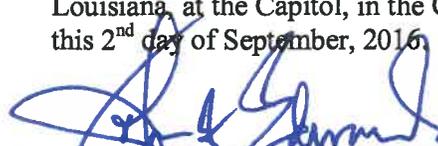
SECTION 3: This Order shall not be interpreted as providing any exception to the law which restricts the receipt of anything of economic value by a public servant by prohibited sources, as described by La. R.S. 42:1115.

SECTION 4: Nothing in this Order shall be interpreted or construed to limit or prohibit public servants from applying for any disaster aid which is otherwise available to any member of the public.

SECTION 5: This Order shall apply retroactively from Friday, August 12, 2016, and shall continue through December 31, 2016, unless amended, modified, terminated, or rescinded by the Governor prior thereto.

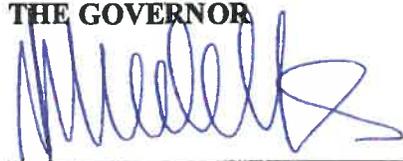


IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the City of Baton Rouge, on this 2nd day of September, 2016.



GOVERNOR OF LOUISIANA

ATTEST BY
THE GOVERNOR



SECRETARY OF STATE