

LOUISIANA BOARD OF ETHICS

**LaSalle Building
First Floor - LaBelle Room**

**617 North 3rd Street
Baton Rouge, Louisiana**

**April 16, 2010
9:00 a.m.**

GENERAL

Regular Business

G50. Approval of the minutes from the Louisiana Board of Ethics March 18-19, 2010 meeting.

G51. Docket No. 10-222

Consideration of a request for an advisory opinion regarding Caroline Roemer Shirley's participation as the Executive Director of the Louisiana Charter School Association in matters involving the Louisiana Board of Elementary and Secondary Education (BESE) when her brother Charles Roemer, IV is a member of BESE.

G52. Docket No. 10-245

Consideration of a request for an advisory opinion regarding whether a candidate for the East Baton Rouge Parish School Board may continue her employment with the Baton Rouge Transition to Teaching Program if elected.

G53. WAIVER REQUESTS - CAMPAIGN FINANCE**Docket No. 10-219**

Consideration of a request that the Board waive the \$60 late fee assessed against Ellen Kovach, a successful candidate for Judge, 24th District Court, Division K, Jefferson Parish, in the October 4, 2008 election whose Supplemental campaign finance report was due February 17, 2010 and was filed 1 day late.

Docket No. 10-242

Consideration of a request that the Board waive the \$1,200 late fee assessed against Louisiana Horsemen's Alliance, a political committee (PAC) whose PAC monthly report was filed 6 days late.

Docket No. 10-243

Consideration of a request that the Board waive the \$100 late fee assessed against Stephen Chesnut, an unsuccessful candidate for Judge, Civil District Court, Division J, Orleans Parish in the February 6, 2010 election whose 10-P report was due January 27, 2010 and was filed 1 day late.

Docket No. 10-255

Consideration of a request that the Board waive the \$360 late fee assessed against Jonathan Stewart, a successful candidate for District Attorney, 2nd District, Bienville Parish in the October 4, 2008 election whose Supplemental report was due February 17, 2010 and was filed 6 days late.

Docket No. 10-256

Consideration of a request that the Board waive the \$900 late fee assessed against Tommie Vassel, an unsuccessful candidate for Councilmember at Large, Orleans Parish in the October 20, 2007 election whose Supplemental report was due February 17, 2010 and was filed 9 days late.

Docket No. 10-257

Consideration of a request that the Board waive the \$1,600 late fee assessed against United Association Local 247, a political action committee (PAC) whose Annual report was filed 8 days late.

Docket No. 10-258

Consideration of a request that the Board waive the \$900 late fee assessed against William Gant, an unsuccessful candidate for Councilmember at Large, Orleans Parish in the February 6, 2010 election whose Election Day Expenditure campaign finance report (EDE-P) was due February 16, 2010 and was filed 9 days late.

Docket No. 10-259

Consideration of a request that the Board waive the \$600 and \$600 late fees assessed against Eliana DeFrancesch, a successful candidate for Clerk of Court, Orleans Parish in the October 23, 1999 and October 4, 2008 elections whose Supplemental campaign finance reports were due February 17, 2010 and were filed 13 days late.

Docket No. 10-260

Consideration of a request that the Board waive the \$900 late fee assessed against Thomas A. Lambert, an unsuccessful candidate for Mayor, Orleans Parish in the February 6, 2010 election whose Election Day Expenditure campaign finance report (EDE-P) was due February 16, 2010 and was filed 9 days late.

Docket No. 10-261

Consideration of a request that the Board waive the \$100 late fee assessed against Jacquelyn Clarkson, a successful candidate for Orleans Parish Councilmember at Large in the February 6, 2010 election whose thirtieth day prior to the primary election campaign finance report (30-P) was due January 7, 2010 and was filed 1 day late.

G54. WAIVER REQUESTS - LOBBYING**Docket No. 10-208**

Consideration of a request that the Board waive the \$50 late fee assessed against Yolanda Barton, for failure to timely file a Legislative ER-12/09 lobbying report.

Docket No. 10-231

Consideration of a request that the Board waive the \$50 and \$50 late fees assessed against Chuck Brown, for failure to timely file a Legislative and Executive ER-12/09 lobbying report.

Docket No. 10-232

Consideration of a request that the Board waive the \$50 and \$50 late fees assessed against Perry Franklin, for failure to timely file a Legislative and Executive ER-12/09 lobbying report.

G55. Consideration of proposed legislation concerning the laws administered by the Louisiana Board of Ethics.

LOUISIANA BOARD OF ETHICS
MINUTES
March 19, 2010

The Board of Ethics met on March 19, 2010 at 9:08 a.m. in the LaBelle Room on the 1st floor of the LaSalle Building located at 617 North Third Street, Baton Rouge, Louisiana with Board Members Bareikis, Bowman, Boyer, Hymel, Ingrassia, Lowrey, Monroe, Simoneaux and Stafford present. Absent were Board Members Frazier and Schneider. Also present were the Ethics Administrator, Kathleen Allen; Executive Secretary, Deborah Grier; and Counsel, Alesia Ardoin, Aneatra Boykin, Michael Dupree, Courtney Jackson and Tracy Meyer.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board called the public hearing in Docket No. 04-267 to obtain an Order against Orlando Matthews for his failure to file the 2003 Supplemental campaign finance disclosure report that was due by February 17, 2004. On motion made, seconded and unanimously passed, the Board continued the public hearing since proper service had not been obtained.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board called the public hearing in Docket No. 04-340 to obtain an Order against Orlando Matthews for his failure to pay assessed late fees totaling \$2,000 for the late filing of his campaign finance disclosure reports. On motion made, seconded and unanimously passed, the Board continued the public hearing since proper service had not been obtained.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board called the public hearing in Docket No. 05-212 to obtain an Order against Orlando Matthews for his failure to file the Annual/Supplemental campaign finance disclosure report that was due by February 15, 2005. On motion made, seconded and unanimously passed, the Board continued the

public hearing since proper service had not been obtained.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board called the public hearing in Docket No. 06-290 to obtain an Order against Orlando Matthews for his failure to file the Annual/Supplemental campaign finance disclosure report that was due by February 15, 2006. On motion made, seconded and unanimously passed, the Board continued the public hearing since proper service had not been obtained.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board called the public hearing in Docket No. 07-237 to obtain an Order against Orlando Matthews for his failure to file the Annual/Supplemental campaign finance disclosure report that was due by February 15, 2007. On motion made, seconded and unanimously passed, the Board continued the public hearing since proper service had not been obtained.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board considered a request for rehearing in Docket No. 07-902 in connection with Orders issued against Natasha Anthony Wells, a candidate for State Representative in the October 20, 2007 election, for failure to pay assessed late fees for the late filing of campaign finance disclosure reports. On motion made, seconded and unanimously passed, the Board imposed the late fees totaling \$5,080 but suspended the late fees conditioned upon future compliance with the Campaign Finance Disclosure Act.

Board Member Frazier arrived at the meeting at 9:09 A.M.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board called the public hearing in Docket No. 08-1104 to explore charges issued to Pat Sheila Brewer-Felix, a candidate in the October 4, 2008 election, for her failure to file the 30-P campaign finance

disclosure report by September 15, 2008. On motion made, seconded and unanimously passed, the Board continued the public hearing since proper service had not been obtained.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board called the public hearing in Docket No. 09-1007 to obtain Orders against the following candidates for failure to pay assessed late fees for the late filing of campaign finance disclosure reports:

On motion made, seconded and unanimously passed, the Board dismissed the hearing regarding Brent Callais, since the late fees had been paid.

The Board called the public hearing regarding John Nicholson. Mr. Nicholson was called and appeared before the Board. After hearing from Mr. Nicholson, on motion made, seconded and unanimously passed, the Board suspended the \$220 remaining balance conditioned upon future compliance with the Campaign Finance Disclosure Act.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board called the public hearing in Docket No. 09-755 to obtain an Order against Donald L. "Don" Bertrand for failure to pay assessed late fees for the late filing of a campaign finance disclosure report. On motion made, seconded and unanimously passed, the Board continued the public hearing since proper service had not been obtained.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board called the public hearing in Docket No. 09-862 to obtain an Order against Donald R. Dobbins for failure to pay assessed late fees for the late filing of a campaign finance disclosure report. Mr. Dobbins was called but was not present. Staff counsel introduced and filed into the record Exhibits 1-9. On motion made, seconded and unanimously passed, the Board ordered Mr. Dobbins to pay the \$200 late fee.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board called the public hearing in Docket No. 09-927 to obtain an Order against Anthony Landry for failure to pay assessed late fees for the late filing of a campaign finance disclosure report. On motion made, seconded and unanimously passed, the Board dismissed the hearing, since the late fees had been paid.

In its capacity as the Supervisory Committee on Campaign Finance Disclosure, the Board called the public hearing in Docket No. 10-004 to obtain Orders against the following candidates for failure to pay assessed late fees for the late filing of campaign finance disclosure reports:

On motion made, seconded and unanimously passed, the Board dismissed the hearing regarding Daryll F. Berry and Quincy Richard, Sr., since the late fees had been paid.

On motion made, seconded and unanimously passed, the Board continued the hearing regarding Anthony James Soileau, since proper service had not been obtained.

The Board called the public hearing regarding Kelly Daniels. Mr. Daniels was called but was not present. Staff counsel introduced and filed into the record Exhibits 1-8. On motion made, seconded and unanimously passed, the Board ordered Mr. Daniels to pay the late fees totaling \$2,400.

The Board called the public hearing in Docket No. 10-009 to obtain Orders against the following lobbyists for failure to pay assessed late fees for the late filing of their Executive and/or Legislative Lobbyist Expenditure Reports:

On motion made, seconded and unanimously passed, the Board dismissed the hearing regarding Joseph Booth, Elizabeth Bryant and Cheryl Teamer, since the late fees had been paid.

The Board called the public hearing regarding Charles Lanphier. Mr. Lanphier was called

but was not present. Staff counsel introduced and filed into the record Exhibits 1-5. On motion made, seconded and unanimously passed, the Board ordered Mr. Lanphier to pay the \$1,000 late fee.

The Board called the public hearing regarding William Minton. Mr. Minton was called but was not present. Staff counsel introduced and filed into the record Exhibits 1-4. On motion made, seconded and unanimously passed, the Board ordered Mr. Minton to pay the \$150 late fee.

Ms. Carolyn Bombet, Department of Health and Hospitals, and Ms. Mika Irving, Program Manager for Food Certification, appeared before the Board in Docket No. 10-168 in connection with a request for an advisory opinion regarding Chandra Johnson, a West Baton Rouge Sanitarian, teaching a Retail Food Program Course. After hearing from Ms. Bombet and Ms. Irving, on motion made, seconded and unanimously passed, the Board concluded that no violation of the Code of Governmental Ethics is presented by Ms. Johnson continuing to teach a Retail Food Program Course, as long as she does not teach persons in West Baton Rouge Parish, where she has regulatory authority. The Board further advised that Section 1112 of the Code of Governmental Ethics prohibits Ms. Johnson from referring West Baton Rouge Parish residents to take the course provided by her

The Board unanimously agreed to consider the following supplemental agenda items:

Mr. Peter Wright, General Counsel for the Louisiana Workforce Commission, appeared before the Board in Docket No. 10-189 in connection with a request for an advisory opinion regarding the Louisiana Workforce Commission, Office of Workforce Development receiving training vouchers from Microsoft. After hearing from Mr. Wright, on motion made, seconded and unanimously passed, the Board concluded that no violation of the Code of Governmental Ethics is presented by the Louisiana Workforce Commission, Office of Workforce Development accepting

a donation of training vouchers from Microsoft, since the vouchers are for the use of the customers of the Business and Career Solution Centers and are not provided to or for the benefit of any individual public employee.

The Board considered a request for an advisory opinion in Docket No. 10-071 regarding a business owned by the son-in-law of Ed Muniz, a former member of the Regional Planning Commission (RPC) for the parishes of Orleans, Jefferson, St. Bernard, St. Tammany and Plaquemines, performing services for the RPC. On motion made, seconded and unanimously passed, the Board concluded that no violation of the Code of Governmental Ethics is presented by Comm Tech International, Inc., a company owned by former RPC Commissioner Ed Muniz's son-in-law, doing business with the RPC, since Mr. Muniz is no longer a member of the RPC.

The Board considered a request for an advisory opinion in Docket No. 10-173 regarding a resolution adopted by the Louisiana Public Defender Board authorizing the State Public Defender to increase the salaries of public defenders. On motion made, seconded and unanimously passed, the Board concluded that no violation of the Code of Governmental Ethics is presented by the District Defenders receiving a temporary salary increase pursuant to LSA-R.S. 15:161(H)(2).

The Board considered a request for an advisory opinion in Docket No. 10-174 regarding CASA of Central Louisiana engaging in a business relationship with a business owned by one of its board members. On motion made, seconded and unanimously passed, the Board concluded that no Code of Governmental Ethics issues were presented by the proposed business relationship between CASA of Central Louisiana and a business owned by one of its board members, since CASA is not a public agency and its board members are not subject to provisions of the Code of Governmental Ethics.

The Board accepted for filing disclosure statements, notices and personal financial disclosure statements from the following:

RS 42:1111E Disclosure Statements

Joseph Peter Lopinto III,
Robert M. Marionneaux Jr.

RS 39:1233.1 Banking Recusal

Michel Henry Claudet

RS 42:1123(41) Disclosure Statements

Noble E. Ellington Jr.
Rosalind D. Jones
Elton M. Aubert
Nancy Landry
John F. Anders Jr.
Robert Love
Tom Hess
O. E. Baker
Carrie Salyers
Sally I. Clausen
Sharon D Southall
Carrie Robison
Kim Hunter-Reed
Simone Becnel Champagne

RS 24:56 Notice of Fundraiser

James W. Tucker
Herbert B. Dixon Sr.
Avon Ray Honey
Samuel Perry Little

RS 27:12B Gaming Control Board Disclosure Statements

Franklin Bradford
Jackie "John" Berthelot
Dane Kyle Morgan
Velma C. Rogers
Gerald "Jerry" Leo Juneau Sr.
Michael D Noel Jr
James M Singleton

RS 27:96

Gaming Contracts Disclosure Statements

Kevin Dale Guidry
John Darrell Blair

RS 42:1119B

Hospital Service District Disclosure Statements

Hayward Fair
Charles E. Weeks
John Wilkins
Johnny Ford
C. Wendell Alford
Robert Quirk Jr.
Vince Cataldo
Michael W. Duke
Joseph Giardina
Jacob Giardina
Moses Wilkins
James T. Thomas
Oswald Broussard
Michael D Wooden
Lester Hardy
Robert T Green Jr
James B. Falterman Jr.
Harlon E. Nobles
Ardell M Guerra
Maurice Picard
James E. Carroll
Jeffrey Scott Gruner
Jennifer S Johnson
Bryan Duet
Linda F. DeVille

RS 42:1124, 1124.2**Personal Financial Disclosure Statements****1124.2.1, & 1124.3**

Dale N. Atkins
 Dwight Lawrence McKenna
 Cynthia Hedge Morrell
 Vernon H. Rodrigue
 Richard McNabb
 Bobby Wayne Edmiston
 Karen Carter Peterson
 Arthur A Morrell
 Jessie Eural Johnson
 Melvin Jimmy Stephens
 James Edward Longoria
 Fred L. Grant
 Charles E. Hudson
 Janis Lemle
 Nadine Ramsey
 Irma Muse-Dixon
 Janis Lemle
 Nadine Ramsey
 Irma Muse-Dixon
 David Bonin
 Matthew Raley
 Troy Anthony Henry
 James Perry
 Salvatore Anthony Caruso Sr.
 Rubenstein Mitchell-Clark
 John E. Fitzpatrick III
 Floyd S Voinche Sr
 Malcom Lewis English
 Joe Carroll Backus II
 James Lavigne
 Bonnie Hurst
 Ross V. Prewett III
 Adam John Matte
 Jeffrey Marlon Lasiter
 Chuck Kinney
 William "Bill" C. Jeanmard
 Joe Norman
 Loston L. McEvers

Walter P. Creel
 Robert P. Roy
 Susan Jeansonne
 William B. Russell
 Reginald Ducote
 Bryan Kirk Vidrine
 Dana Nereaux Alexander
 Dean L. Manning
 Kenneth Farbe Jr
 Guy Truett Williams
 Wilton A. Guillory Jr., D.D.S.
 George Lavelle Brown
 Billy W. Fowler
 Charles C. Currier
 Myron Keith Lawson
 Lawrence J. Badeaux
 Lauren Anderson- Auverset
 Jimmy Thomas Holland
 Noel H. Haynes
 Thomas Landry
 Lennis Lorell Graham Jr.
 John Willie Watley
 Michael J. Gremillion
 Byron A. Adams Jr.
 Julia Rose
 "Tom" Arnold
 Willie Lee Robinson
 Nettie Clark
 Alphonse M. Frilot
 Melvin Toomer
 Faith Thomas
 Joseph Porterie Prier
 Joyce Porterie Prier
 Willie Lee Robinson
 Ernest Roger Phaneur Jr.
 Billie Kathryn Johnson
 John Samuel Craft
 William Edward Hall

Wayne Dale Sanders
 Thomas T. McNabb Jr.
 Anthony Lamonte
 Milton Daniel Dowd
 Roy Armstrong
 Michael Eugene Robertson
 Dale J Rogers
 Francis Touchet Jr.
 Mark Alan Dodd
 John T. Schell
 Kenny Ray Hazelton
 Kermit Leon Brown
 Gregory Paul Prudhomme
 John G. Offord
 Morgan Moss
 Patrick J. Loftus
 John A. Doucet
 Christina Todd
 Lemuel Bassett
 Roger Elvis Davis
 Ronald Marc Roberts
 Ronald Joseph Charles
 Billy Logan
 Danny Racheal Washington Sr.
 Ernal "E.J." Broussard
 George C. Strohm
 Valsin Charles Vanney Jr.
 John Harrison Cartwright
 P. Andre Fruge
 Mark Allen
 Francis J Plaisance
 Willie Mae Kennedy
 Charles Ray Waldon
 Geneva C Bernard
 Katharine C. Rathbun M.D.
 Thomas Bouchie
 James Douglas Browning
 Estes LeDoux Jr.
 Gerald Langlois
 Jay Williamson Jr.
 Lola Renett Grimes
 Kirk Patrick Champagne
 Charles Emerson Balthrap
 Louis Joe Hardy

Ray Allen Gaspard Sr.
 Craig Wendell Foster
 Rudy Starlin Smith
 Margaret A. Dickerson
 Carbett J. Duhon
 Hayward Steele
 Addice W. McDonald
 Keith Harrison
 Abbie Berry Woods
 Michael "Matt" Matthew Miller
 Travis John Armand
 Marshall Jan Stelly Hudson
 Joseph Angelo Siciliano
 Shirley Ann Ford
 kevin Gerard Guidry
 James Douglas Browning
 Herbert Gaspard Jr.
 Janet Kline-Clark
 Beaver B Knighton Sr
 Gloria Owens Hayden
 Mark Dillan Vining
 Michael "Mike" Fuselier
 James Donald Brian
 James W. Bennett
 Chuck Autin
 James E. Vaughn Jr.
 Michael Wayne Whitney
 Obbie Johnson
 Nicholas Eugene Gasper
 Johnny Julius Henderson
 Romanus Robertson Sr.
 Charlotte McHenry Cooper
 Tony J. Hardy
 Harry James Lewis
 Vincent Labue
 William Francis Melchiorri
 Melinda N. Mitchell
 Jason Zar
 John Thomas Groce
 Robert Liewellyn Rice
 Jerry James Landry
 Kenneth Lloyd Ducote
 Warren E. Crockett
 Marjorie Day

Michael Terrence Youngs
Edward Gayle "Sonny" Tyler
Clayton "Rick" Henderson
Terry R. Speicher
Kenneth Chad Blundell
Joseph Prichard McKee
William L. Robbins
Michele Pietri Branigan
David Douglas Smith
Charles J. Deese
Donl Langley
Donald Wayne Foster
Elliot C. Jordan Jr.
Robert McFarlin
Louis DeJohn Jr.
Elliot C. Jordan Jr.
Floyd Marshal Sr.
William Henry Shane Jr
Carl Wayne Copes
Michael W Koonce
Vincent E. Cox III
Eugene B. Pellerin
William H. Schwertz
Arthur Champ Jr.
Ryan Audie Keeton
Theodore Lindsey Jr.
Larry Dean Small
Lourain Colson LaCour
Alan D. Futrell
Lorraine Sapp
Garland C. Walker
Charles Michael Finlayson
Tamara "Tami" Jackson Longoria
James Edward Longoria
Kent Hugo Denapolis
Ulyes Albert Alexander
Cora L. Reed
Harry W. Johnson
Ronnie L Rockforte Sr
Randall C. Smith
Bobby Corner
Frederick Douglas Drennan
Paul Patin
Fred Ray Boswell

Dorothy Gunter Simmons
Donald "T-Don" Gagnard
Paula Buie Cumpton
Christopher Lee Duncan
Frank Mott
Brent Neal Dubois
Sandra M. "Jeannie" Black
Lue P. Kennedy
Curtis L. Mccune Jr.
Melba J. Creech
Luther Oyama Yeager
Eddie B. Alfred Jr.
Mary L Fanara
Kenneth L Stephens
Dennis Paul Williams
Gerard W. Touchet
Edward C. Bolden
Lyle Jay Ivy
Deborah A. Villio
Carolyn Hopson Todd
Armetta S. Bryer
Kelly Marie Sommer
Henry James Williams
Charlie Thompson Jr.
Betty Johnson
Deborah A. Davidson
Anthony W. Nash
Craig Prosper
William E. Triplette
Cheryl H. Demery
Barbara Ann Carroll
Louis Thomas Nelson
Lynn J Ross Jr
Dave N. Norris
Charles Lee Hinton
Carol Jeukens VanMol
Eva Dell Morrison
Mary Bishop Galloway
Sarah Lynn Whitehead
Anthony Ray Boswell
Michael S. Garner
Michael S. Yenni
Joseph A Pitre
John William Monceaux

Jimmy Sparacello
Brenda C. Sampson
Raymond Harris Jr
Inez Magness Shelton Jr.
Drusilla Ellender
Kenneth Wade Welborn
Mark Francis Piazza
Kevin Dorn
Veronica Allison
Earl Robert Adams
William G. Campbell
Thomas Henry Dufrene
Fred Edward Ragland Jr.
Raylyn R. Beevers
Joseph "Randy" Favre
Claude James Clay
Joseph A. Donchess
Tim Tomlinson
Ronald Mark LeLeux
Raymond S. Steib
Arthur Champ Jr.
Joseph H. Fraught III
William "Bill" R. Borchert Jr.
Dwayne D. Lloyd
Anthony LoBue
Mitchell Lee Lewis
Patricia Alter Martinez
Debra K. James
Penny M. Frame
Kenneth Wade Hill
Billy Ray Audirsch
Milton L. Crosby
Ralph Washington
Arthur R Savoy
Shelton Watts
Paul Kates
Alvin St. Pierre Jr.
Dorman L. Guilliams
Trilby T. Lenfant IV
Elizabeth S. Granger
Benjamin O. Morris
Donald L. Byrd
Wayne Nicholas Messina
Boyd John Adams

Eddie Beckwith Jr
Lynwood Colbert Burkhalter
Clarence Ray Fields
Dwan Bowser
Kenny P Scelfo Sr
Tanya Johnson Anderson
Teresa D. Havens
Elton R. Havens
Don Michael Travis
Nathan Eric Martin
Dumas J. Charles
Johnny Lee Jennings
William M. Elliott
Joseph Hall Jr.
Alice Faye Guess
David Monroe Roark
Eldredge Linus Carroll Jr.
Joan C Lansing
Ronald P. Sayer Sr.
Richard E. Tassin
Guy Bridges Hall III
Henry A. Bordelon
Fred Washington
Ervin Gerard Wilson
Calvin Caesar
Adelaide J Boettner
Alvin Ray Woodley
L Landon Cusimano
Wayne J. Landry
Lionel J. Hicks
Will Fenon Talley
Aaron Moak
Colleen Dungca
Delores Broussard
John Elliott Jennings
Arita M. L. Bohannan
Fred Washington Jr.
Bruce William Lee
Dawn Lee Burgoyne-Stott
Jay E. Newcomb
Roy R. Jones
Richard Sheldon Hursey Jr.
John H Lemoine
Valerie W. Allen

Barry D. Bartholomew
Maria C Defrancesch
Beth Blake
James Joseph Trainor
Samuel W. Abney
Curtis Wayne McCoy
Janet Desselle Gros
Gary Paul Boe Jr.
Robert Stachowicz
Paul B. Migues
Catherine W. Lee
Betty Blake
Todd Anthony Leake
Kelly Lewis
Earl "Ben" Bernhardt Zahn III
Emily Ford Owens
John "Sonny" Dumas
Charles K. Wilt
Troy N. Terrell
Anthony Marcus Ates
Iola
J. Martin
Glenda Rios Brumley
Roy Armstrong
Anthony Simeon Profit
Dianna Saffold Cooks
Tommy A. Watson
James Edwin Moss
Philip D. Andrus
Donnell Rose
Stuart A Moss
Jesse James Davis
Glenn Little
Carolyn Cutright
Philip Louis Capitano
Pat M. Peyton
Lawrence Henry Cochran Jr.
Kim Baronet Harbison
Gerald J. Keller
David F. Andignac
Sandra E. Batiste
Abner Kirk Junkin III
Sarah Moss Russell Junkin
Jaymie Mitchell Wright

Matthew Sidney Walton
Richard Reardon
Joseph Anthony Stagni Sr
James "Brian" Brennan
Michael F. Abendroth
James Mark Madderra
Belinda Cambre Constant
Todd Steven Suire
Lester Levine
Barnabas LeBastain Saulsberry
George T. Kilpatrick
William Paul Brown
Anthony Marcel Faciane Sr.
Daniel "Dan" E. Michel
Jackie Robert Johnson
Shannon Paul Basco
Johnny Lee Jones
Bruce L. Coulon
Floyd Scrantz
Stuart A Moss
Reggie Lyn Green
John "June Bug" Moore
Cornelious Benjamin Taylor Sr.
Sammy Sledge
Billy Gay
Douglas Ray Leonard
Herman M Lenard
Mary Francis Womack
Tonja K. "Toni" Malone
Laverne Mixon
Sue R. Proffer
Ferda Wykoff
Tracey Brown
Earlene F. Lejeune
Philip G. Wilson
William H. Bryson
Elouise Conley- Dotey
William "Bill" Fields
Constance L Jackson
Aaron Stringer Jr
Lillian Aplin
Idee Jane Martin
Clarence Beebe
James A Browing IV

Charles Edwin House
 Ted Waymon McKinney
 Shelia Braxton
 Larry Guilbeau
 Perry Bailey Sr.
 Luis A Sotomayor
 LaVerne H Miers
 Heather Anne Mobley
 Zeland David DeLoach
 Harold Marione Rideau
 James Kenneth Baum Jr.
 John Phillip Marceaux
 A. J. Smith
 Charles Hebert Kelley
 Wanda Sue Fields
 Darin Jude Desormeaux
 Donna Schwartzenburg Breaux
 Cynthia Mouch Crochet
 Michael J Mannino
 David J. Martin Jr.
 Roseline A Sumrall
 Robert Wesley Crafton
 William Robert Vincent Sr.
 Queenie V. Rogers
 Tina Dandry Mayes
 Mark T. Abraham
 Jude Reese
 Eugene P. Foulcard
 Alice Turnage Pearson
 Jerry Lane Rugg
 John Weldon Buckley
 Donald Acree
 Alvin Bruce Allen
 Charles Lane Sawyer
 Lanny Stancil Parker
 Vergil Ramsey
 Dan James Morgan
 James L Herford
 Judy "Gilliette" Rochon
 Deidre Stapleton
 Jody Paul Meche
 James A. Johnson
 Oscar Robertson Jr.
 Joseph E Lafont III

David A Comeaux
 Marvin P Roy
 Steve Bennon Hunter
 Howard Ray Banks
 Anthony Borill
 Ronald James Sampson
 Samuel Owens Echols
 Thomas Kay Jackson
 Cursey Leon Marcantel Jr.
 Malcolm Thomas McMillan
 Benny J. Percle
 Thomas E. Goss
 Lydia Dianne Born Stewart
 Leonard William Lenel
 Billy Cormier
 Bert J. Bordelon
 Clarence David McQueen
 Floyd J. Meche
 Timothy J. Bourgeois
 Donald Menard
 Jerry Kenneth Johnson
 John Mitchell Langlois
 Robert Patrick Benoit Sr.
 Clay Patrick Henry
 Carmella N. Guedry
 Stephanie Savoy
 Salvador J Tuminello
 Arnold Troy Catalon
 Charles L. Roberson
 Watson Champagne
 Hubert Bradley Williams
 Richard Barry Mizzi
 Gary Louis Cazenaue
 Craig Jeffery Miller
 Lawrence L. Patin
 Joycelyn B. Guidry
 Edgar J. Thomas Jr.
 Ronald James Hebert
 Ronald James Hebert
 Richard B Netterville
 Jason Dale Simon
 James R. Soileau
 Betty Cooper-Coleman
 David Michael Lowery

Carroll Wade Shaddock Jr.
Keith M. Bourgeois
Fred Huenefeld Jr.
Barry Gene Bonner
Deborah Susan Steinmetz
Delmar E. Gay
Donna Alleman Dr.
Mazie Bodden Movassaghi Dr.
Tessa S. Steinkamp
Brandi Berkeley
Lisa M. Butchee
John E. Lurry
Robert F Zabbia
Rose W. McCulloch
Anthony Boudreaux Jr.
Robert S. Tomlinson Jr.
Joanne C. Bourgeois
Sharon Fisher-Basco
Gary James Wilson
Robert Wayne Menard
Everette Clarence Calloway
Shane Hart
Gerard F. Coogan Jr.
Russell Flint
Mickel L. Wilson
Dale M. Erdey

RS 42:1114**Financial Disclosure Statements**

Walter Meter Caldwell IV
Irving Comeaux

RS 42:1114.2**Retirement Disclosure Statements**

John T. Ferguson
L Farrell Crane Jr
Kelly Bruns
Justin A Richards
Edward A. Rittenhouse
Nedra Hadley
Joseph F. Gleger

Thomas Bachner
Putri Pascualy
Emma Jesshop
Daniel Garuti
Suzanne L Schechter
Steven J Mastrovich
Sylvia P Bell
Stephan T Murphy
Desiree P Pizzolato
Kim M Calhoun
David Spika

RS 42:1119B**School Board Disclosure Statements**

Kay Wilbanks
Madonna G. Green
Lelia Arceneaux

The Board reviewed several of the legislative bills involving the laws administered by the Board of Ethics during the 2010 Regular Legislative Session. On motion made, seconded and unanimously passed, the Board instructed the staff to return the information regarding the bills to the April agenda.

On motion made, seconded and unanimously passed, the Board adopted the following general business agenda items:

Adopted for publication, a consent opinion in Docket No. 08-1072 in which lobbyist Raymon White agrees that a violation of Section 55 of the Lobbyist Disclosure Act occurred by the filing of his 2008 Lobbyist Expenditure Report, which was due on August 15, 2008, twenty-four (24) days late and in which Mr. White agrees to pay a fine of \$300 to be suspended conditioned upon future compliance with the Lobbyist Disclosure Act.

Adopted for publication, a proposed consent opinion in Docket No. 09-425 in which lobbyist Britton Loftin agrees that a violation of Section 55 of the Lobbyist Disclosure Act occurred

by the filing of his 2009 Lobbyist Expenditure Report, which was due on February 17, 2009, twenty-nine (29) days late and in which Mr. Loftin agrees to pay a fine of \$300 to be suspended conditioned upon future compliance with the Lobbyist Disclosure Act.

Allowed the withdrawal of a request for an advisory opinion in Docket No. 10-087 regarding the privatization of positions by the Louisiana Department of Veterans Affairs (LDVA), since none of the employees employed by the LDVA have expressed an intent to work for the LDVA on a contractual basis after the privatization takes effect and rendering the issue moot.

Adopted an advisory opinion in Docket No. 10-113 concluding that no violation of the Code of Governmental Ethics is presented by Representative Frank Hoffman serving on the Board of Directors for the Louisiana Center for Law and Civic Education (LCLCE) and Life Choices of Monroe and participating as a member of the Legislature in transactions before the Legislature in which the non-profits have an economic interest, or may receive funds from the appropriations process, since both the LCSCCE and Life Choices of Monroe are non-profit educational organizations and as long as Representative Hoffman does not receive compensation from either entity.

Adopted an advisory opinion in Docket No. 10-114 concluding that no violation of the Code of Governmental Ethics is presented by Rusk Construction, Inc., a company owned by the brother of Simmesport Mayor Eric Rusk, being awarded a contract with the Simmesport Housing Authority, since the Simmesport Housing Authority is a separate and distinct political subdivision from the Town.

Adopted an advisory opinion in Docket No. 10-115 concluding that Section 1115 of the Code of Governmental Ethics prohibits the employees of the Plaquemines Parish Economic Development Board from receiving a complimentary cruise packet from cruise lines participating in the

“Plaquemines Parish is Cruisin” program, since a cruise line participating in the Parish’s program is a prohibited source of a gift pursuant to Section 1115 of the Code of Governmental Ethics and the employees of the Economic Development Board are prohibited from receiving the free cruise packet even if the donation is made to the agency, as the public servant would receive the benefit of the thing of economic value from the prohibited source. The Board further advised that Section 1111A of the Code of Governmental Ethics prohibits all other employees of Plaquemines Parish from receiving the complimentary cruise packet from cruise lines participating in the “Plaquemines Parish is Cruisin” program, since the employees of Plaquemines Parish would receive the cruise packet because of their status as public servants.

Adopted an advisory opinion in Docket No. 10-123 concluding that no violation of the Code of Governmental Ethics is presented by Mae Saulters, President of the Jackson Parish School Board, also serving as the Program Director of the Jackson Parish Truancy Assessment Center (TASC), since Ms. Saulters’ duties as Director of the TASC would not be devoted substantially to the responsibilities, programs or operations of her agency nor would her employment be under the supervision or jurisdiction of her agency. The Board further instructed the staff to refer the issue of dual officeholding to the Attorney General’s Office.

Adopted an advisory opinion in Docket No. 10-129 concluding that no violation of the Code of Governmental Ethics is presented by Toby Willis accepting a JAG teaching position with the Iberville Parish School Board while his father, Brian Willis, serves as a school board member, since Toby Willis is certified to teach and will be teaching within his certification area.

Adopted an advisory opinion in Docket No. 10-146 concluding that Section 1121A of the Code of Governmental Ethics prohibits Larry Joseph, the former Director of the Office Audit

Division of the Louisiana Department of Revenue (LDR), from receiving compensation from persons to assist them in preparing Louisiana tax returns and/or claims for refund/rebates, as well as representing taxpayers on Louisiana tax audits for a period of two years from his retirement date, since assisting persons in the preparation of Louisiana tax returns and/or claims for refund/rebates, as well as representing taxpayers on Louisiana tax audits would involve his former agency, the Office Audit Division of LDR. The Board further advised that no violation of the Code of Governmental Ethics is presented by Mr. Joseph counseling taxpayers, attorneys and accountants on state tax laws and polices, conducting tax seminars on Louisiana tax laws and policies, or engaging in the practice of tax accounting, as long as the services he intends to provide do not involve the Office Audit Division of LDR.

Adopted an advisory opinion in Docket No. 10-148 concluding that no violation of the Code of Governmental Ethics is presented by Gannon Watts, the Elementary Program Director for the 16th JDA-Family Service Division, becoming a provider for the Office of Community Services (OCS), as long as he does not serve or provide the same services to clients who would be able to receive the services from him at the 16th JDA-Family Service Division. The Board further advised that Section 1112 of the Code of Governmental Ethics prohibits Mr. Watts from referring clients of the Family Service Division to his private practice.

Adopted an advisory opinion in Docket No. 10-151 concluding that (1) no violation of the Code of Governmental Ethics is presented by Mary Paige being employed by the Natchitoches Parish Head Start Program while her husband, Chris Paige, serves as a member of the Natchitoches Parish Police Jury, since Mrs. Paige has been employed by the Head Start Program for at least one year prior to her husband being elected as a police juror. The Board further advised that Section

1112 of the Code of Governmental Ethics prohibits Mr. Paige from participating in any transaction before the parish in which his wife has a substantial economic interest. Pursuant to Section 1120 of the Code of Governmental Ethics, Mr. Paige must recuse himself from voting on any matter which would present a violation of Section 1112 but he is not precluded from participating in the debate or discussions concerning the matter provided the conflict of interest is reflected in the record prior to his participation in the discussion or debate and prior to the vote; and, (2) no violation of the Code of Governmental Ethics is presented by Penny Guin serving as Assistant Director of Public Works while her husband, Gary Niette, works as a mechanic in the Public Works Department, since Ms. Guin is not an agency head. The Board further advised that Section 1112 of the Code of Governmental Ethics prohibits Ms. Guin from participating in any transaction concerning the department in which her husband has a substantial economic interest.

Adopted an advisory opinion in Docket No. 10-152 concluding that no violation of the Code of Governmental Ethics is presented by Michele Turner Jones, an employee of the Department of Social Services (DSS), Louisiana Rehabilitation Services, also serving as director of the Houma Assembly Church's transitional home for youth in foster care, as long as she does not serve the same clients who would be able to receive the same services through the DSS and since she would not receive anything of economic value nor would the work be devoted substantially to the responsibilities, programs or operations of her agency.

Adopted an advisory opinion in Docket No. 10-153 concluding that Section 1119 of the Code of Governmental Ethics prohibits Donnie Middleton from accepting the position of Director of the St. Mary Parish 911 Communication District while his father, Charles Middleton, serves as a member of the St. Mary Parish Council, since the St. Mary Parish Council is the appointing authority

of the Communications District Board and has supervisory authority over the Communications District.

Adopted an advisory opinion in Docket No. 10-154 concluding that the Eighth Ward Volunteer Fire Department is under the jurisdiction of the Board of Ethics and thereby subject to the provisions of the Code of Governmental Ethics. The Board also concluded that Section 1119 of the Code of Governmental Ethics prohibits the daughter of Nathan Sticker, Fire Chief for the Eighth Ward Volunteer Fire Department, from being employed within the fire department.

Adopted an advisory opinion in Docket No. 10-155 concluding that no violation of the Code of Governmental Ethics is presented by employees of the Louisiana Supreme Court's Office accepting discounts from area stores and restaurants located in the French Quarter, as long as the restaurants and local stores offer the discounts to all businesses located within the French Quarter.

Adopted an advisory opinion in Docket No. 10-158 concluding that no violation of the Code of Governmental Ethics is presented by Larry Crum, brother-in-law of Wisner Police Chief Billy Cureington, volunteering his services to the Wisner Police K9 Program, since Mr. Crum will not be compensated in his position as a volunteer reserve officer.

Adopted an advisory opinion in Docket No. 10-159 concluding that Section 1119A of the Code of Governmental Ethics prohibits Addison Thompson from being employed by the Richland Parish Coroner's Office while his father, Dr. David Thompson, serves as the Richland Parish Coroner, since Dr. Thompson serves as the agency head by virtue of his position as Coroner and that Section 113A of the Code of Governmental Ethics prohibits Addison Thompson's appointment to Assistant Coroner, since the appointment would be a transaction under the supervision and jurisdiction of his father's agency, the Coroner's Office.

Adopted an advisory opinion in Docket No. 10-160 concluding that Section 1113B of the Code of Governmental Ethics prohibits Dr. Ratnaker Pernenkil, the President/Chief of Staff of St. Tammany Parish Hospital Service District No. 2 d/b/a Slidell Memorial Hospital, from entering into a contract with the Slidell Memorial Hospital's Board of Commissioners in connection with his compensated medical directorship which would outline his job responsibilities, since the contract for the compensated directorship would be a transaction under the supervision of the Board of Commissioners. The Board further advised that Section 1112 of the Code of Governmental Ethics prohibits Dr. Pernenkil from participating in the discussion, debate and vote of the Hospital's Board of Commissioners to award the directorship.

Adopted an advisory opinion in Docket No. 10-161 concluding that no violation of the Code of Governmental Ethics is presented by employees of the Environmental Services Department of the Interim LSU Public Hospital (ILH), who are affected by the privatization of the ILH, accepting employment with vendor who is selected by ILH to perform the privatized services, since ILH will no longer provide the environmental services once they are privatized and since employees affected by the privatization did not participate in ILH's decision to privatize the services.

Pending the receipt of additional information, deferred consideration of a request for an advisory opinion in Docket No. 10-165 regarding the Mayor of the Town of Cottonport appointing a member of the Cottonport Town Council to the Cottonport Housing Authority.

Adopted an advisory opinion in Docket No. 10-170 concluding the following with respect to members of the Jefferson Davis Parish Police Jury becoming owners in a company that intends to enter into a lease agreement with the police jury:

- (1) Can a Police Juror be a member of the Limited Liability Company? The Code

of Governmental Ethics would not prohibit the Police Juror from becoming a member of the Limited Liability Company as long as the Police Juror together with his immediate family members do not own an interest in excess of 25%. Section 1113A of the Code prohibits a public servant, a member of the public servant's immediate family, or a legal entity in which he has a controlling interest from bidding on or entering into a contract, subcontract, or other transaction under the supervision or jurisdiction of the public servant's agency. Section 1102(8) of the Code defines "controlling interest" as any ownership in any legal entity held by or on behalf of an individual or a member of his immediate family, either individually or collectively, which exceeds 25% of that legal entity.

(2) Can a Police Juror's immediate family member be a member of the Limited Liability Company? The Code of Governmental Ethics would not prohibit an immediate family member of a Police Juror from becoming an owner of the Limited Liability Company as long as the immediate family member together with the Police Juror do not own an interest in excess of 25%. Also see the answer to question No. 1, above.

(3) Can a Police Juror who is a member of the Limited Liability Company vote on issues involving the project, contract, or any issues involving the Limited Liability Company? The Code of Governmental Ethics would prohibit a Police Juror, who is a member of the Limited Liability Company, from voting on issues involving the project, contract or any issues involving the Limited Liability Company. Section 1112B(3) of the Code prohibits the Police Juror from participating in a transaction involving the governmental entity in which any person of which he is an officer, director, trustee, partner, or employee has a substantial economic interest.

(4) Can a Police Juror who is a member of the Limited Liability Company debate or discuss in a formal meeting issues involving the project, contract, or any issues involving the Limited Liability Company? If yes, what disclosure is required? The Code of Governmental Ethics would not prohibit the Police Juror, who is a member of the Limited Liability Company, from debating or discussing in a formal meeting issues involving the project, contract, or any issues involving the Limited Liability Company. Section 1120 of the Code states that if any elected official, in the discharge of a duty or responsibility of his office or position, would be required to vote on a matter which vote would be a violation of Section 1112, he shall recuse himself from voting. However, prior to such participation, pursuant to Section 1120, the Police Juror must disclose his conflict or potential conflict as part of the record of his agency prior to his participation in the discussion or debate and prior to the vote that is subject of discussion or debate. Further, there is no disclosure

requirement regarding recusal.

(5) Can a Police Juror who is not a member and who votes on the issues later utilize the facility or do business with the Limited Liability Company? The Code of Governmental Ethics would prohibit the Police Juror from providing compensated services, including the selling of rice, to the Limited Liability Company as long as the Limited Liability Company has a contractual, financial or other business relationship with the Police Jury. Section 1111C(2)(d) of the Code prohibits a public servant, or a legal entity in which he owns in excess of 25% or exercises control over, from receiving a thing of economic value for services rendered to or for a person that has, or is seeking to have, a contractual, business, or financial relationship with his agency. However, the Police Juror may use a service offered by the Limited Liability Company as long as the Police Juror does not receive a discount for such service. Section 1115A of the Code prohibits a public servant from receiving any thing of economic value from a person that has, or is seeking to have, a business, contractual or other financial relationship with the public servant's agency.

(6) Can a Police Juror who is not a member of the Limited Liability Company contribute to the Limited Liability Company in the form of a donation without receiving any membership or ownership interest? The Board declined to render an opinion on this issue absent specific facts as to the circumstances surrounding the donation.

(7) Can a Police Juror who is a member of the Limited Liability Company with less than twenty-five (25%) ownership and who recuses himself from voting on any issue receive a distribution from the Limited Liability Company? The Code of Governmental Ethics would not prohibit a Police Juror, who is a member of the Limited Liability Company, from receiving a distribution from the Limited Liability Company. However, any Police Juror or any member of his immediate family that receives a distribution from the Limited Liability Company will be required to disclose the receipt of such distribution pursuant to Section 1114 of the Code.

Absent specific information, declined to render an advisory opinion in Docket No. 10-171 regarding whether a Kinder town clerk may accept an appointment to the Town Zoning Board.

Adopted an advisory opinion in Docket No. 10-184 concluding that no violation of the Code of Governmental Ethics is presented by Joe Paretti, the brother-in-law of St. Charles Parish Public

Works Director Sam Scholle, entering into contracts with other agencies in St. Charles Parish, since Mr. Paretti is the spouse of Mr. Scholle's sister and, as such, is not an immediate family member as defined by the Code of Governmental Ethics and since there is no indication that Mr. Paretti or any other partner in his company is related to anyone else in the St. Charles Parish Public Works Department or any other agency of St. Charles Parish.

On motion made, seconded and unanimously passed, the Board approved the minutes of the February 18-19, 2010 meetings.

The Board considered a staff memorandum in Docket No. 09-250 regarding charges against Julius Hollis and Patrick McEvoy, Legislative Lobbyists, who failed to file the required lobbying expenditure report by February 17, 2009 covering the reporting period of July 1, 2008 through December 31, 2008. On motion made, seconded and unanimously passed, the Board dismissed the charges against Mr. Hollis and Mr. McEvoy, since the reports had been filed and late fees assessed.

The Board considered a staff memorandum in Docket No. 09-256 regarding charges against Julius Hollis and Patrick McEvoy, Executive Lobbyists, who failed to file the required lobbying expenditure report by February 17, 2009 covering the reporting period of July 1, 2008 through December 31, 2008. On motion made, seconded and unanimously passed, the Board dismissed the charges against Mr. Hollis and Mr. McEvoy, since the reports had been filed and late fees assessed.

The Board considered a request for an advisory opinion in Docket No. 10-078 regarding Representative Nancy Landry's fund-raising efforts on behalf of candidates during a regular legislative session. On motion made, seconded and unanimously passed, the Board concluded that no violation of the Campaign Finance Disclosure Act is presented by Representative Landry

receiving compensation for raising funds for any other candidate, including candidates for a legislative office, or political committees that contribute to legislators during a regular legislative session. The Board further concluded that if the candidate being supported by the political committee is a legislator, he is prohibited from accepting or depositing contributions from a political committee during a regular legislative session, unless the contribution is for an office other than that of the state legislator or if the election occurs during the Regular Legislative Session or within sixty (60) days after such legislative session adjourns.

The Board considered a request for an advisory opinion in Docket No. 10-107 regarding Geno Iafrate, Sr., the Vice President and General Manager for Horseshoe Casino & Hotel, being appointed to the Greater Bossier Economic Development Foundation Board. On motion made, seconded and unanimously passed, the Board concluded that no violation of the Code of Governmental Ethics is presented by Mr. Iafrate being appointed to the Greater Bossier Economic Development Foundation Board, since Horseshoe Casino & Hotel does not have a contractual or other business or financial relationship with the Foundation. The Board further advised that Section 1112 of the Code of Governmental Ethics prohibits Mr. Iafrate from participating in matters involving the Horseshoe Casino & Hotel that come before the Foundation.

The Board considered requests for “good cause” waivers of late fees assessed against the following lobbyists:

The Board unanimously declined to waive the late fees assessed against the following:

Docket No. 10-120 from Shree Medlock, Legislative Lobbyist, of a \$50 late fee;

Docket No. 10-120 from Shree Medlock, Executive Lobbyist, of a \$50 late fee;

Docket No. 10-167 from Ron Lospennato, Legislative Lobbyist, of a \$200 late fee; and, Docket No. 10-167 from Ron Lospennato, Executive Lobbyist, of a \$200 late fee.

The Board unanimously waived the late fees against the following:

Docket No. 10-082 from Patrick McEvoy, Legislative Lobbyist, of a \$250 late fee and a \$50 late fee;

Docket No. 10-082 from Patrick McEvoy, Executive Lobbyist, of a \$250 late fee and a \$50 late fee; and,

Docket No. 10-199 from Jesse Barr, Legislative Lobbyist, of a \$500 late fee.

The Board considered a request in Docket No. 10-163 for a waiver of the \$1,250 late fee assessed against Wardell R. Bourgeois for filing his amended personal financial disclosure statement 25 days late. On motion made, seconded and unanimously passed, the Board declined to waive the late fee.

The Board considered a staff memorandum regarding an amendment to the proposed rule concerning the food and drink limit in R.S. 42:1115.1 in connection with the automatic increase in the CPU-I for Food and Beverage. On motion made, seconded and unanimously passed, the Board agreed that the increase in the monetary limit on the receipt of food and drink by a public employee and public servant should be increased by \$1.00 from the \$53 adopted for the period beginning July, 2009 to \$54 to be effective July 1, 2010.

The Board considered a staff memorandum in connection with a Summary of the U.S. Supreme Court decision in *Citizens United v. FEC*. Ms. Ardoin advised the Board that Louisiana does not have a ban or a limit on corporation expenditures and that the Supreme Court's decision would have little effect on the Board's regulation of the financing of campaigns.

On motion made, seconded and unanimously passed, the Board adjourned at 11:29 a.m.

Secretary

APPROVED:

Chairman

General Item

Ethics Board Docket No. BD 2010-222 04/16/2010

RE: Consideration of a request for an advisory opinion regarding Caroline Roemer Shirley's participation as the Executive Director of the Louisiana Charter School Association in matters involving the Louisiana Board of Elementary and Secondary Education (BESE) when her brother Charles Roemer, IV is a member of BESE.

Relevant Statutory Provisions, Advisory Opinions: 1113A

Comments: Charles E. "Chas" Roemer, IV is an elected member of BESE. His sister, Caroline Roemer, is the Executive Director of the Louisiana Charter School Association (the "Association"). Section 1113A of the Code prohibits Ms. Roemer from entering into transactions with the BESE. Section 1113A of the Code prohibits a public servant, a member of his immediate family, or a legal entity in which they own an interest in excess of the 25%, from entering into contracts, subcontracts or other transactions that are under the supervision or jurisdiction of the public servant's agency. Therefore, the Board concluded in BD 2008-122 that Ms. Shirley is prohibited from appearing before BESE and representing the Association in matters before BESE. Further in connection with a request for clarification of BD 2008-122, the Board further concluded that the Code would prohibit Ms. Shirley from discussing with individual members of BESE matters or positions of the Association and that the Code would prohibit Ms. Shirley from interacting with the staff of the Department of Education on matters that are under the jurisdiction of BESE.

In line with the prior opinions, Ms. Shirley has now requested an opinion regarding the following specific circumstances:

1. If the Association and the Louisiana State Director of Charter Schools partner to host a meeting pertaining to the future of the Recovery School District, may the Director and Ms. Shirley speak to one another to discuss the date, time, location, invitees, agenda, etc. for this event? May Ms. Shirley speak at such a meeting? Ms. Shirley is not prohibited from discussing with individual members of BESE or the staff of the Department of Education issues that do not involve matters or positions of the Association on matters that are under the jurisdiction of BESE such as those items involving the incidentals of a planned event.
2. When legislation is pending that will have impact on charter schools, may Ms. Shirley bring charter school leaders together for discussions with BESE and /or LDE on these matters? Yes, however her participation is limited by the restrictions outlined in BD 2008-122.

3. May Ms. Shirley be a member of and participate in a Charter Advisory Board created to work with and provide the Superintendent of Education, the Louisiana Recovery School District Superintendent and /or the Louisiana State Director of Charter Schools information on matters involving charter schools? Yes, however her participation is limited by the restrictions outlined in BD 2008-122.

4. As Executive Director, may Ms. Shirley organize and participate in charter school meetings, bringing together the principals and board members of the charter schools to hear from the Superintendent of Education, the Louisiana Recovery School District Superintendent and the Louisiana State Director of Charter Schools? Such meetings would serve as a means for the charter schools to be both better informed about policies and regulations, as well as having the opportunity to discuss other related issues. Yes, however her participation is limited by the restrictions outlined in BD 2008-122.

5. If Ms. Shirley is invited by the LDE, BESE or the RSD to attend workshops, meetings, discussions, etc. that pertain to charter schools, may she attend and participate in these meetings, such as a meeting the RSD hosted for principals and board members of the charter schools and the staff from BESE to discuss Bulletins that outline policies regulating charter schools. Yes, however her participation is limited by the restrictions outlined in BD 2008-122. (AMA)

Recommendations: Adopt the proposed advisory opinion.

DATE

Mr. Richard B. Easterling
Adams and Reese, LLP
450 Laurel Street, Suite 1900
Baton Rouge, LA 70801

Re: Ethics Board Docket No. 2010-222

Dear Mr. Easterling:

The Louisiana Board of Ethics, at its April 16, 2010 meeting, considered your request concerning Caroline Roemer Shirley's employment with the Louisiana Charter School Association (the "Association") while her brother Charles Roemer, IV serves as an elected member of the Louisiana Board of Elementary and Secondary Education (BESE). Caroline Roemer Shirley is the Executive Director of the Association.

In 2000, the Board rendered an opinion concerning Ms. Shirley's employment with the Association. The Board concluded that Ms. Shirley was prohibited from appearing before BESE and representing the Association in matters before BESE. Section 1113A of the Code prohibits a public servant, a member of his immediate family, or a legal entity in which they own an interest in excess of the 25%, from entering into contracts, subcontracts or other transactions that are under the supervision or jurisdiction of the public servant's agency. Further in connection with a request for clarification of BD 2008-122, the Board concluded that the Code would prohibit Ms. Shirley from discussing with individual members of BESE matters or positions of the Association and that the Code would prohibit Ms. Shirley from interacting with the staff of the Department of Education on matters that are under the jurisdiction of BESE.

With respect to the following specific questions raised, the Board concluded and instructed me to inform you of the following:

1. If the Association and the Louisiana State Director of Charter Schools partner to host a meeting pertaining to the future of the Recovery School District, may the Director and Ms. Shirley speak to one another to discuss the date, time, location, invitees, agenda, etc. for this event? May Ms. Shirley speak at such a meeting?

As the Board concluded in BD 2008-122, the Code prohibits Ms. Shirley from 1) appearing before BESE 2) representing the Association in matters before BESE 3) discussing with individual members of BESE matters or positions of the Association, and 4) from interacting with the staff of the Department of Education on matters that are under the jurisdiction of BESE. However, Ms. Shirley is not prohibited from discussing with individual members of BESE or the staff of the Department of Education issues that do not involve matters or positions of the Association on matters that are under the jurisdiction of BESE such as those items involving the incidentals of a planned event.

2. When legislation is pending that will have an impact on charter schools, may Ms. Shirley bring charter school leaders together for discussions with BESE and/or the Louisiana Department of Education on these matters?

Ms. Shirley is not prohibited from contacting charter school leaders for discussions with BESE and/or LDE on pending legislation. However, she is prohibited from discussing with individual members of BESE matters or positions of the Association involving the proposed legislation and from interacting with the staff of the Department of Education on issues involving legislation on matters that are under the jurisdiction of BESE.

3. May Ms. Shirley be a member of and participate in a Charter Advisory Board created to work with and provide the Superintendent of Education, the Louisiana Recovery School District Superintendent and/or the Louisiana State Director of Charter Schools information on matters involving charter schools? This Advisory Board would be a volunteer group of charter leaders representing all 5 types of charter schools that would meet every other month.

Ms. Shirley is not prohibited from being a member of a Charter Advisory Board created to work with and provide the Superintendent of Education, the Louisiana Recovery School District (RSD) Superintendent and/or the Louisiana State Director of Charter Schools information on matters involving charter schools. However, she is prohibited from discussing with individual members of BESE matters or positions of the Association involving those matters and from interacting with the staff of the Department of Education on issues involving matters that are under the jurisdiction of BESE.

4. As Executive Director, may Ms. Shirley organize and participate in charter school meetings, bringing together the principals and board members of the charter schools to hear from the Superintendent of Education, the Louisiana Recovery School District Superintendent and the Louisiana State Director of Charter Schools? Such meetings would serve as a means for the charter schools to be both better informed about policies and regulations, as well as having the opportunity to discuss other related issues.

Ms. Shirley is not prohibited from organizing and participating in charter school meetings as long as she does not discuss with individual members of BESE matters or positions of the Association and does not interact with the staff of the Department of Education on matters that are under the jurisdiction of BESE.

5. If Ms. Shirley is invited by the LDE, BESE or the RSD to attend workshops, meetings, discussions, etc. that pertain to charter schools, may she attend and participate in these meetings, such as a meeting the RSD hosted for principals and board members of the charter schools and the staff from BESE to discuss Bulletins that outline policies regulating charter schools.

Ms. Shirley is not prohibited from attending workshops, meetings, discussions, etc. that pertain to charter schools. However she is prohibited from participating in the discussion and her participation in those events are restricted by the Board's conclusions in BD 2008-122 prohibiting her from 1) appearing before BESE 2) representing the Association in matters before BESE 3) discussing with

individual members of BESE matters or positions of the Association, and 4) from interacting with the staff of the Department of Education on matters that are under the jurisdiction of BESE.

6. As one of the leading advocates for charter schools in the state, Ms. Shirley is often called by the Superintendent of Education, the Louisiana Recovery School District Superintendent, BESE members, BESE staff, and LDE staff to provide information about charter schools, contact information for national charter leaders, best practices of other states, etc. May she respond to these requests?

Ms. Shirley is prohibited from discussing with individual members of BESE matters or positions of the Association and from interacting with the staff of the Department of Education on matters that are under the jurisdiction of BESE. It is the conclusion of the Board that Ms. Shirley is prohibited from handling these type of requests for information.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts as presented may result in a different application of the provisions of the Code of Ethics. The Board issues no opinion as to past conduct or laws other than the Code of Governmental Ethics. If you have any questions, please contact me at (225) 219-5600 or (800) 842-6630.

Sincerely,

LOUISIANA BOARD OF ETHICS

Alesia M. Ardoin
For the Board



Created By: Elizabeth Sanders on 02/20/2008 at 02:08 PM
Category: Ethics Advisory Opinions
Caption: An advisory opinion concerning the sister of a member of the Louisiana Board of Elementary and Secondary Education (BESE) working for the Louisiana Charter School Association.

February 15, 2008

Charles E. "Chas" Roemer, IV
6837 Rue Bocage
Baton Rouge, LA 70809

Re: Ethics Board Docket No. [REDACTED]

Dear Mr. Roemer:

The Louisiana Board of Ethics, at its February 14, 2008 meeting, considered your request for an advisory opinion as to any potential Ethics Code issues involving your sister's employment with the Louisiana Charter School Association (the "Association"), given the fact that you serve as an elected member of the Louisiana Board of Elementary and Secondary Education (BESE). You stated that your sister, Caroline Roemer, is the Executive Director of the Association. You also stated that the Association receives no monetary support from BESE and charter schools are not required to be members of the Association.

The Board concluded, and instructed me to inform you, that the Code of Governmental Ethics does not prohibit your sister's employment with the Association. However, the Code prohibits Ms. Roemer from appearing before BESE and representing the Association in matters before BESE. Section 1113A of the Code prohibits a public servant, a member of his immediate family, or a legal entity in which they own and interest in excess of the 25%, from entering into contracts, subcontracts or other transactions that are under the supervision or jurisdiction of the public servant's agency. Therefore, your sister is prohibited from assisting the Association in transactions before BESE.

The Board issues no opinion as to laws other than the Louisiana Code of Governmental Ethics. If you have any questions, please contact me at (800) 842-6630 or (225) 763-8777.



Created By: Elizabeth Sanders on 03/27/2008 at 04:28 PM
Category: Ethics Advisory Opinions
Caption: An advisory opinion concerning the sister of a member of the Louisiana Board of Elementary and Secondary Education (BESE) working for the Louisiana Charter School Association.

March 24, 2008

Charles E. "Chas" Roemer, IV
6837 Rue Bocage
Baton Rouge, LA 70809

Re: Ethics Board Docket No. [REDACTED]

Dear Mr. Roemer:

The Louisiana Board of Ethics, at its March 13, 2008 meeting, considered your request clarification of the advisory opinion that was rendered at its February 14, 2008 meeting concerning your sister's employment with the Louisiana Charter School Association (the "Association") while you serve as an elected member of the Louisiana Board of Elementary and Secondary Education (BESE). You stated that your sister, Caroline Roemer, is the Executive Director of the Association. You also stated that the Association receives no public funding, nor does it enter into any contracts, subcontracts or official "transactions" with BESE or the State of Louisiana.

As stated in the previous advisory opinion, Section 1113A of the Code prohibits a public servant, a member of his immediate family, or a legal entity in which they own an interest in excess of the 25%, from entering into contracts, subcontracts or other transactions that are under the supervision or jurisdiction of the public servant's agency. Therefore, your sister is prohibited from appearing before BESE and representing the Association in matters before BESE. With respect to the following specific questions raised, the Board, without the participation of Board member Davis, concluded:

1. Were you clear in your original request that the Association does not receive public funding and that it does not enter into transactions with BESE or the State? Such a direct statement was not made; however, such a fact would not affect the advisory opinion rendered.
2. Can a member of the Association's staff, other than Caroline Roemer, appear before BESE? Yes. The Ethics Code would not prohibit employee's other than Ms. Roemer

from appearing.

3. Can Ms. Roemer work on material that the Association might present to BESE that may or may not require action by BESE? Yes, as long as Ms. Roemer is not submitting information in her name or appearing before BESE on behalf of the Association.

4. Can Ms. Roemer discuss Association matters and positions to individual BESE members, regardless if there is a particular matter under consideration by BESE? The Code would prohibit Ms. Roemer from discussing with individual members of BESE matters or positions of the Association.

5. Can Ms. Roemer interact with staff at the Department of Education in regard to Charter School matters that may or may not in the future require action by BESE? The Code would prohibit Ms. Roemer from interacting with the staff of the Department of Education on matters that are under the jurisdiction of BESE

6. How might a recusal by you on certain matters before BESE impact any or part of these discussions? Recusal by Mr. Roemer will not affect the opinion of the Board with respect to the questions posed.

The Board issues no opinion as to laws other than the Louisiana Code of Governmental Ethics. If you have any questions, please contact me at (800) 842-6630 or (225) 763-8777.

Sincerely,

LOUISIANA BOARD OF ETHICS

Kathleen M. Allen
For the Board

EB:KMA

.....



Created By: Elizabeth Sanders on 03/27/2008 at 04:28 PM
Category: Ethics Advisory Opinions
Caption: An advisory opinion concerning the sister of a member of the Louisiana Board of Elementary and Secondary Education (BESE) working for the Louisiana Charter School Association.

March 24, 2008

Charles E. "Chas" Roemer, IV
6837 Rue Bocage
Baton Rouge, LA 70809

Re: Ethics Board Docket No. [REDACTED]

Dear Mr. Roemer:

The Louisiana Board of Ethics, at its March 13, 2008 meeting, considered your request clarification of the advisory opinion that was rendered at its February 14, 2008 meeting concerning your sister's employment with the Louisiana Charter School Association (the "Association") while you serve as an elected member of the Louisiana Board of Elementary and Secondary Education (BESE). You stated that your sister, Caroline Roemer, is the Executive Director of the Association. You also stated that the Association receives no public funding, nor does it enter into any contracts, subcontracts or official "transactions" with BESE or the State of Louisiana.

As stated in the previous advisory opinion, Section 1113A of the Code prohibits a public servant, a member of his immediate family, or a legal entity in which they own an interest in excess of the 25%, from entering into contracts, subcontracts or other transactions that are under the supervision or jurisdiction of the public servant's agency. Therefore, your sister is prohibited from appearing before BESE and representing the Association in matters before BESE. With respect to the following specific questions raised, the Board, without the participation of Board member Davis, concluded:

1. Were you clear in your original request that the Association does not receive public funding and that it does not enter into transactions with BESE or the State? Such a direct statement was not made; however, such a fact would not affect the advisory opinion rendered.
2. Can a member of the Association's staff, other than Caroline Roemer, appear before BESE? Yes. The Ethics Code would not prohibit employee's other than Ms. Roemer

from appearing.

3. Can Ms. Roemer work on material that the Association might present to BESE that may or may not require action by BESE? Yes, as long as Ms. Roemer is not submitting information in her name or appearing before BESE on behalf of the Association.

4. Can Ms. Roemer discuss Association matters and positions to individual BESE members, regardless if there is a particular matter under consideration by BESE? The Code would prohibit Ms. Roemer from discussing with individual members of BESE matters or positions of the Association.

5. Can Ms. Roemer interact with staff at the Department of Education in regard to Charter School matters that may or may not in the future require action by BESE? The Code would prohibit Ms. Roemer from interacting with the staff of the Department of Education on matters that are under the jurisdiction of BESE

6. How might a recusal by you on certain matters before BESE impact any or part of these discussions? Recusal by Mr. Roemer will not affect the opinion of the Board with respect to the questions posed.

The Board issues no opinion as to laws other than the Louisiana Code of Governmental Ethics. If you have any questions, please contact me at (800) 842-6630 or (225) 763-8777.

Sincerely,

LOUISIANA BOARD OF ETHICS

Kathleen M. Allen
For the Board

EB:KMA

.....

General Item

Ethics Board Docket No. BD 2010-245 04/16/2010

RE: Consideration of a request for an advisory opinion regarding whether a candidate for the East Baton Rouge Parish School Board may continue her employment with the Baton Rouge Transition to Teaching Program if elected.

Relevant Statutory Provisions, Advisory Opinions: 1111C(1)(a), 1113A, 1112B(3) and 1120

Comments:

FACTS:

Barbara R. Freiberg is a candidate for the East Baton Rouge Parish School Board. Ms. Freiberg is also employed as a program manager with the Baton Rouge Transition to Teaching Program (BRTTT). BRTTT is a program that provides an alternative path to teacher certification in high-need subject areas for mid-career professionals and recent college graduates. The program is funded through a grant for the U.S. Department of Education's Office of Innovation and Improvement. The program is housed within the Gordon A. Cain Center at LSU. This program services teachers in eight parishes including East Baton Rouge.

As a program manager, Ms. Freiberg conducts teacher observations; however, she does not make certification decisions on teachers. Ms. Freiberg arranges mentors, coordinates professional development for teachers and mentors, participates in information sessions, recruits candidates and conducts interviews, collects and analyzes data on the quality of training and support services and makes program modifications to improve outcomes and documents program work and finances.

LAW:

Section 1111C(1)(a) of the Code prohibits a public employee from receiving any thing of economic value for any service, the subject matter of which is devoted substantially to the responsibilities, programs, or operations of the agency of the public servant and in which the public servant has participated.

Section 1113A of the Code prohibits a public servant from entering into a transaction that is under the supervision and jurisdiction of his agency.

Section 1112B(3) of the Code prohibits a public servant from participating in a transaction involving the governmental entity in which, to his actual knowledge, any person of which he is an employee has a substantial economic interest.

Section 1120 of the Code provides that any elected official, who is required to vote on a matter in violation of Section 1112 of the Code, must recuse himself from voting. The elected official is not prohibited from participating in discussion and debate concerning the matter provided that he verbally discloses the nature of the conflict or potential conflict during his participation in the discussion or debate prior to any vote being taken.

ANALYSIS:

The BRTTT is a collaboration between LSU's "Geaux Teach" Program, Advance Baton Rouge's laboratory for Educational Ventures in Leadership and the Louisiana Resource Center for Educators' "Teach Louisiana Consortium." Its funding is provided by a federal grant. Ms. Freiberg works out of LSU's Department of Education. It appears that this program is public and not private. Further, since the program is directed towards certifying and preparing teachers for the classroom, which is not a duty and responsibility of the East Baton Rouge School Board and in which Ms. Freiberg will participate as an elected member of the school board, her continued employment with BRTTT is not prohibited. However, providing evaluations and assessments of teachers providing teaching services to the East Baton Rouge Parish School Board would be prohibited by Section 1113A of the Code. Further, Section 1112B(3) of the Code would prohibit Ms. Freiberg from voting on any matters that come before the school board involving BRTTT. However, as long as she discloses the conflict prior to any vote taken, she can participate in any debate involving BRTTT. (TKM)

Recommendations: Adopt propose advisory opinion.

Date

Ms. Barbara Reich Freiberg
224 Amherst Ave.
Baton Rouge, Louisiana 70808

Re: Ethics Board Docket No. 2010-245

Dear Ms. Freiberg:

The Louisiana Board of Ethics, at its April 16, 2010 meeting, considered your request for an advisory opinion as to whether you may continue your employment with the Baton Rouge Transition to Teaching Program (BRTTT) if you are elected to the East Baton Rouge Parish School Board. You stated that you are employed as a program manager with the Baton Rouge Transition to Teaching Program. The BRTTT is a collaboration between LSU's "Geaux Teach" Program, Advance Baton Rouge's laboratory for Educational Ventures in Leadership and the Louisiana Resource Center for Educators' "Teach Louisiana Consortium." BRTTT is a program that provides an alternative path to teacher certification in high-need subject areas for mid-career professionals and recent college graduates. The program is funded through a grant for the U.S. Department of Education's Office of Innovation and Improvement. The program is housed within the Gordon A. Cain Center at LSU. This program services teachers in eight parishes including East Baton Rouge.

As a program manager, you stated that you conduct teacher observations; however, you stated that you do not make certification decisions on teachers. You stated that you arrange mentors, coordinate professional development for teachers and mentors, participate in information sessions, recruit candidates and conduct interviews, collect and analyze data on the quality of training and support services and make program modifications to improve outcomes and document program work and finances.

The Board concluded, and instructed me to inform you, that the Code of Governmental Ethics would not prohibit your continued employment as a program manager with BRTTT if you are elected to the East Baton Rouge Parish School Board. Section 1111C(1)(a) of the Code prohibits a public employee from receiving any thing of economic value for any service, the subject matter of which is devoted substantially to the responsibilities, programs, or operations of the agency of the public servant and in which the public servant has participated. Since BRTTT is directed towards certifying and preparing teachers for the classroom, which is not a duty and responsibility of the East Baton Rouge School Board and in which you have or will participate in as an elected member of the school board, your

Ms. Barbara Reich Freiberg
Date
Ethics Board Docket No. 2010-245
Page 2

continued employment with BRTTT is not prohibited. However, the Board concluded, and instructed me to inform you, that providing evaluations and assessments of teachers providing teaching services to the East Baton Rouge Parish School Board would be prohibited by Section 1113A of the Code. Section 1113A of the Code prohibits a public servant from entering into a transaction that is under the supervision or jurisdiction of his agency.

Further, the Board concluded, and instructed me to inform you, that Section 1112B(3) of the Code would prohibit you from voting on any matters that come before the school board involving BRTTT. However, as long as you disclose the conflict prior to any vote taken, you can participate in any debate involving BRTTT. Section 1120 of the Code provides that any elected official, who is required to vote on a matter in violation of Section 1112 of the Code, must recuse himself from voting. The elected official is not prohibited from participating in discussion and debate concerning the matter provided that he verbally discloses the nature of the conflict or potential conflict during his participation in the discussion or debate prior to any vote being taken.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts as presented may result in a different application of the provisions of the Code of Ethics. The Board issues no opinion as to past conduct or as to laws other than the Code of Governmental Ethics. If you have any questions, please contact me at (800) 842-6630 or (225) 219-5600.

Sincerely,

LOUISIANA BOARD OF ETHICS

Tracy K. Meyer
For the Board

2010-245

TM

February 16, 2010

Louisiana State Board of Ethics
Louisiana Ethics Administration Program
P.O. Box 4368
Baton Rouge, LA 70821

To Whom It May Concern:

My name is Barbara Reich Freiberg, and it is my desire to run for a position with the East Baton Rouge Parish School Board. Before further pursuing this effort, I would like to be assured that if I am successful in this endeavor, I would be able to accept the position and not be in violation of any provision of the Louisiana Code of Governmental Ethics. I am seeking an opinion concerning any possible conflict of interest with my current job.

I am currently serving as program manager for the Baton Rouge Transition to Teaching (BRTTT) program. The BRTTT program is an alternative path to teacher certification in high-need subject areas for mid-career professionals and recent college graduates. Recruiting candidates with strong content knowledge and relevant work experience, BRTTT provides participants with the training and support they need to attain Louisiana certification and success in the classroom. The program is funded through a grant from the U.S. Department of Education's Office of Innovation and Improvement. Federal guidelines require that participants in the program teach in a high-need school in a high-need district. This grant services teachers in eight parishes, including East Baton Rouge Parish. The grant is housed within the Gordon A. Cain Center at LSU. BRTTT staff running this grant does not receive any payment from these districts.

Although I do teacher observations, I do not make certification decisions on teachers; these decisions are made by the staff of Certification Solutions, a division of the Louisiana Resource Center for Educators, which delivers the teacher training part of this grant. My work is with the support area of the grant. My responsibilities are primarily in areas of assistance to these new teachers, including arranging for mentors, coordinating professional development for teachers and mentors, participating in information sessions, recruiting candidates and conducting interviews, collecting and analyzing data on the quality of training and support services and making program modifications to improve outcomes, and documentation of program work and finances. In conclusion, it is my assumption that my work with this grant in the other seven districts, which is the same as that in East Baton Rouge, would not be relevant to the rendering of this opinion.

Please feel free to contact me for any additional clarification needed. I hope to receive a reply from you as soon as is possible so that my campaign efforts may begin in earnest. I thank you for your guidance in these matters.

Sincerely,

Barbara Reich Freiberg

Barbara Reich Freiberg
224 Amherst Ave.
Baton Rouge, LA 70808

225-766-1711 (home)
225-936-1685 (cell)

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Louisiana 2007 Grantee Abstracts

Grantee Name: Louisiana State University

Project Name: Transitions to Teaching Project

Project Director: [Brenda Nixon](#) 225-578-4082

Partner Districts/LEAs: East Baton Rouge, Pointe Coupee, St. Helena, Iberville, and City of Baker

The Baton Rouge Transitions to Teaching Program is collaboration between Louisiana State University's (LSU) "Geaux Teach" program, ADVANCE BATON ROUGE's (ABR) Laboratory for Educational Ventures in Leadership (LEVL) and the Louisiana Resource Center for Educators' (LRCE) "Teach Louisiana Consortium." The project will recruit, develop, and retain science and math teachers for five high-need school districts. Thirty new participants will be recruited each year, for a total of 150, with special attention paid to attracting mid-career changers, especially current paraprofessionals with college degrees who are assisting science and math teachers. Once recruited, candidates will participate in a three-year intensive certification program with LRCE. In addition, candidates will also have the opportunity to participate in a master's degree program designed by Louisiana State University. Participants will begin a program with rigorous summer training and then be placed for three years in one of the five partner districts. Once hired as beginning teachers, participants will be matched with specially trained veteran teachers and mentored throughout the first year. Additionally, principals in the schools will be trained to lead with an awareness of differential support for beginning/ alternatively certified teachers. This model brings together the university and two non-profit organizations to address dire educational deficiencies in school districts strongly impacted by Hurricanes Katrina and Rita. This grant will also be the impetus to develop ongoing work among a unique network—LSU, ABR, and LRCE. The successes and lessons learned from BRTTT will strengthen and expand recruitment, preparation, and retention strategies for science and math teachers, thereby facilitating civic capacity through new understandings of educational leadership practices.

Grantee Name: Calcasieu Parish School Board

Project Name: Transition to Teaching Project

Project Director: [Johna Rion](#) 337-217-4200 x1313

Partner Districts/LEAs: The Calcasieu Parish School System

The Calcasieu Transition to Teaching Initiative is a partnership between the McNeese State University (IHE) and the Calcasieu Parish School System, a high-need LEA composed of 58 high-need schools. The overarching goal of the Calcasieu T2T Project is to recruit and train 260 mid-career professionals and recent college graduates to become highly qualified teachers of special education, elementary education, mathematics (middle and secondary) English (middle and secondary), social studies (middle and secondary), and science (middle and secondary). Through what T2T has termed the "New Teacher Academy," the program will provide a systematic induction and mentoring support service as well as a culture of student learning and collegial collaboration that uses technology and teacher "learning communities" to help Calcasieu Parish School System develop qualified teachers. The six major program components are induction camp, cohort modules consisting of coursework presented in face-to-face and web-based formats, mentoring and collaboration, ongoing applied professional development, financial incentives, and evaluation. Specific goals related to recruitment, support, and retention are to recruit mid-career professionals to enter alternative certification programs in Calcasieu Parish, support new recruits through certification with high-quality professional development and job-specific mentoring, ensure that prospective teachers receive licenses by meeting the competencies defined by the Louisiana Department of Education, create policies and practices to facilitate the placement of teachers in high-need schools, and provide professional development for at least three years. As Calcasieu recovers from the devastating Hurricane Rita, the resilience of the education community has taken center stage. The Calcasieu Transition to Teaching Project seeks to make a difference for children in greatest need.

Grantee Name: The University of Louisiana at Monroe

Project Name: TEACH Delta Region: Teachers Earning Alternative Certification Here in the Delta Region

Project Director: [Beverly Flowers-Gibson](#) 318-342-1300

Partner Districts/LEAs: Caldwell Parish Schools, Catahoula Parish Schools, Concordia Parish Schools, East Carroll Parish Schools, Franklin Parish Schools, Madison Parish Schools,

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The TEACH Delta Region project is a partnership of the University of Louisiana at Monroe, Jackson State University in Mississippi and 26 Local Education Agencies across the two states. The project will expand and enhance alternative certification programs at each university and allow candidates to achieve full state certification via a Masters of Arts in Teaching in elementary, secondary, and special education, which can be completed in as few as 14 months. Seventy new participants will be recruited each year for a total of 350 teacher participants over the next five years. These individuals will be drawn from the pool of recent college graduates and mid-career professionals. Project participants will seek certification and become teachers of record in a high-need core subject area. The overarching goal and purpose of the project is to increase the number of certified teachers in partner school districts and increase the types of support new teachers receive, which will lead to teacher retention. Mentoring, tuition assistance/stipends, professional development, laptop computers, books, and web-based support initiatives will be provided to retain at least 90% of the recruits beyond the third year of teaching.

Grantee Name: The University of New Orleans
Project Name: Rebuilding New Orleans: The Recovery School District Transition to Teaching Program
Project Director: [William Sharpton](#) 504-280-1397
Partner Districts/LEAs: The Recovery School District

The program will prepare new teachers to fill critical personnel shortages in the newly established Recovery School District (RSD), established as part of the process to rebuild the education infrastructure of New Orleans, following Hurricane Katrina. The program consortium includes the Recovery School District, the University of New Orleans, Xavier University of Louisiana (a Catholic Historically Black university), Learning Points Associates, and the New Teacher Project. The repopulation of New Orleans is now presenting an unprecedented staffing problem in terms of qualified teachers for urban learners. The project will offer an alternative certification program using faculty from participating universities and local education agency personnel and provide an induction model that creates professional learning communities for teachers to engage in a job-embedded model of professional development and support. The project's recruitment, preparation and induction support of 60 mid-career professionals and recent college graduates annually will result in a total of 240 new certified teachers with expertise to teach core subjects, aligned with the needs of urban youth.

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APRIL 16, 2010 CAMPAIGN FINANCE WAIVER REQUESTS

No.	Name	Docket No.	Type	Day(s) Late	Fine	First Election	Other late filings	No Activity	Recomm.
1	Ellen Kovach	2010-219	SUPP	1	\$60	NO	none		Decline to waive
2	Louisiana Horsemen's Alliance	2010-242	Monthly PAC Report	6	\$1,200	NA	✓		Decline to waive
3	Stephen Chestnut	2010-243	10-P	1	\$100	YES	none		Decline to waive
4	Jonathan Stewart	2010-255	SUPP	6	\$360	NO	✓		Decline to waive
5	Tommie Vassel	2010-256	SUPP	9	\$900	NO	none	✓	Suspend all but \$300
6	United Association Local 247	2010-257	Annual	8	\$1600	NA	none		Decline to waive
7	William Gant	2010-258	EDE-P	9	\$900	NO	✓		Decline to waive
8	Eliana DeFrancesch	2010-259	SUPP (2 reports)	13	\$600 \$600	NO	✓	✓	Decline to waive
9.	Thomas A. Lambert	2010-260	EDE-P	9	\$900	YES	none	✓	Suspend all but \$300
10.	Jacquelyn Clarkson	2010-261	30-P	1	\$100	NO	✓		Decline to waive

Abbreviation

Supp

30-P

10-P

EDE-P

10-G

EDE-G

40-G

Type of Report

Supplemental Report, filed after an election when debts are still owed

30 days prior to the primary election report

10 days prior to the primary election report

Election Day Expenditures Report for the primary election

10 days prior to the general election report

Election Day Expenditures Report for the general election

40 days after the general election report

Other waiver requests; Appearances:

General Item

Ethics Board Docket No. BD 2010-219 04/16/2010

RE: Consideration of a request that the Board waive the \$60 late fee assessed against Ellen Kovach, a successful candidate for Judge, 24th District Court, Division K, Jefferson Parish, in the October 4, 2008 election whose Supplemental campaign finance report was due February 17, 2010 and was filed 1 day late.

Relevant Statutory Provisions, Advisory Opinions: 18:1486, 18:1501.1

Comments:

ELECTION: October 4, 2008
TYPE OF REPORT: Supplemental
DAYS LATE: 1
ASSESSED FEE: \$60
REPORT DUE: February 17, 2010
REPORT FILED: February 18, 2010
ACTIVITY REPORTED: \$ 151,700
OTHER LATE FILINGS: None

In connection with her request for a waiver of the \$60 late fee assessed for the late filing of her Supplemental campaign finance report, Carey B. Daste, on behalf of the candidate, states that when he attempted to file the candidate's report using the LEADERS software on the day it was due, he received an error message that stated "Header missing/incomplete". This was an error that he had never encountered before and he was unable to correct the problem even after several attempts. The report was then sent by FedEx the next day.

The Supplemental campaign finance report was due on or before February 17, 2010 and was filed on February 18, 2010. The report shows \$151,700 in receipts, \$159,854.14 in disbursements, and \$21,766.35 in funds on hand. The candidate is a "major" level candidate. This is the candidate's fourth campaign. The candidate has no other late filings. (AMA)

Recommendations: Decline to waive based on level of activity reported.

April 2010

**BERRIGAN, LITCHFIELD, SCHONEKAS,
MANN AND TRAINA, LLC**

2010-219

JOSEPH E. BERRIGAN, JR.
E. JOHN LITCHFIELD
ARTHUR S. MANN, III
PATRICIA A. TRAINA
KATHY LEE TORREGANO
CAREY B. DASTE
MATTHEW P. CHENEVERT
MICHAEL J. MARSIGLIA

LAW AND NOTARIAL OFFICES

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PLACE ST. CHARLES - SUITE 4204
NEW ORLEANS, LOUISIANA 70170

TELEPHONE
(504) 568-0541

FACSIMILE
(504) 561-8655

OF COUNSEL
KIM R. CHATELAIN
KAREN B. SHER
CLARENCE J. DUBOIS, III

RUSSELL J. SCHONEKAS
(1922-2005)

February 18, 2010

WRITER'S DIRECT DIAL NUMBER:
(504) 799-6378

WRITER'S EMAIL:
CDASTE@BERRIGANLAW.NET

By Fax No. (225) 381-7271

Ms. Kathleen Allen
Ethics Administrator
Louisiana Ethics Administration
P. O. Box 4368
Baton Rouge, Louisiana 70821

RECEIVED
FEB 18 2010

Re: Judge Ellen Kovach Supplemental Report

Dear Ms. Allen:

As we just discussed on the telephone, I am writing to you concerning the Supplemental Report we filed on behalf of Judge Ellen Kovach. Yesterday, we were able to successfully submit a report on behalf of Representative Badon using the LEADERS software. However, when I attempted to submit the report for Judge Kovach, I got an error code which stated "Header missing/incomplete." There was no way to bypass this error which can be done with other errors. This is an error which I had never encountered before and I was unable to correct the problem even after several attempts. By then I could not contact the IT personnel in your office for assistance. I then sent a copy of the report by FedEx to the Ethics Administration which was delivered this morning at 8:57 a.m.

This morning I spoke with Slava Sereda in your IT department. After reviewing the file, he determined that the header was indeed included in the file and it appeared to be correct and complete. He was able to file the report electronically using the software on his computer. He is unsure of what is causing our problems and wants to speak to our IT personnel to try to figure it out. Unfortunately there is no way to do a test run on filing a report using the LEADERS software. Because we had successfully filed a different report earlier in the day, we did not anticipate any problems with electronically filing Judge Kovach's report.

Please contact me should you have any questions or concerns.

Very truly yours,

**BERRIGAN LITCHFIELD SCHONEKAS
MANN and TRAINA LLO**



CAREY B. DASTE

General Item

Ethics Board Docket No. BD 2010-242 04/16/2010

RE:

Consideration of a request that the Board waive the \$1,200 late fee assessed against Louisiana Horsemen's Alliance, a political committee (PAC) whose PAC monthly report was filed 6 days late.

Relevant Statutory Provisions, Advisory Opinions:

18:1505.4, 42:1157

Comments:

TYPE OF REPORT: PAC Monthly report

DAYS LATE: 6

ASSESSED FEE: \$1,200

REPORT DUE: December 10, 2009

REPORT FILED: December 16, 2009

ACTIVITY REPORTED: \$8,489.68

OTHER LATE FILINGS: none

The Committee Chairman, Sean Alfortish, states that a long term employee who had been responsible for filing the committees' reports resigned unexpectedly in late September. The new report preparer was unfamiliar with the filing requirements and missed work with an ill child the week that the report was due . The report was due on or before December 10, 2009 and it was filed on Decemer 16, 2009. The report shows \$2,584.00 in receipts, \$0 in disbursements and \$5,905.68 in activity. The committee was also assessed an \$800 late fee for the late filing of an Annual report that was due on February 15, 2007. That late fee has been paid. (AMA)

Recommendations:

Decline to waive

2010-242

Louisiana Horsemen's Benevolent & Protective Association, Inc.

BOARD OF DIRECTORS

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Evelyn Benoit
Carrol Castille
Christine Early
William Foreman
Don Hargroder

President
Sean Alfortish



Executive Director
Mona Romero

BOARD OF DIRECTORS

Trainers
Keith Bourgeois
Sam Breaux
Sam David, Jr.
Larry Robideaux
Gerald Romero

February 5, 2010

Louisiana Board of Ethics
P.O. Box 4368
Baton Rouge, LA 70821

RE: PAC Monthly Report

Ladies and Gentlemen:

Horsemen's Alliance respectfully requests waiver of the late fee assessed for failing to file our monthly campaign finance disclosure report on December 10, 2009. Our organization is committed to maintaining our good standing with the Louisiana Board of Ethics and we have historically submitted our reports before the deadline.

Our long term employee that had been historically responsible for preparing this filing resigned unexpectedly in late September. The person whose current duties include preparing this report received little training from his predecessor. In addition, our employee that assists in preparing the report missed work that week with an ill child. Therefore, we feel that missing the deadline was unavoidable and not within our control. Activity for November 2009, the period covered by this filing, was limited and consisted of zero contributions and two donations collected equaling (\$2,584) two thousand five hundred and eighty four dollars. Thank you for your consideration regarding this matter.

Sincerely,

Horsemen's Alliance

Sean Alfortish
Committee Chairman

2010 FEB - 9 AM 9:00
ETHICS ADMINISTRATION
CAMPAIGN FINANCE
RECEIVED

April 2010,



General Regular Page 56 of 258
STATE OF LOUISIANA
DEPARTMENT OF STATE CIVIL SERVICE
LOUISIANA BOARD OF ETHICS
P. O. BOX 4368
BATON ROUGE, LA 70821
(225) 219-5600
FAX: (225) 381-7271
1-800-842-6630
www.ethics.state.la.us

January 11, 2010

Christine Early, Chairperson
Horsemen's Alliance
2800 Grand Route St. John
New Orleans, Louisiana 70119

RE: PAC Monthly Report

Dear Ms. Early:

The Louisiana Board of Ethics, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, has received your PAC Monthly campaign finance disclosure report, which was due by December 10, 2009. The report was filed on December 16, 2009 and was 6 days late. La. R.S. 18:1505.4A(2)(a)(v) of the Campaign Finance Disclosure Act provides that an automatic late fee of \$200 per day be assessed against you for this late filing.

Accordingly, a late fee of \$1,200 is assessed against you for failure to timely file your campaign finance disclosure report. Please submit a check or money order payable to the Treasurer of the State of Louisiana to P.O. Box 4368, Baton Rouge, LA 70821 by February 11, 2010.

La. R.S. 42:1157 provides that the late filer may apply to the Board for a waiver of these late fees **within thirty days after the mailing of this letter**, but only for "good cause shown." "Good cause" is defined in the statute to be "any actions or circumstances which, in the considered judgment of the board, were not within the control of the late filer and which were the direct cause of the late filing." The Board may also consider, where applicable, the reason for the failure to file timely, the nature of the office sought, and the significance of the information undisclosed. Should you desire the Board to consider waiving the late fees, submit a written statement to the Board specifying your reasons for the late filing, in lieu of your payment, by February 11, 2010. You should provide specific dates and documentation to support a waiver request. If you would like to appear before the Board in connection with such a request, please so indicate in writing. **If the Board does not receive your waiver request by February 11, 2010, you will be prohibited from requesting a waiver.**

Late fees not paid by the due date will be posted on the Board's website. If you timely submit a waiver request, your name will not be posted on the website pending the Board's consideration of your request.

Sincerely,

LOUISIANA BOARD OF ETHICS

Delesiu Womack

Delesiu Womack

April 2010

General Regular Page 57 of 258



Staci Gullory <sgullory@lahbpa.org>

Fwd: Louisiana filing acknowledgement

1 message

Bill Hof <bhof@lahbpa.org>
To: Staci Gullory <SGullory@lahbpa.org>

Wed, Dec 16, 2009 at 2:19 PM

----- Forwarded message -----

From: <[http://db@btr1.ethics.state.la.us](mailto:db@btr1.ethics.state.la.us)>
Date: Wed, Dec 16, 2009 at 9:47 AM
Subject: Louisiana filing acknowledgement
To: bhof@lahbpa.org

November's report

DISCLOSE -- Louisiana Financial Disclosure Filing Acknowledgement

This is to acknowledge the receipt and acceptance of your electronic filing via the DISCLOSE protocol.

Your filing was received and accepted by our system at Wed Dec 16 09:47:54 2009, and was assigned the Filing ID of: LA-17690

Please make a note of this, as it will be necessary to refer to this information in the future.

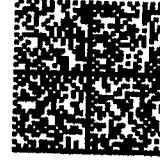
Thank you for using DISCLOSE.

For your reference, the output of the validation check was as follows:

MD5 checksum:
4d08ecae0b5553446d13de9751832ab1

**HORSEMEN'S BENEVOLENT
AND PROTECTIVE ASSOCIATION**
1535 Gentilly Blvd.
New Orleans, Louisiana 70119

Louisiana Board of Ethics
P.O. Box 4368
Baton Rouge, LA 70821



02 1A \$00.78⁰
0004347611 FEB 05 2010
MAILED FROM ZIP CODE 70119

7082134368 E033

General Item

Ethics Board Docket No. BD 2010-243 04/16/2010

RE:

Consideration of a request that the Board waive the \$100 late fee assessed against Stephen Chesnut, an unsuccessful candidate for Judge, Civil District Court, Division J, Orleans Parish in the February 6, 2010 election whose 10-P report was due January 27, 2010 and was filed 1 day late.

Relevant Statutory Provisions, Advisory Opinions:**Comments:**

ELECTION: February 6, 2010
TYPE OF REPORT: 10-P
DAYS LATE: 1
ASSESSED FEE: \$100
REPORT DUE: January 27, 2010
REPORT FILED: January 28, 2010
ACTIVITY REPORTED: \$2,020.49
OTHER LATE FILINGS: none

In connection with his request for a waiver of the \$100 late fee assessed for the late filing of his 10-P report, the candidate states that he had transmission problems when attempting to fax his report on January 27, 2010. The person who is responsible for preparing the reports was in the hospital for an emergency surgery at the time the report was due.

The 10-P report was due on or before January 27, 2010 and was filed on January 28, 2010. The 10-P report shows \$1,800 in receipts and \$220.49 in disbursements. The candidate is a "major" level candidate. This is the candidate's first campaign. (AMA)

Recommendations:

Decline to waive based on level of activity.

2010-243

STEPHEN N. CHESNUT
1413 Chartres Street
New Orleans, Louisiana 70116
Telephone: (504) 945-9000

RECEIVED FEB 15 2010 11:55

Feb. 10, 2010

Ms. Delesiua Womack
La. Bd. of Ethics
P.O. Box 4368
Baton Rouge LA 70821

Re: Waiver Request for 10-P
Financial Disclosure Report

Dear Ms. Womack,

This letter is in response to your letter dated Feb. 4, 2010 notifying me of a \$100 late filing fee. I hereby request a waiver of this fee from the Board for "good cause shown," as detailed below.

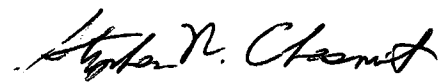
I did try to file a 10-P financial disclosure report prior to midnight on Jan. 27, 2010. I had transmission problems, and I sent the fax through three times. It was finally received by your office a few minutes after midnight. In an abundance of caution, I mailed the report as well.

An extreme difficulty beyond my control was the fact that my Finance Chairman, Mr. John Browne, was rushed to Touro Infirmary for emergency surgery prior to the filing deadline. He was expected to be discharged in time to complete and file my report. However, he developed an infection while in the hospital and had to remain there. He was too ill and unable to get the documents to me. If you require further documentation, feel free to contact Touro Infirmary at 1401 Foucher Street in New Orleans, Louisiana 70115. The telephone number for patient inquiries is (504) 897-8350.

I was unable to obtain the documents needed to complete the report until the due date. Once I obtained them, I immediately prepared the report and tried to fax it to your office prior to midnight. My fax send log indicates that your office received the transmission only a few minutes past midnight on Jan. 28, 2010.

In view of the foregoing circumstances, I respectfully request that the Board grant me a waiver of the \$100 late fee. If you need any further information, please let me know.

Very truly yours,


Stephen N. Chesnut

General Item

Ethics Board Docket No. BD 2010-255 04/16/2010

RE:

Consideration of a request that the Board waive the \$360 late fee assessed against Jonathan Stewart, a successful candidate for District Attorney, 2nd District, Bienville Parish in the October 4, 2008 election whose Supplemental report was due February 17, 2010 and was filed 6 days late.

Relevant Statutory Provisions, Advisory Opinions:**Comments:**

ELECTION: October 4, 2008
TYPE OF REPORT: Supplemental
DAYS LATE: 6
ASSESSED FEE: \$360
REPORT DUE: February 17, 2010
REPORT FILED: February 23, 2010
ACTIVITY REPORTED: \$5,547.51
OTHER LATE FILINGS: 1

In connection with his request for a waiver of the \$360 late fee assessed for the late filing of his Supplemental report, the candidate states that his campaign treasurer was out sick at the time his report was due and thought that she had mailed his report prior to her becoming ill.

The Supplemental report was due on or before February 17, 2010 and was filed on February 23, 2010. The Supplemental report shows \$2,602.67 in receipts, \$1,377.91 in disbursements, and \$1,566.93 funds on hand. The candidate is a "district" level candidate. This is the candidate's second campaign. The candidate has one other late filing in connection with the October 4, 2008 election and the late fee has been paid. (AMA)

Recommendations:

Decline to waive based on prior late filing.

Jonathan M. Stewart
2380 Maple Street - P. O. Drawer 179
Arcadia, Louisiana 71001

Candidate for District Attorney
Second Judicial District

TELEPHONE (318) 263-2031
FAX NO. (318) 263-9617

February 23, 2010

Campaign Finance
2415 Quail Drive, Third Floor
Baton Rouge, Louisiana 70808

Re: Candidate's Report - District Attorney
2nd Judicial District

2010 MAR -3 PM 4:51

Dear Sir/Madam:

Enclosed please find the above referenced report. Please give me a call if you need any additional information in this matter.

Very truly yours,

Jonathan M. Stewart
Jonathan M. Stewart

Enclosure

P.S. My campaign treasurer got sick on last Tuesday and has been out until today. I thought she had mailed this report last Tuesday before she left. I can provide a copy of medical bills that will reflect this. Please consider waiving any penalties for late filing.
Jonathan M. Stewart

General Item

Ethics Board Docket No. BD 2010-256 04/16/2010

RE: Consideration of a request that the Board waive the \$900 late fee assessed against Tommie Vassel, an unsuccessful candidate for Councilmember at Large, Orleans Parish in the October 20, 2007 election whose Supplemental report was due February 17, 2010 and was filed 9 days late.

Relevant Statutory Provisions, Advisory Opinions: 18:1486, 18:1501.1

Comments:

ELECTION: October 20, 2007
TYPE OF REPORT: Supplemental
DAYS LATE: 9
ASSESSED FEE: \$900
REPORT DUE: February 17, 2010
REPORT FILED: February 26, 2010
ACTIVITY REPORTED: \$0
OTHER LATE FILINGS: none

In connection with his request for a waiver of the \$900 late fee assessed for the late filing of his Supplemental report, the candidate states that he when he filed his 2008 Annual report he marked it a final report because all of his debts were paid. He was recently notified that because he had a balance on his Annual report over \$2,500, he was required to file a Supplemental report, even if he had no activity in 2009.

The Supplemental report was due on or before February 17, 2010 and was filed on February 26, 2010. The Supplemental report shows \$5,776.78 in funds on hand. The candidate is a "major" level candidate. This is the candidate's fourth campaign. The candidate has no other late filings. (AMA)

Recommendations: Suspend all but \$300 based on future compliance based on the level of activity pursuant to the waiver guidelines.

2010-256

Tommie Vassel, CPA

1139 Marias Street
New Orleans, LA 70116

March 1, 2010

Louisiana Board of Ethics
617 N. Third Street
LaSalle Building, Suite 1036
Baton Rouge, LA 70802

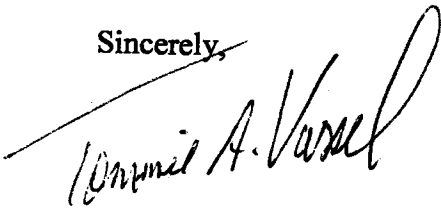
2010 MAR -4 PM 3:52
RECEIVED
STATE BOARD OF ETHICS
BATON ROUGE, LA

Dear Members:

I am writing to request a waiver on the late fees for my 2009 Annual Campaign Report that was due February 17, 2010. The previous year I filed a 2008 Annual Campaign Report and marked it a final report because all of my debts were paid. I have recently been notified that because the balance on my 2008 report was over \$2500, I am required to file even with no 2009 activity.

I am asking the Board of Ethics to waive the late fees for reason of misinformation on this matter.

Sincerely,



Tommie A. Vassel

General Item

Ethics Board Docket No. BD 2010-257 04/16/2010

RE:

Consideration of a request that the Board waive the \$1,600 late fee assessed against United Association Local 247, a political action committee (PAC) whose Annual report was filed 8 days late.

Relevant Statutory Provisions, Advisory Opinions:

18:1486, 18:1501.1

Comments:

TYPE OF REPORT: Annual

DAYS LATE: 8

ASSESSED FEE: \$1,600

REPORT DUE: February 17, 2020

REPORT FILED: February 25, 2010

ACTIVITY REPORTED: \$6,571.01

OTHER LATE FILINGS: no other late filings

Kenneth Gorum, Business Manager for UA Local 247 states that Johnny Gypin, who served as Business Manager for UA Local 247 for over 25 years, died last summer after being diagnosed with cancer. Mr. Gorum was elected to the post of Business Manager following Mr. Gypin's death, and he was unfamiliar with the committee's filing requirements. The Local 247 PAC formed last year and although it had collected \$3,152.27 in funds, it had not yet made a campaign contribution. It was his understanding that no other reports were due until the committee made a political contribution. As soon as he learned that a report was due, he filed it immediately. The report was due on or before February 17, 2010 and it was filed on February 25, 2010. The report shows \$3,285.51 in receipts, \$133.23 in disbursements and \$3,152.27 in funds on hand. (AMA)

Recommendations:

Decline to waive based on the level of activity reported.



April 2010

UNITED ASSOCIATION

of Journeymen and Apprentices of the
Plumbing and Pipe Fitting Industry of
the United States and Canada

General Regular Page 67 of 258

William P. Hite
General President

Patrick R. Perno
General Secretary-Treasurer

Stephen F. Kelly
Assistant General President

Founded 1889

Letters should
be confined to
one subject

UA Local Union:

Subject:

Thanking you in advance for your consideration in this matter I am,

Respectfully,

Kenneth Gorum,
Business Manager
UA Local 247

KG:ev



General Item

Ethics Board Docket No. BD 2010-258 04/16/2010

RE: Consideration of a request that the Board waive the \$900 late fee assessed against William Gant, an unsuccessful candidate for Councilmember at Large, Orleans Parish in the February 6, 2010 election whose Election Day Expenditure campaign finance report (EDE-P) was due February 16, 2010 and was filed 9 days late.

Relevant Statutory Provisions, Advisory Opinions: 18:1486, 18:1501.1

Comments:

ELECTION: February 6, 2010

TYPE OF REPORT: EDE-P

DAYS LATE: 9

ASSESSED FEE: \$900

REPORT DUE: February 16, 2010

REPORT FILED: February 25, 2010

ACTIVITY REPORTED: \$0

OTHER LATE FILINGS: \$800 for the February 7, 1998 election

In connection with his request for a waiver of the \$900 late fee assessed for the late filing of his Election Day Expenditure report, the candidate states that he accepts that he made a mistake by overlooking the date that his report was due, however, he does not see the fairness of assessing \$100 per day for his oversight. The late fee was reduced from \$2,500 to \$1,000 based on the level of activity pursuant to Rule 1204D.

The Election Day Expenditure (EDE-P) report was due on or before February 16, 2010 and was filed on February 25, 2010. The Election Day Expenditure report shows \$0 activity. The candidate is a "major" level candidate. The candidate was assessed an \$800 late fee for filing his 10-G report late in connection with the February 7, 1998 election. That late fee was paid on February 18, 2010. (AMA)

Recommendations: Decline to waive based on prior late filing.

William Gant

1231 N.Villere St
New Orleans, La 70116
504-481-5194 wcgant43@gmail.com

2010-258

Louisiana Board Of Ethics

I Accept that I made a mistake by overlooking the Candidates Election Day Expenditures Report. Regardless I do not see the fairness of assessing my campaign \$100.00 per day for the oversight.

Please consider that I did submit three reports on time.

Thanks,


William Gant

2010 MAR -3 PM 4:49

General Item

Ethics Board Docket No. BD 2010-259 04/16/2010

RE: Consideration of a request that the Board waive the \$600 and \$600 late fees assessed against Eliana DeFrancesch, a successful candidate for Clerk of Court, Orleans Parish in the October 23, 1999 and October 4, 2008 elections whose Supplemental campaign finance reports were due February 17, 2010 and were filed 13 days late.

Relevant Statutory Provisions, Advisory Opinions: 18:1486, 18:1501.1

Comments:

ELECTIONS: October 23, 1999 and October 4, 2008

TYPE OF REPORT: Supplemental

DAYS LATE: 13

ASSESSED FEES: \$600 and \$600

REPORTS DUE: February 17, 2010

REPORTS FILED: March 2, 2010

ACTIVITY REPORTED: \$0 for the October 23, 1999 election; \$0 for the October 4, 2008 election

OTHER LATE FILINGS: \$600 for 2005 SUPP for October 4, 2003 election -- which has been paid

In connection with a request from the candidate's husband for a waiver of the \$600 and \$600 late fees assessed against Eliana DeFrancesch for the late filing of her Supplemental reports, the candidate's husband states that an attempt to file the reports electronically was unsuccessful, and therefore the reports were mailed instead. The paper copy of the report was postmarked February 10, 2010. Under new law now in effect a District or Major level candidate that has more than \$25,000 in activity in connection with an election must file reports electronically. The report is not considered filed until it is filed electronically.

The Supplemental reports were due on or before February 17, 2010 and were filed on March 2, 2010. The Supplemental reports show \$1,052.74 activity for the October 23, 1999 election and \$0 activity for the October 4, 2008 election. The candidate is a "district" level candidate. The candidate was assessed a \$600 late fee for filing her 2005 Supplemental report 50 days late in connection with the October 4, 2003 election and the late fee has been paid. (AMA)

Recommendations: Decline to waive since the candidate has a previous late filing.

April 2010

General Regulator Page 71 of 258

Fred R. DeFrancesch

2010-259

Attorney At Law

2810 W. Airline Highway
LaPlace, LA 70068
E-mail: fdefrancesch1@comcast.net

P.O. Box 1566
LaPlace, LA 70069
(985) 536-9700 (985) 536-9703 Fax

February 5, 2010

Louisiana Board of Ethics
P. O. Box 4368
Baton Rouge, LA 70821

RE: Candidate's Report

Gentlemen:

In reference to the above, enclosed please find Candidate's Report. We cannot get this through electronically. We are still trying. We are mailing this out of an abundance of caution.

It is also my understanding that my old campaign accounts which have been dormant for years do not need an affidavit of dormancy.

With best regards, I remain


Fred R. DeFrancesch
Attorney At Law

FRD:adb
Encloses

General Item

Ethics Board Docket No. BD 2010-260 04/16/2010

RE:

Consideration of a request that the Board waive the \$900 late fee assessed against Thomas A. Lambert, an unsuccessful candidate for Mayor, Orleans Parish in the February 6, 2010 election whose Election Day Expenditure campaign finance report (EDE-P) was due February 16, 2010 and was filed 9 days late.

Relevant Statutory Provisions, Advisory Opinions:

18:1486, 18:1501.1

Comments:

ELECTION: February 6, 2010
TYPE OF REPORT: EDE-P
DAYS LATE: 9
ASSESSED FEE: \$900
REPORT DUE: February 16, 2010
REPORT FILED: February 25, 2010
ACTIVITY REPORTED: \$0
OTHER LATE FILINGS: none

In connection with his request for a waiver of the \$900 late fee assessed for the late filing of his Election Day Expenditure report, the candidate states that he accepts that he made an honest mistake by assuming that since he did not have any Election Day expenses, the final report would surface as the Election Day report included only zeros.

The Election Day Expenditure (EDE-P) report was due on or before February 16, 2010 and was filed on February 25, 2010. The Election Day Expenditure report shows \$0 activity. The candidate is a "major" level candidate. The candidate has no other late filings. (AMA)

Recommendations:

Suspend all but \$300 based on the level of activity pursuant to the waiver guidelines.

2010-260

State Ethics Board

Our campaign failed to file the correct Election Day report. We did not have any Election Day expenses and assumed, incorrectly that the final report would surface as the Election Day report included only zeros. We respectfully request that you wave our fines as our campaign only consisted of \$400 and it was an honest mistake.

Most Sincerely



2010 FEB 26 PM 2:57
CAMPAIGN FINANCE
RECEIVED

General Item

Ethics Board Docket No. BD 2010-261 04/16/2010

RE: Consideration of a request that the Board waive the \$100 late fee assessed against Jacquelyn Clarkson, a successful candidate for Orleans Parish Councilmember at Large in the February 6, 2010 election whose thirtieth day prior to the primary election campaign finance report (30-P) was due January 7, 2010 and was filed 1 day late.

Relevant Statutory Provisions, Advisory Opinions: 18:1486, 18:1501.1

Comments:

ELECTION: February 6, 2010
TYPE OF REPORT: 30-P
DAYS LATE: 1
ASSESSED FEE: \$100
REPORT DUE: January 7, 2010
REPORT FILED: January 8, 2010
ACTIVITY REPORTED: \$59,865.00
OTHER LATE FILINGS: 5

In connection with her request for a waiver of the \$100 late fee assessed for the late filing of her thirtieth day prior to the primary election campaign finance report (30-P), Melissa Duhon, on behalf of the candidate, states that the candidate was unaware of the new electronic filing requirements and immediately filed electronically once she was notified by Campaign Finance division. Under new law now in effect a District or Major level candidate that has more than \$25,000 in activity in connection with an election must file reports electronically. The report is not considered filed until it is filed electronically.

The thirtieth day prior to the primary election campaign finance report (30-P) report was due on or before January 7, 2010 and was filed on January 8, 2010. The report shows \$59,865.00 in receipts, \$31,811.07 in disbursements, and \$101,455.83 in funds on hand. The candidate is a "major" level candidate. This is the candidate's fourth campaign. The candidate was assessed \$300, \$660 and \$60 late fees in connection with the February 2, 2002 election. Those late fees have been paid. (AMA)

Recommendations: Decline to waive based on the level of activity reported and the prior late filings.

April 2010

General Regular Page 75 of 258

2010-261

DUHON AND COMPANY, LLC

Certified Public Accountants & Business Advisors

Timbers Office Building
3520 Gen. DeGaulle Drive
Suite 1060
New Orleans, Louisiana 70114
(504) 368-0155
FAX (504) 368-0156

GERALD J. DUHON, CPA
MELISSA Y. DUHON, CPA

MEMBER
AMERICAN INSTITUTE OF
CERTIFIED PUBLIC ACCOUNTANTS
SOCIETY OF LOUISIANA
CERTIFIED PUBLIC ACCOUNTANTS
DIRECT ALL CORRESPONDENCE TO:
P.O. BOX 6439
NEW ORLEANS, LA 70174

March 3, 2010

Via Federal Express – Airbill 8703 0626 3494

Delesiua Womack
Louisiana Board of Ethics
P.O. Box 4368
Baton Rouge, LA 70821

Re: Jacquelyn Clarkson
February 6, 2010 Election

2010 MAR -4 PM 1:42
RECEIVED
STATE BOARD OF ETHICS
BATON ROUGE

Dear Ms. Womack:

We are in receipt of your letter dated February 4, 2010 assessing a late filing penalty for report 30-P campaign finance disclosure. This report was not filed late.

Ms. Clarkson acted in good faith and filed her report with your office via federal express on January 7, 2010. She was unaware that the new electronic filing requirements applied to this report. According to Ms. Clarkson's records, she did not receive notification of the change in filing requirements.

When notified by the Ethics office of the change in policy on January 8, 2010, Ms. Clarkson took immediate action to ensure the report was re-filed in electronic format by close of business on January 8, 2010.

We respectfully request the late filing penalty be removed due to the facts outlined above. If you have any additional questions, please do not hesitate to contact my office.

Very truly yours,
DUHON & COMPANY, CPAs



Melissa Y. Duhon

cc: Jacquelyn Clarkson

No	Name	Docket No.	Branch	Report	Days Late	Fine	No Activity	Other late filings	Recomm.
1.	Yolanda Barton	2010-208	Leg.	ER-12/09	1	\$50	✓		Decline to waive.
2.	Chuck Brown	2010-231	Leg.	ER-12/09	1	\$50	✓		Decline to waive.
	Chuck Brown	2010-231	Exec.	ER-12/09	1	\$50	✓		Decline to waive.
3.	Perry Franklin	2010-232	Leg.	ER-12/09	1	\$50	✓		Decline to waive.
	Perry Franklin	2010-232	Exec.	ER-12/09	1	\$50	✓		Decline to waive.

* Late fee reduced pursuant to Rule 1204D based on level of activity.

Abbreviation

Legis.

Exec.

ER-12/09

Key

Legislative Lobbyist

Executive Lobbyist

Lobbying Report due January 25, 2010 {report period covering 12/01/2009-12/31/2009}

Other waiver request; Appearances

General Item

Ethics Board Docket No. BD 2010-208 04/16/2010

RE:

Consideration of a request that the Board waive the \$50 late fee assessed against Yolanda Barton, for failure to timely file a Legislative ER-12/09 lobbying report.

Relevant Statutory Provisions, Advisory Opinions:

24:58 & 49:76

Comments:

BRANCH:	Legislative
REPORT:	ER-12/09
REPORT DUE:	January 25, 2010
REPORT FILED:	January 26, 2010
DAYS LATE:	1
FEE ASSESSED:	\$50
ACTIVITY REPORTED:	Legislative = \$0
OTHER LATE FILINGS:	None

Yolanda Barton filed her Legislative ER-12/09 lobbying report that was due by January 25, 2010, one day late on January 26, 2010. She was assessed a \$50 late fee.

Ms. Barton states that she thought she had filed the report along with her renewal for 2010. She was unaware of her failure to file until she received the notice of delinquency on January 26, 2010. (MDD)

Recommendations:

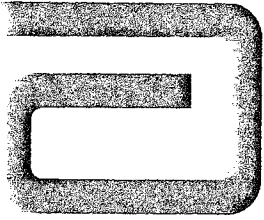
Decline to waive.

April 2010

Abbott Laboratories Inc.
Regional Director
State Government Affairs

General Regional Office
1400 Agency Drive Blvd.
Suite C200-211
Austin, Texas 78717

Office: 847-502-6060
Cell: 512-750-5332
Fax: 512-986-5164



2010 FEB 26 AM 10:35

February 19, 2010

Louisiana Board of Ethics
P.O. Box 4368
Baton Rouge, LA 70821

Dear Louisiana Board of Ethics,

I am writing to request a waiver for the late filing fee of my December 2009 lobby expenditure report which was due on January 25th, but was not electronically filed until January 26th, one day late (as noted in the attached copy of the letter I received from your office).

I have not been late on any of my previous reports. I thought I had filed my report when I filed my 2010 Lobby registration. I was very surprised when I received notice (email and phone call from your office) on the morning of January 26th that I had yet to file my report. I was traveling that day and was unable to resolve the issue until I arrived at my hotel and had access to my computer later that afternoon. I am very sorry for my mistake. As you will find, most of my reports are usually filed early each month because other states I represent have filing deadlines before the 12th.

I appreciate your consideration of my request.

Thank you,

Yvonne Barton

April 2010



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STATE OF LOUISIANA
DEPARTMENT OF STATE CIVIL SERVICE
LOUISIANA BOARD OF ETHICS
P. O. BOX 4368
BATON ROUGE, LA 70821
(225) 219-5600
FAX: (225) 381-7271
1-800-842-6630
www.ethics.state.la.us

February 1, 2010

Ms. Yvonne Barton
14900 Avery Ranch Blvd., Suite C200-211
Austin, TX 78717

**RE: Legislative Filing Penalty
December 1, 2009 - December 31, 2009 Lobbyist Expenditure Report**

Dear Ms. Barton:

The Louisiana Board of Ethics has received your Legislative lobbying expenditure report, which was due January 25, 2010. The report was electronically filed one day late on January 26, 2010. LSA-R.S. 24:58D(1) of the Lobbyist Disclosure Act mandates that an automatic late fee of \$50 per day be assessed against you for this late filing.

Accordingly, a late fee of \$50 has been assessed against you. Please submit a check or money order in the amount of \$50 payable to the Treasurer of the State of Louisiana to Post Office Box 4368, Baton Rouge, LA 70821 by **March 1, 2010**.

LSA-R.S. 42:1157.2 provides that you may apply to the Board for a waiver of these late fees, but only for "good cause shown" **within thirty days after the mailing of this letter**. "Good cause" is defined in the statute to be "any actions or circumstances which, in the considered judgment of the board, were not within the control of the late filer and which were the direct cause of the late filing." Should you desire the Board to consider waiving the late fees, submit a written statement to the Board specifying your reasons for the late filing, in lieu of your payment, by March 1, 2010. If you would like to appear before the Board in connection with such a request, please indicate so in writing. **If the Board does not receive your waiver request by March 1, 2010, you will be prohibited from requesting a waiver.**

Sincerely,

LOUISIANA BOARD OF ETHICS

Handwritten signature of Lauren Abrams in cursive.
Lauren Abrams

General Item

Ethics Board Docket No. BD 2010-231 04/16/2010

RE:

Consideration of a request that the Board waive the \$50 and \$50 late fees assessed against Chuck Brown, for failure to timely file a Legislative and Executive ER-12/09 lobbying report.

Relevant Statutory Provisions, Advisory Opinions:

24:58 & 49:76

Comments:

BRANCH:	Legislative and Executive
REPORT:	ER-12/09
REPORT DUE:	January 25, 2010
REPORT FILED:	January 26, 2010
DAYS LATE:	1
FEE ASSESSED:	\$50 and \$50
ACTIVITY REPORTED:	Legislative = \$0 / Executive = \$0
OTHER LATE FILINGS:	None

Chuck Brown filed his Legislative and Executive ER-12/09 lobbying reports that were due by January 25, 2010, one day late on January 26, 2010. He was assessed \$50 and \$50 late fees, totaling \$100.

Dr. Brown states that his assistant was out on medical leave and she returned to work on January 26, 2010 when they received the electronic notice of delinquency they filed the report. (MDD)

Recommendations:

Decline to waive.

2010-231



February 24, 2010

Louisiana Board of Ethics
 Lauren Abrams
 P.O. Box 4368
 Baton Rouge, LA 70821

RE: Legislative & Executive Filing Penalty Fee Waiver Request

Dear Ms. Abrams,

I am requesting the Board to consider waiving the penalty fee assessed, due to the one day late electronic filing of my December 1, 2009-December 31, 2009 Lobbyist Expenditure Report. My assistant has been electronically submitting my reports on time since July of 2009. However, she was on medical leave for three days in January, the last day of which was January 25, 2010. Upon her return to work on January 26, 2010, we received the electronic notification that my lobbyist reports had not been submitted before the deadline, and we later determined that it was a miscommunication between us that the filing was not completed before she took her leave. Please be assured that this was a onetime occurrence and due only to a miscommunication between me and my assistant, and that in the future the proper accommodations will be made in order to have my lobbyist reports submitted in a timely manner, regardless of the circumstances.

Thank you in advance for your consideration of this matter.

Sincerely,

A handwritten signature in black ink that appears to read "C.C. Brown".

Chuck C. Brown
 Franklin Industries, LLC

2010 FEB 25 PM 6:46
 [Illegible text]

General Item

Ethics Board Docket No. BD 2010-232 04/16/2010

RE:

Consideration of a request that the Board waive the \$50 and \$50 late fees assessed against Perry Franklin, for failure to timely file a Legislative and Executive ER-12/09 lobbying report.

Relevant Statutory Provisions, Advisory Opinions:

24:58 & 49:76

Comments:

BRANCH:	Legislative and Executive
REPORT:	ER-12/09
REPORT DUE:	January 25, 2010
REPORT FILED:	January 26, 2010
DAYS LATE:	1
FEE ASSESSED:	\$50 and \$50
ACTIVITY REPORTED:	Legislative = \$0 / Executive = \$0
OTHER LATE FILINGS:	None

Perry Franklin filed his Legislative and Executive ER-12/09 lobbying reports that were due by January 25, 2010, one day late on January 26, 2010. He was assessed \$50 and \$50 late fees, totaling \$100.

Mr. Franklin states that his assistant was out on medical leave and she returned to work on January 26, 2010 when they received the electronic notice of delinquency they filed the report. (MDD)

Recommendations:

Decline to waive.

2010-232



2010 FEB 25 PM 6:11

February 24, 2010

Louisiana Board of Ethics
Lauren Abrams
P.O. Box 4368
Baton Rouge, LA 70821

RE: Legislative & Executive Filing Penalty Fee Waiver Request

Dear Ms. Abrams,

I am requesting the Board to consider waiving the penalty fee assessed, due to the one day late electronic filing of my December 1, 2009-December 31, 2009 Lobbyist Expenditure Report. My assistant has been electronically submitting my reports on time since July of 2009. However, she was on medical leave for three days in January, the last day of which was January 25, 2010. Upon her return to work on January 26, 2010, we received the electronic notification that my lobbyist reports had not been submitted before the deadline, and we later determined that it was a miscommunication between us that the filing was not completed before she took her leave. Please be assured that this was a onetime occurrence and due only to a miscommunication between me and my assistant, and that in the future the proper accommodations will be made in order to have my lobbyist reports submitted in a timely manner, regardless of the circumstances.

Thank you in advance for your consideration of this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Perry J. Franklin', written in a cursive style.

Perry J. Franklin
Franklin Industries, LLC

**2010 Regular Legislative Session
BILLS INVOLVING ETHICS**

Bill No.	Author	Summary	Position/Status
HB99	Jones	Requires the nominating committee for the Board of Ethics to provide no fewer than five names for each vacancy and to give consideration to the demographics of the population of the state.	Assigned to House & Governmental Affairs
HB240	Danahay	Provides that the EAB issue the final decision, the Ethics Board cannot override the decision, and the employees of the Board must enforce the decision.	Assigned to House & Governmental Affairs
HB258	Labruzzo	Requires a person to file a financial disclosure statement within 10 days of becoming a candidate for an office and annually thereafter as long as he is a candidate for the office.	Assigned to House & Governmental Affairs
HB296	Hutter	Allows a public servant to accept gifts valued at less than \$15 for customary social occasions, provided the aggregate for a calendar year does not exceed \$45 per person.	Assigned to House & Governmental Affairs
HB302	Smiley	Requires the boards and commissions whose members are required to file Tier 2.1 disclosures to give notice to the Commissioner of Administration who in turn must post such information on a website.	Assigned to House & Governmental Affairs
HB566	Abramsom	Requires those holding a public office disclosure by certain officials of information relative to employment and appointment of campaign contributors.	Assigned to House & Governmental Affairs
HB 670	Henry	Permits parishes governed by a home rule charter with a population in excess of 400,000 to create a local ethics entity with law enforcement authority	ASSIGNED TO HOUSE MUNICIPAL & PAROCHIAL AFFAIRS

Bill No.	Author	Summary	Position/Status
HB 731	Pugh	Provides a specific exception from the Public Records Law for agency head reports	Assigned to House & Governmental Affairs
HB 734	Pearson	Extends the time period from 12/31/09 to 12/31/10 to permit public employees to receive donations from not-for-profit organizations to offset economic losses as result of Hurricanes Katrina and Rita and adds St. Tammany Parish Law Officer Relief Fund to the list of organizations.	Assigned to House & Governmental Affairs
HB 758	Hutter	Provides for the disclosure of the name of the accused upon conclusion of a matter initiated by a complaint upon written request by the accused.	Assigned to House & Governmental Affairs
HB 761	White	Requires public employees of a parish with a population of more than 50,000 or of a municipality with a population of more than 35,000 whom the parish or municipality has authorized to negotiate or determine the terms of a contract for the parish or municipality to file personal financial disclosure reports under Tier 2.	Assigned to House & Governmental Affairs
HB 933	Perry	Creates an exception to allow a member of a hospital service district to enter into transactions with his agency provided the amount of the transaction does not exceed \$1,500 a month.	Assigned to House & Governmental Affairs
HB 1059	Abramson	Amends the election code to provide that if a public servant uses public funds that in any manner urges an elector to vote for or against a candidate or proposition, the public servant will reimburse the public entity.	Assigned to House & Governmental Affairs

Bill No.	Author	Summary	Position/Status
HB 1143	Gallot	Repeals the requirement that the Board of Ethics adopt the decisions of the EAB. Provides that a person may request a review of a decision of a panel of the EAB by the full EAB and that the Ethics Board may request a review on a question of law; changes references to a defendant to respondent; provides for members of the EAB to serve 3 year terms and for an alternate judge to fill any vacancy on the EAB. Provides that the Ethics Board must file charges within 1 year of the receipt by the Ethics Board of a complaint or if no complaint was received within 1 year of the date the Ethics Board voted to consider the matter or within 4 years of the alleged violation. Repeals 1163 and 1141C(3)(c).	Assigned to House & Governmental Affairs
HB 1178	Connick, et al.	Provides for members of the EAB to serve 3 year terms; requires the EAB to consider prior decisions and actions of the EAB and its predecessors; Provides that a person may request a review of a decision of a panel of the EAB by the full EAB.	Assigned to House & Governmental Affairs
HB 1179	Ligi, et al.	Provides that the Ethics Board may appeal a decision of the EAB on questions of law and confined to the record created at the hearing and that if the Ethics Board does not prevail in the appeal, the court may award reasonable attorney fees and court costs to the other party. Clarifies that an appeal of the decision of the Ethics Board must be made by application to the Ethics Board within 30 days after the mailing of the notice of the decision.	Assigned to House & Governmental Affairs
HB 1202	Gallot	Provides that the Ethics Board may appeal a decision of the EAB on questions of law and that if the Ethics Board does not prevail in the appeal, the Ethics Board shall be responsible for the payment of the reasonable attorney fees and court costs of the other party. Clarifies that an appeal of the decision of the Ethics Board must be made by application to the Ethics Board within 30 days after the mailing of the notice of the decision.	Assigned to House & Governmental Affairs

Bill No.	Author	Summary	Position/Status
HB 1203	Gallot	Provides that the Ethics Board must file charges within 1 year of the receipt by the Ethics Board of a complaint or if no complaint was received within 1 year of the date the Ethics Board voted to consider the matter or within 4 years of the alleged violation. "Receipt by the Board" means receipt by a member of the board, a member of the staff of the board, or any person employed or acting on behalf of the board. Repeals 1163 and 1141C(3)(c).	Assigned to House & Governmental Affairs
HCR 51	Gallot	Requests the Board of Ethics to work with the Office of Facility Planning and Control to determine the cost of installing AV equipment in the Board's meeting room.	Assigned to Senate & Governmental Affairs
SB72	Appel	Requires appointed and elected judges to file a Tier 2 disclosure report and receive training on the provisions of the Ethics Code and the Campaign Finance Disclosure Act.	Assigned to Senate & Governmental Affairs
SB 126	Adley	Extends the prohibition against contracting with state government to immediate family members of certain public servants, allows the spouse of the public servant to enter into competitively bid contracts and extends the prohibition to such contracts to the spouse and immediate family members of undersecretaries.	Assigned to Senate & Governmental Affairs
SB 277	Martiny	Provides for the disclosure by higher education institutions of gifts of \$100,000 or more made by foreign governments or persons.	Assigned to Senate & Governmental Affairs
SB 310	Kostelka	Provides for a two-year term for members of the EAB, for the filling of vacancies on the EAB, for the appeal of decisions of the EAB, and removes the necessity of the Board approving the EAB's decisions.	Assigned to Senate & Governmental Affairs

Bill No.	Author	Summary	Position/Status
SB 418	Kostelka	Provides that the Ethics Board issue charges by sending a letter by certified mail to the person accused of the violation. Provides that a matter shall be dismissed if the Ethics Board does not issue charges within 1 year of the receipt of a sworn complaint by the Ethics Board or its staff. Provides that if no sworn complaint is received, a matter shall be dismissed if the Ethics Board does not issue charges within 2 years from the date the Ethics Board or its staff discovers the alleged violation, within 1 year from the date the Ethics Board voted to consider the matter or within 4 years of the alleged violation. Provides that the 4 year period is preemptive and may not be interrupted.	Assigned to Senate & Governmental Affairs
SB 470	Long	Creates an exception for a child, who is a licensed physician, of a member of a board of commissioners for a hospital service district in a parish that has a population of 50,000 or less or that is specified as rural from entering into a contract, individually or through a legal entity, with the hospital, or a subcontract under the jurisdiction of the hospital. Further provides that the board member must recuse himself in connection with transactions relating to such contracts.	Assigned to Senate & Governmental Affairs
SB 477	N. Gautreaux	Requires the commission of conservation, commissioner of financial institutions, commissioner of insurance, commissioner of public finance, and the commissioner of public property file Tier 1 disclosures.	Assigned to Senate & Governmental Affairs
SB 492	Nevers	Requires each member of the governing authority or management board of a charter school created pursuant to Chapter 42 of Title 17 to file a Tier 2.1 personal financial disclosure report	Assigned to Senate & Governmental Affairs

Bill No.	Author	Summary	Position/Status
SB 622	Walsworth	Extends the exception allowing persons with a contract for advertising services with Dept. Of Culture, Recreation and Tourism to contract with other persons who have contracts with the Department to include the Dept. of Wildlife and Fisheries and the Department of Agriculture.	Assigned to Senate & Governmental Affairs
SCR 2	Murray	Requests the Law Institute to study changes to the Code enacted in the 2008 extraordinary and regular sessions and to make recommendations regarding those changes.	Assigned to Senate & Governmental Affairs

HLS 10RS-16

ORIGINAL

Regular Session, 2010

HOUSE BILL NO. 99

BY REPRESENTATIVE ROSALIND JONES

ETHICS/BOARD: Provides with respect to the nomination and selection of members of the Board of Ethics

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AN ACT

To amend and reenact R.S. 42:1132(B)(2)(introductory paragraph) and (a)(i), relative to the Board of Ethics; to provide relative to the nomination and selection of members of the Board of Ethics; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 42:1132(B)(2)(introductory paragraph) and (a)(i) are hereby amended and reenacted to read as follows:

§1132. Board of Ethics

* * *

B. Membership; terms; vacancies; qualifications.

* * *

(2) The governor shall appoint and the House of Representatives and the Senate shall elect members to the board ~~who shall be representative of the state's population as near as practicable and who shall be from nominees who are selected in accordance with R.S. 42:2.1~~ as follows:

(a)(i) The presidents of Centenary College of Louisiana, Dillard University at New Orleans, Louisiana College, Loyola University at New Orleans, Our Lady of Holy Cross College at New Orleans, Our Lady of the Lake College at Baton Rouge, Xavier University of Louisiana at New Orleans, and Tulane University shall constitute the nominating committee. The nominating committee shall, within sixty

HLS 10RS-16

ORIGINAL
HB NO. 99

1 days of a vacancy on the board, submit the names of no less fewer than three names
 2 of three five different eligible nominees for each position or vacancy to the governor,
 3 Senate, or House of Representatives, whichever is appropriate. In preparing the list
 4 of nominees, the nominating committee shall give due consideration to the
 5 demographics of the population of the state, including without limitation geography,
 6 gender, and race. A majority vote of the membership of the nominating committee
 7 shall be required to nominate persons to positions on the board.

8 * * *

 DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Rosalind Jones

HB No. 99

Abstract: Requires that due consideration be given to the demographics of the population of the state, including without limitation geography, gender, and race, in the nomination and selection of members of the Board of Ethics.

Present law (R.S. 42:1132) provides procedures for selecting the 11 members of the Board of Ethics. Provides that the governor appoints seven members subject to Senate confirmation. Provides that at least one such member be appointed from each congressional district. Provides further that the House of Representatives and Senate each elect two members to the board.

Proposed law retains present law.

Present law requires the governor, House of Representatives, and Senate to select members who are "representative of the state's population as near as practicable". Proposed law repeals present law and instead expressly provides that members shall be selected in accordance with present law (R.S. 42:2.1), which requires an appointing authority to give due consideration to the demographics of the population of the state, including without limitation geography, gender, and race, in making appointments to any board, commission, council, authority, or other similar entity that has statewide jurisdiction.

Present law provides that members of the Board of Ethics are selected from nominations made by a nominating committee consisting of the presidents of certain private universities. Provides time limits for the submission of the names of nominees to the appropriate appointing authority. Requires the nominating committee to provide no fewer than three nominees for each vacancy.

Proposed law increases the number of nominees that must be submitted for each vacancy to no fewer than five. Provides that the nominating committee shall give due consideration to the demographics of the population of the state, including without limitation geography, gender, and race. Otherwise retains present law.

(Amends R.S. 42:1132(B)(2)(intro. para.) and (a)(i))

HLS 10RS-442

ORIGINAL

Regular Session, 2010

HOUSE BILL NO. 240

BY REPRESENTATIVE DANAHAAY

ETHICS/BOARD: Provides relative to enforcement of laws within the jurisdiction of the Board of Ethics

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AN ACT

To enact R.S. 42:1141(C)(4)(f) and to repeal R.S. 42:1141(C)(5), relative to enforcement of laws within the jurisdiction of the Board of Ethics; to provide for the powers, functions, and duties of the board relative to such enforcement; to provide for the powers, functions, and duties of the Ethics Adjudicatory Board relative to such enforcement; to provide relative to decisions of the Ethics Adjudicatory Board; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 42:1141(C)(4)(f) is hereby enacted to read as follows:

§1141. Procedure; adjudicatory board

* * *

C. Investigation and hearing.

* * *

(4)

* * *

(f) The Ethics Adjudicatory Board shall issue the final decision or order, whether or not on rehearing, and the Board of Ethics shall have no authority to override such decision or order. Upon the issuance of such a final decision or order, the Board of Ethics and each official and employee acting on behalf of the Board of Ethics shall comply fully with and enforce the final order or decision.

HLS 10RS-442

ORIGINAL
HB NO. 240

- 1 Section 2. R.S. 42:1141(C)(5) is hereby repealed in its entirety.
- 2 Section 3. This Act shall become effective upon signature by the governor or, if not
- 3 signed by the governor, upon expiration of the time for bills to become law without signature
- 4 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
- 5 vetoed by the governor and subsequently approved by the legislature, this Act shall become
- 6 effective on the day following such approval.

DIGEST

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Danahay

HB No. 240

Abstract: Repeals the requirement that the Board of Ethics adopt decisions of the Ethics Adjudicatory Board. Provides that the adjudicatory board shall issue the final decision, that the Board of Ethics shall have no authority to override the decision, and that the Board of Ethics and its officials and employees shall comply fully with and enforce the decision.

Present law (Code of Governmental Ethics) provides for the Board of Ethics (BOE) and the Ethics Adjudicatory Board (EAB). Provides for the composition and the powers and duties of each board.

Present law (R.S. 42:1141) provides that the BOE receives complaints, conducts investigations concerning alleged violations of laws within its jurisdiction, and issues charges based on such alleged violations. Provides that the EAB conducts hearings on the charges to determine whether a violation has in fact occurred and, if a violation has occurred, determines what authorized penalties or other sanctions should be imposed. Provides that if the public hearing of the EAB fails to disclose clear and convincing evidence to support the charges, the EAB must make an official determination of its findings, and thereupon the BOE must close its file on the charges. Provides that if the EAB determines that a violation has occurred and prescribes authorized penalties or other sanctions, the BOE must, within 45 days of the issuance of the determination by the EAB, issue a decision adopting the determination of the EAB.

Proposed law repeals the requirement that the BOE adopt a decision of the EAB. Provides that the EAB shall issue the final decision or order, whether or not on rehearing, and the BOE shall have no authority to override such decision or order. Provides that upon the issuance of such a final decision or order, the BOE and each official and employee acting on behalf of the BOE shall comply fully with and enforce the final order or decision. Otherwise retains present law.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 42:1141(C)(4)(f); Repeals R.S. 42:1141(C)(5))

HLS 10RS-251

ORIGINAL

Regular Session, 2010

HOUSE BILL NO. 258

BY REPRESENTATIVE LABRUZZO

ETHICS/FINANCIAL DISCLOS: Requires a person to file a financial disclosure statement within 10 days of becoming a candidate for an office and annually thereafter as long as he is a candidate for the office

1 AN ACT

2 To amend and reenact R.S. 18:1495.7(A), relative to financial disclosure; to require certain

3 disclosures by candidates for certain offices; to provide deadlines for filing such

4 disclosures; to provide relative to the application of certain provisions of the Code

5 of Governmental Ethics; to provide for penalties; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 18:1495.7(A) is hereby amended and reenacted to read as follows:

8 §1495.7. Financial disclosure statements

9 A.(1) Any person who becomes a candidate for an office for which the

10 holder of the office is required to file financial disclosure statements pursuant to R.S.

11 42:1124, 1124.2, or 1124.3 shall file a financial disclosure statement as required by

12 R.S. 42:1124, 1124.2, or 1124.3 for the office for which he is a candidate. If he is

13 undecided as to the office he will seek, he shall file the statement required by R.S.

14 42:1124.2.

15 (2) The initial statement required by this Section shall be filed within ten

16 days of the day the person becomes a candidate files his notice of candidacy for the

17 office. During the following year and each subsequent year in which the person

18 remains a candidate for the office, he shall file a financial disclosure statement

19 according to the deadline provided in R.S. 42:1124, 1124.2, or 1124.3, as applicable.

HLS 10RS-251

ORIGINAL
HB NO. 258

Provides that if the candidate is undecided as to the office he will seek, he shall file the statement required by present law (R.S. 42:1124.2).

Otherwise retains present law.

(Amends R.S. 18:1495.7(A))

HLS 10RS-295

ORIGINAL

Regular Session, 2010

HOUSE BILL NO. 296

BY REPRESENTATIVE HUTTER

ETHICS/CODE: Allows a public servant to accept certain gifts for customary social occasions

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AN ACT

To amend and reenact R.S. 42:1123(26), relative to the Code of Governmental Ethics; to allow the acceptance of certain gifts by public servants under certain circumstances; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 42:1123(26) is hereby amended and reenacted to read as follows:

§1123. Exceptions

This Part shall not preclude:

* * *

(26)(a) The acceptance by a public servant of anything of economic value as a gift or gratuity from any person when the value of such gift or gratuity does not exceed one hundred dollars per event, for flowers or a donation in connection with the death of a member of the immediate family of a public servant.

(b) The acceptance by a public servant of anything of economic value as a gift from any person for a customary social occasion when the value of the gift does not exceed fifteen dollars per occasion and the aggregate value of all gifts from any one person pursuant to this Subparagraph does not exceed forty-five dollars in a calendar year.

* * *

HLS 10RS-295

ORIGINAL
HB NO. 296

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Hutter

HB No. 296

Abstract: Allows public servants to accept gifts valued up to \$15 for customary social occasions, up to an aggregate value of \$45 for all gifts from any one person in a calendar year.

Present law (R.S. 42:1111) prohibits a public servant (which includes a public employee or an elected official) from receiving any thing of economic value, other than compensation and benefits from the governmental entity to which he is entitled, for the performance of his duties. Present law (R.S. 42:1115(A)) prohibits a public servant from soliciting or accepting any thing of economic value as a gift or gratuity from any person if the public servant knows or should know that such person has or is seeking to obtain a business relationship with the public servant's agency or is seeking to influence the passage or defeat of legislation by the public servant's agency. Present law (R.S. 42:1115(B)) prohibits a public employee from soliciting or accepting any thing of economic value as a gift or gratuity from any person if the public employee knows or should know that such person conducts operations or activities which are regulated by the public employee's agency or has substantial economic interests which may be substantially affected by the performance or nonperformance of the public employee's official duty. Present law (R.S. 42:1102(22)) defines a "thing of economic value" as money or any other thing having economic value except promotional items having no substantial resale value. Contains certain other exceptions, including the acceptance of food, drink, or refreshments consumed by a public servant while the personal guest of a person, including reasonable transportation and entertainment incidental thereto.

Present law (R.S. 42:1126) contains an exception to the ethics code to allow a public servant to accept a gift or gratuity from any person when the value of such gift or gratuity does not exceed \$100 per event, for flowers or a donation in connection with the death of a member of the immediate family of a public servant.

Proposed law additionally allows a public servant to accept a gift from any person for a customary social occasion when the value of the gift does not exceed \$15 per occasion and the aggregate value of all gifts from any one person pursuant to proposed law does not exceed \$45 in a calendar year.

(Amends R.S. 42:1123(26))

HLS 10RS-908

ORIGINAL

Regular Session, 2010

HOUSE BILL NO. 302

BY REPRESENTATIVE SMILEY

BOARDS/COMMISSIONS: Provides relative to disclosure of information concerning certain boards and commissions

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AN ACT

To amend and reenact R.S. 49:1303(A) and (B) and 1304(B) and to enact R.S. 49:1305(A)(3), relative to boards, commissions, and like entities; to provide relative to disclosure of certain information concerning certain boards, commissions, and like entities; to provide for the publication of such information on the Internet; to provide for the powers and duties of the commissioner of administration relative thereto; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 49:1303(A) and (B) and 1304(B) are hereby amended and reenacted and R.S. 49:1305(A)(3) is hereby enacted to read as follows:

§1303. Submission of notices and minutes; posting

A.(1) Each board, commission, or like entity covered by this Chapter shall submit each notice required to be included on the website pursuant to R.S. 49:1302(A) to the commissioner of administration in a manner which allows the commissioner enough time to post the notice on the website prior to the deadline applicable to the board, commission, or like entity for giving notice pursuant to R.S. 42:7.

(2) The commissioner of administration shall ensure that each notice is posted on the website as soon as possible after receipt.

HLS 10RS-908

ORIGINAL
HB NO. 302

- 1 website will be complete as required by this Act and Chapter 20 of Title 49 of the Louisiana
2 Revised Statutes of 1950 on the effective date of this Act.
- 3 (B) Prior to the effective date of this Act, each board, commission, or like entity
4 covered by this Act shall fully cooperate with the commissioner of administration in
5 implementing and complying with the requirements of this Section. Prior to the effective
6 date of this Act, each board, commission, and like entity covered by this Act shall provide
7 the information required by this Act and Chapter 20 of Title 49 of the Louisiana Revised
8 Statutes of 1950 to the commissioner of administration as soon as possible to allow for the
9 inclusion of the information on the website on the effective date of this Act.
- 10 Section 3. This Act shall become effective on January 1, 2011.

DIGEST

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Smiley

HB No. 302

Abstract: Requires that certain additional boards and commissions provide information for posting on a website maintained by the commissioner of administration; provides relative to posting such information.

Present law (effective March 1, 2010) requires the commissioner of administration to establish and maintain a website to post certain specified information concerning certain boards and commissions, including notices and minutes, statutory citations, contact information, membership information, employee information, information concerning the budget and finances of the board or commission, and rules and regulations of the board or commission. Provides deadlines for submitting such information to the commissioner of administration. Further provides that all submissions of required information be made electronically in a format designated by the commissioner of administration.

Present law applies to any board, commission, or like entity that is a licensing agency pursuant to present law (Licensing Agency Budget Act—R.S. 39:1332) and to the La. Board of Cosmetology (R.S. 37:571). Provides further that present law applies to any committee, subcommittee, or panel of any such licensing agency or of the La. Board of Cosmetology.

Proposed law retains present law. Requires the commissioner of administration to ensure that each notice received from a board, commission, or like entity is posted on the website as soon as possible after receipt and that other information must be posted on the website no later than ten business days after receiving it. Expands the number of boards and commissions required to submit information by including each board and commission whose members are required to file annual financial disclosure statements pursuant to present law (Code of Governmental Ethics—R.S. 42:1124.2; present law requires that the following file financial disclosure statements:

- (1) Each member and any designee of a member of a board or commission that has the authority to expend, disburse, or invest \$10,000 or more in a fiscal year.

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- (2) Each member of the State Civil Service Commission.
- (3) Each member of the Board of Commissioners of the La. Stadium and Exposition District.

Effective Jan. 1, 2011.

(Amends R.S. 49:1303(A) and (B) and 1304(B); Adds R.S. 49:1305(A)(3))

HLS 10RS-626

ORIGINAL

Regular Session, 2010

HOUSE BILL NO. 566

BY REPRESENTATIVE ABRAMSON

ETHICS: Requires disclosure by certain officials of information relative to employment and appointment of campaign contributors

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AN ACT

To enact R.S. 42:1124.7 and to repeal R.S. 42:1124.6, relative to financial disclosure; to require certain disclosures by certain elected officials; to provide for the content of and procedures for filing such disclosures; to provide for definitions; to provide for enforcement and penalties; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 42:1124.7 is hereby enacted to read as follows:

§1124.7 Disclosure; certain elected officials

A. Each person holding a public office who represents a voting district having a population of five thousand or more persons shall disclose the information required by this Section.

B.(1) The official shall disclose the information described in Paragraph (2) of this Subsection for each person to whom both of the following apply:

(a) The person was directly hired by the official to serve as an agency head in the agency of the official.

(b) The person made contributions or loans totaling more than one thousand dollars to a campaign of the official during the time period beginning one year prior

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1 to the date the person was hired by the official and ending ninety days after the date
2 the person was hired by the official.

3 (2) The official shall disclose:

4 (a) The name, address, job title, and date of employment of the person.

5 (b) The amount of contributions or loans made by the person to a campaign
6 of the official during the time period described in Subparagraph (1)(b) of this
7 Subsection.

8 C.(1) The official shall disclose the information described in Paragraph (2)
9 of this Subsection for each person to whom both of the following apply:

10 (a) The person was appointed by the official to a board or commission.

11 (b) The person made contributions or loans totaling more than one thousand
12 dollars to a campaign of the official during the time period beginning one year prior
13 to the date the person was appointed by the official and ending ninety days after the
14 date the person was appointed by the official.

15 (2) The official shall disclose:

16 (a) The name, address, position held, and date of appointment of the person.

17 (b) The amount of contributions or loans made by the person to a campaign
18 of the official during the time period described in Subparagraph (1)(b) of this
19 Subsection.

20 D. The information required to be disclosed by this Section shall be
21 disclosed as part of the official's annual financial disclosure statement, as required
22 by this Part, that covers the date the employment or appointment occurred.

23 E.(1) If the official, in his submission to the Board of Ethics, identifies each
24 position the holder of which the official reasonably believes he is required to disclose
25 pursuant to this Section and the board determines that information concerning a
26 person holding a position not identified by the official is required to be disclosed
27 pursuant to this Section, the official shall be given thirty days to submit the required
28 information. The board shall notify the official in writing that additional information

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1 is required to be disclosed, and if the official submits the required information to the
2 board no later than the thirtieth day after the date that written notification was sent
3 by the board, the failure of the official to disclose the information as part of his
4 annual financial disclosure statement shall not be considered a violation of this
5 Section.

6 (2) This Subsection shall not apply if the official failed to accurately disclose
7 in a timely manner the information required by this Section for each position
8 identified in the submission made to the board as part of his annual financial
9 disclosure statement.

10 F. For purposes of this Section, the following words shall have the following
11 meanings:

12 (1) "Board or commission" shall have the same meaning as provided in R.S.
13 42:1124.2.1.

14 (2) "Public office" shall have the same meaning as provided in R.S. 18:1483.

15 G. This Section shall be subject to the same provisions for enforcement and
16 penalties for violations as those applicable to provisions for filing of the official's
17 financial disclosure statement.

18 Section 2. R.S. 42:1124.6 is hereby repealed in its entirety.

19 Section 3. The first filing under this Act shall be due in 2011 and shall be complete
20 for calendar years 2008, 2009, and 2010. The failure of a person to disclose information
21 pursuant to R.S. 42:1124.7 as enacted by this Act and as required by this Section shall
22 subject the person to the same provisions for enforcement and penalties for violation as
23 provided in R.S. 42:1124.7 as enacted by this Act.

24 Section 4. The Board of Ethics shall promulgate forms in accordance with the
25 Administrative Procedure Act to allow for the disclosure of the information required by this
26 Act in the manner provided by this Act.

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof of indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Abramson

HB No. 566

Abstract: Requires disclosure by officials elected from voting districts with a population of 5,000 or more persons of certain information regarding employment or appointment of campaign contributors.

Present law (R.S. 42:1124.6) requires a person employed by a statewide elected official or appointed to a state board or commission to disclose certain information if the person is required to file financial disclosure statements pursuant to present law (R.S. 42:1124 for employee; R.S. 42:1124.2.1 for appointee) and the person made a contribution or loan in excess of \$1,000 to a campaign of the official who employed or appointed him.

Present law requires the person to disclose to the Board of Ethics the date he was employed or appointed, the amount of his salary or other compensation, the name of the candidate to whom a contribution or loan was made, and the amount of any such contribution or loan. Provides that the information shall be included on the person's annual financial disclosure statement that covers the time period in which the employment or appointment occurred. Provides that the contributions or loans required to be disclosed include only those made within one year of the employment or appointment.

Present law defines "contribution" as a gift, conveyance, payment, or deposit of money or anything of value, or the forgiveness of a loan or of a debt, made for the purpose of supporting, opposing, or otherwise influencing the nomination or election of a person to public office, whether made before or after the election. Provides that "candidate" and "loan" shall have the same meanings as provided in present law provisions of the La. Election Code.

Proposed law repeals present law.

Proposed law instead requires each person holding a public office who represents a voting district having a population of 5,000 or more persons to disclose certain information for certain persons hired by the official or appointed by the official to a board or commission. Requires the disclosure if the person made contributions or loans totaling more than \$1,000 to a campaign of the official during the time period beginning one year prior to the date the person was hired or appointed and ending 90 days after the date the person was hired or appointed.

Proposed law requires disclosure of the name, address, job title, and date of employment or appointment of any such person. Requires the official to disclose the amount of contributions or loans made during the applicable period.

Proposed law requires this information to be disclosed as part of the official's annual personal financial disclosure statement required by present law (R.S. 42:1124, 1124.2, and 1124.3) which covers the date the employment or appointment occurred.

Proposed law provides that if the official, in his submission to the Board of Ethics, identifies each position the holder of which the official reasonably believes he is required to disclose pursuant to proposed law and the board determines that information concerning a person holding a position not identified by the official is required to be disclosed pursuant to proposed law, the official shall be given 30 days to submit the required information. Provides that the board shall notify the official in writing that additional information is

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required to be disclosed, and if the official submits the required information to the board no later than the 30th day after the date that written notification was sent by the board, the failure of the official to disclose the information as part of his annual financial disclosure statement shall not be considered a violation of this Section. Provides that this 30-day period shall not apply if the official failed to accurately disclose in a timely manner the information required by proposed law for each position identified in the submission made to the board as part of his annual financial disclosure statement.

Present law, relative to annual personal financial disclosure (R.S. 42:1124.2), defines the term "board or commission" as:

- (1) Each board, commission, and like entity created by law or executive order that is made a part of the executive branch of state government by the provisions of Title 36 of the LRS of 1950, or that is placed in an executive branch department or in the office of the governor or lieutenant governor by law or executive order, or that exercises any authority or performs any function of the executive branch of state government.
- (2) Each board, commission, and like entity created by the constitution, by law, by a political subdivision, except as provided in present law exclusions, or created jointly by two or more political subdivisions as a governing authority of a political subdivision of the state or of a local government.

Present law excludes from the definition of "board or commission" the following:

- (1) The governing authority of a parish.
- (2) Any board or commission or like entity that governs a political subdivision created by a single parish governing authority within a parish with a population of 200,000 or less, or any subdistrict of such a political subdivision.
- (3) The governing authority of a municipality.
- (4) Any board or commission or like entity that governs a political subdivision created by a single municipal governing authority within a municipality with a population of 25,000 or less, or any subdistrict of such a political subdivision.
- (5) A board of directors of a private nonprofit corporation that is not specifically created by law.

Proposed law provides that for purposes of proposed law, the term "board or commission" shall have the same meaning as provided in present law.

Present law (R.S. 42:1124.4), relative to financial disclosure by certain officials, provides for penalties, after receipt of a notice of delinquency, for failure to file, to provide omitted information, to correct inaccurate information, or to file a written answer prior to the deadline contained in the notice of delinquency, for each day until the statement, omitted information, corrected information, or written answer is filed. Penalties are: for the governor, statewide elected officials, and others who report pursuant to R.S. 42:1124, \$500 per day; for legislators, officials in districts of 5,000 in population or more, and members of boards and commissions who report pursuant to R.S. 42:1124.2, \$100 per day; and for officials who represent districts under 5,000 in population who report pursuant to R.S. 42:1124.3, \$50 per day. Additionally, present law (R.S. 42:1124.4) provides that whoever willfully or knowingly fails to file a statement, willfully and knowingly fails to timely file a statement, willfully or knowingly omits information from a statement, or willfully and knowingly provides inaccurate information shall be subject to prosecution for a misdemeanor and upon conviction fined not less than \$1,000 nor more than \$5,000 and upon a subsequent violation shall be fined not less than \$1,000 nor more than \$10,000. Provides

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that a person so prosecuted shall have a right to be tried before a jury of six persons, all of whom shall concur to render a verdict.

Proposed law makes present law penalties applicable to violations of proposed law.

(Adds R.S. 42:1124.7; Repeals R.S. 42:1124.6)

HLS 10RS-1393

ORIGINAL

Regular Session, 2010

HOUSE BILL NO. 670

BY REPRESENTATIVES HENRY, BILLIOT, GISCLAIR, GIROD JACKSON, LABRUZZO, LIGI, LOPINTO, AND WILLMOTT AND SENATORS APPEL, MARTINY, AND MORRELL

MUNICIPALITIES: Provides relative to local ethics entities in certain parishes

1 AN ACT

2 To amend and reenact R.S. 33:9611(A), 9612, and 9613(D) and (E)(2) and (5), relative to

3 local ethics entities; to provide for the creation and administration of local ethics

4 entities by certain parishes; to provide for the powers of local ethics entities; and to

5 provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 33:9611(A), 9612, and 9613(D) and (E)(2) and (5) are hereby

8 amended and reenacted to read as follows:

9 §9611. Application and purpose

10 A.(1) This Chapter applies to the following:

11 (a) ~~municipalities~~ Municipalities that are governed by a home rule charter

12 and that have a population in excess of two hundred fifty thousand persons according

13 to the latest federal decennial census.

14 (b) Parishes that are governed by a home rule charter and that have a

15 population in excess of four hundred thousand persons according to the latest federal

16 decennial census.

17 (2) "Local governmental subdivision", as used in this Chapter, means

18 municipalities and parishes to which the Chapter is applicable.

19 * * *

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

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1 §9612. Local ethics entities

2 A ~~municipality~~ local governmental subdivision that is authorized by its home
3 rule charter, by statute, or by ordinance to create local ethics entities, including but
4 not limited to an ethics review board or office of inspector general, or both, may
5 designate the local ethics entity, ethics review board, or office of inspector general
6 as a law enforcement agency and may thereby confer upon the local ethics entity,
7 ethics review board, or office of inspector general all investigative powers and
8 privileges appurtenant to a law enforcement agency under state law, which shall
9 include access to computer systems, information maintained for the use of law
10 enforcement personnel, and any information contained in the criminal history record
11 and identification file of the Louisiana Bureau of Criminal Identification and
12 Information.

13 §9613. Investigative powers

14 * * *

15 D.(1) A local ethics entity, ethics review board, or office of inspector general
16 shall have the authority to examine, review, audit, inspect, and investigate the
17 records, books, reports, documents, papers, correspondence, accounts, audits,
18 inspections, reviews, recommendations, plans, films, tapes, pictures, computer hard
19 drives, software data, hardware data, e-mails, instant messages, text messages, and
20 any other data and material relevant to any matter under audit, investigation,
21 inspection, or performance review of all entities of ~~municipal government~~ the local
22 governmental subdivision or entities receiving funds through or for the benefit of
23 ~~municipal government~~ the local governmental subdivision.

24 (2) For the purposes of this Section, these entities shall include but not be
25 limited to every ~~municipal~~ local governmental subdivision officer, employee, elected
26 official, department, agency, board, commission, public benefit corporation, quasi
27 public agency or body, contractor, subcontractor, licensee of the ~~municipality~~ local
28 governmental subdivision, and every applicant for certification of eligibility for a
29 municipal contract or program.

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said entity all investigative powers and privileges which law enforcement agencies have under present law, including access to computer systems, information maintained for the use of law enforcement personnel, and access to any information contained in the criminal history record and identification file of the Louisiana Bureau of Criminal Identification and Information.

Propose law retains present law and extends its application to parishes with a home rule charter and a population over 400,000.

Present law conveys certain investigative powers upon local ethics entities created under present law. Proposed law retains present law and extends such powers to parishes qualifying under proposed law. Such powers include but are not limited to: the power to administer oaths, the power to subpoena persons and documents, and the power to make investigations and examinations, and the power to review, examine, or audit certain documents of certain entities described under present law.

Present law further provides restrictions and qualifications on such investigative powers bestowed under present law. Proposed law retains such restrictions and qualifications, but makes them applicable to qualifying parishes which create local ethics entities under proposed law.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 33:9611(A), 9612, and 9613(D) and (E)(2) and (5))

HLS 10RS-1485

ORIGINAL

Regular Session, 2010

HOUSE BILL NO. 731

BY REPRESENTATIVE PUGH

PUBLIC RECORDS: Provides a public records exception for certain confidential reports made to the Board of Ethics

1 AN ACT

2 To amend and reenact R.S. 44:4.1(B)(25), relative to public records exceptions; to provide

3 a public records exception for certain confidential reports to the Board of Ethics; and

4 to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 44:4.1(B)(25) is hereby amended and reenacted to read as follows:

7 §4.1. Exceptions

8 * * *

9 B. The legislature further recognizes that there exist exceptions, exemptions,

10 and limitations to the laws pertaining to public records throughout the revised

11 statutes and codes of this state. Therefore, the following exceptions, exemptions, and

12 limitations are hereby continued in effect by incorporation into this Chapter by

13 citation:

14 * * *

15 (25) R.S. 42:6.1, 57, 1111, 1116.1, 1141, 1158, 1161

16 * * *

17 Section 2. This Act shall become effective upon signature by the governor or, if not

18 signed by the governor, upon expiration of the time for bills to become law without signature

19 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If

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ORIGINAL
HB NO. 731

- 1 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 - 2 effective on the day following such approval.
-

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Pugh

HB No. 731

Abstract: Provides a public records exception for certain confidential reports made by agency heads to the Board of Ethics

Present law (R.S. 42:1161) provides that every agency head must file confidential reports with the Board of Ethics concerning any matters that come to his attention which he believes may constitute a violation of the state ethics code under present law.

Proposed law establishes a public records exception for such confidential reports.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 44:4.1(B)(25))

HLS 10RS-1187

ORIGINAL

Regular Session, 2010

HOUSE BILL NO. 734

BY REPRESENTATIVE PEARSON

ETHICS/CODE: Provides for the not-for-profit organizations or funds within such organizations which may give donations to certain public employees affected by certain hurricanes, the time period during which public employees may accept contributions, and the deadline by which organizations must report such donations to the Board of Ethics

1 AN ACT

2 To amend and reenact R.S. 42:1123(36), relative to governmental ethics; to provide relative

3 to the time period during which public employees may accept certain donations and

4 contributions from specified not-for-profit organizations or funds within the

5 organizations; to provide for the not-for-profit organizations or funds who may

6 donate or contribute such funds; to provide for the deadline by which the

7 organizations must report such donations and contributions to the Board of Ethics;

8 to provide relative to the effectiveness of such provisions; and to provide for related

9 matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 42:1123(36) is hereby amended and reenacted to read as follows:

12 §1123. Exceptions

13 This Part shall not preclude:

14 * * *

15 (36)(a) During the time period of August 29, 2005, through December 31,

16 ~~2009~~, 2010, the receipt by a public employee of any thing of economic value as a

17 contribution or donation from any of the specified not-for-profit organizations or

18 specified funds within a not-for-profit organization as listed in Subparagraph (b) of

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1 this Paragraph for the purpose of disaster aid or relief to offset any economic losses
2 suffered by the public employee as a result of Hurricane Katrina or Hurricane Rita,
3 provided that the value of contributions or donations received by the public
4 employee from any one of such not-for-profit organizations or funds within not-for-
5 profit organizations shall not exceed ten thousand dollars and provided that the total
6 value of contributions or donations received by the public employee from such not-
7 for-profit organizations or funds within such not-for-profit organizations shall not
8 exceed twenty-five thousand dollars.

9 (b) The not-for-profit organizations or funds within a not-for-profit
10 organization which may make contributions or donations to a public employee as
11 provided in Subparagraph (a) of this Paragraph shall be the Louisiana Wildlife and
12 Fisheries Foundation, the Louisiana Wildlife Agents Association, Inc., the Louisiana
13 Trooper Foundation, Inc., the Louisiana Troopers Relief Fund, Inc., the Hurricane
14 Relief Fund Foundation, LLC, the Louisiana Sheriffs Emergency Relief Fund, the
15 Louisiana State Firemen's Association, the National Association of Motor Vehicle
16 Boards and Commissions, the LSU Charity Hospital Relief Fund within the LSU
17 Foundation, the Parish Employees Relief Fund within the Police Jury Association of
18 Louisiana, Inc., the New Orleans Police Foundation, Inc., the NDAA Hurricane
19 Katrina Prosecution Relief Fund within the National District Attorneys Association,
20 the Federation of Tax Administrators, the LATEC Charities, Inc., the LA DOTD
21 Employee Hurricane Relief Fund of the LA DOTD Federal Credit Union, the
22 National Association of Social Workers, the Service Employees International Union
23 Hurricane Relief Fund of the Service Employees International Union, the American
24 Association of Airport Executives-Airport Council International North American-
25 Katrina Fund, St. Tammany Parish Law Officer Relief Fund, and the Friends of the
26 Frontline, Inc., provided that not later than February 15, ~~2010~~, 2011, each such not-
27 for-profit organization which has given such a contribution or donation either
28 directly or through a fund shall file a report with the Board of Ethics itemizing the
29 name of each public employee to whom a contribution or donation was given, the

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1 name of the employing agency of each such public employee, the nature of the
2 donation or contribution given to each such public employee, and the value of the
3 donation or contribution given to each such public employee.

4 * * *

5 Section 2. The provisions of this Act amending R.S. 42:1123(36) are declared to be
6 remedial and curative and shall be applied retroactively to January 1, 2006, as well as
7 prospectively.

8 Section 3. This Act shall become effective upon signature by the governor or, if not
9 signed by the governor, upon expiration of the time for bills to become law without signature
10 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
11 vetoed by the governor and subsequently approved by the legislature, this Act shall become
12 effective on the day following such approval.

DIGEST

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Pearson

HB No. 734

Abstract: Relative to the exception which allows certain public employees affected by Hurricanes Katrina and Rita to accept certain donations from certain not-for-profit organizations or funds within such organizations, extends the time period for such, adds the St. Tammany Parish Law Officer Relief Fund to the list of acceptable organizations, and provides for the deadline for a report of such donations to the Board of Ethics.

Present law defines a "public employee" for purposes of the Code of Governmental Ethics as anyone, compensated or not, who is: an administrative officer or official of a governmental entity who is not filling an elective office; appointed by any elected official when acting in an official capacity, and the appointment is to a post or position wherein the appointee is to serve the governmental entity or an agency thereof, either as a member of an agency, or as an employee thereof; engaged in the performance of a governmental function; or under the supervision or authority of an elected official or another employee of the governmental entity. Provides that a public employee shall be in such status on days on which he performs no services and days on which he performs services. Provides that termination of any particular term of employment of a public employee shall take effect on the day the termination is clearly evidenced. Proposed law retains present law.

Present law provides that no public servant (defined as a public employee or an elected official) shall receive any thing of economic value, other than compensation and benefits from the governmental entity to which he is duly entitled for the performance of the duties and responsibilities of his office or position, with certain exceptions. Proposed law retains present law.

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Present law provides an exception to allow a public employee, for the period of time from Aug. 29, 2005, through Dec. 31, 2009, to receive any thing of economic value as a contribution or donation from certain specified not-for-profit organizations or specified funds within such organizations for disaster aid or relief to offset economic losses the employee suffered due to Hurricane Katrina or Rita. Provides that the value of contributions or donations received by the employee from any one of such organizations or funds shall not exceed \$10,000 and that the total value of such contributions or donations received by the employee from such organizations or funds shall not exceed \$25,000.

Proposed law retains present law but changes the end date of such time period from Dec. 31, 2009, to Dec. 31, 2010.

Present law provides that the specified organizations or funds from which such contributions or donations are allowed are the La. Wildlife and Fisheries Foundation, La. Wildlife Agents Assoc., La. Trooper Foundation, La. Troopers Relief Fund, Hurricane Relief Fund Foundation, La. Sheriffs Emergency Relief Fund, La. State Firemen's Assoc., National Assoc. of Motor Vehicle Boards and Commissions, LSU Charity Hospital Relief Fund within the LSU Foundation, Parish Employees Relief Fund within the Police Jury Assoc. of La., New Orleans Police Foundation, NDAA Hurricane Katrina Prosecution Relief Fund within the National District Attorneys Assoc., Federation of Tax Administrators, LATEC Charities, LA DOTD Employee Hurricane Relief Fund of the LA DOTD Federal Credit Union, National Assoc. of Social Workers, Service Employees International Union Hurricane Relief Fund of the Service Employees International Union, American Assoc. of Airport Executives-Airport Council International North American-Katrina Fund, and Friends of the Frontline.

Proposed law adds the St. Tammany Parish Law Officer Relief Fund to the list and otherwise retains present law.

Present law requires each such not-for-profit organization which has given such a contribution or donation, directly or through a fund, to file a report with the Board of Ethics no later than Feb. 15, 2010, itemizing the name of each public employee to whom a contribution or donation was given, the name of the employee's employing agency, and the nature and value of the donation or contribution.

Proposed law retains present law but changes the deadline of such reporting date from Feb. 15, 2010, to Feb. 15, 2011.

Proposed law provides that the provisions of proposed law shall be applied retroactively to Jan. 1, 2006, as well as prospectively.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 42:1123(36))

HLS 10RS-1082

ORIGINAL

Regular Session, 2010

HOUSE BILL NO. 758

BY REPRESENTATIVE HUTTER

ETHICS: Requires the Board of Ethics to make available the name of a complainant under certain circumstances

1 AN ACT

2 To enact R.S. 42:1141(E)(13), relative to enforcement of laws within the jurisdiction of the

3 Board of Ethics; to require that certain information be made available to a person

4 accused of violating such laws; to provide relative to the confidentiality of such

5 information; to provide procedures and requirements for the provision of such

6 information; to provide for exceptions; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 42:1141(E)(13) is hereby enacted to read as follows:

9 §1141. Procedure; adjudicatory board

10 * * *

11 E. Procedure.

12 * * *

13 (13)(a) When consideration of a matter initiated by a complaint is concluded,

14 the accused shall be entitled to know the name of the complainant. Upon receipt of

15 a written request by the accused, the Board of Ethics shall provide the accused with

16 the name of the complainant. After the board provides the name of the complainant

17 to the accused, the name of the complainant shall no longer be deemed confidential

18 or privileged.

19 (b) Consideration of a matter shall be deemed concluded for purposes of this

20 Paragraph upon the earliest of the following:

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provide the accused with the name of the complainant and that after the board provides the name of the complainant to the accused, the name of the complainant shall no longer be deemed confidential or privileged. Provides that consideration of a matter shall be deemed concluded for purposes of proposed law upon the earliest of the following:

- (1) The board considers the matter but fails to conduct an investigation or investigates the matter but fails to issue charges.
- (2) The board is precluded by law from taking action against the accused based on the complaint because the time period for doing so has expired.
- (3) The matter is settled by consent opinion.
- (4) A decision is rendered finding a violation or dismissing the matter.

Provides that proposed law shall not apply to a matter initiated by a complaint made pursuant to present law whistleblower protection provisions (R.S. 42:1169).

(Adds R.S. 42:1141(E)(13))

HLS 10RS-1331

ORIGINAL

Regular Session, 2010

HOUSE BILL NO. 761

BY REPRESENTATIVES WHITE, CHAMPAGNE, CONNICK, CORTEZ, FANNIN, GEYMANN, HARRISON, LABRUZZO, LAMBERT, LEBAS, LEGER, LIGI, MCVEA, MORRIS, PEARSON, GARY SMITH, PATRICIA SMITH, AND STIAES

ETHICS/FINANCIAL DISCLOS: Provides for the application of certain financial disclosure provisions to certain parish and municipal employees

1 AN ACT
2 To enact R.S. 42:1124.2(A)(5), relative to financial disclosure; to require certain disclosures
3 by certain public employees; to provide for the content of such disclosures; to
4 provide for penalties; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:
6 Section 1. R.S. 42:1124.2(A)(5) is hereby enacted to read as follows:

7 §1124.2. Financial disclosure; certain elected officials; members of certain boards
8 and commissions; ethics administrator; certain parish and municipal
9 employees

10 A. Each of the following, except a person who is required to file a financial
11 statement pursuant to R.S. 42:1124, shall annually file a financial statement as
12 provided in this Section:

13 * * *
14 (5) Each public employee of a parish having a population of fifty thousand
15 or more persons or of a municipality having a population of thirty-five thousand or
16 more persons whom the parish or municipality has authorized to negotiate or
17 otherwise determine the terms of contracts for the parish or municipality.

18 * * *

HLS 10RS-1331

ORIGINAL
HB NO. 761

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

White

HB No. 761

Abstract: Requires each public employee of a parish having a population of 50,000 or more or of a municipality having a population of 35,000 or more whom the parish or municipality has given authority to negotiate or otherwise determine the terms of contracts for the parish or municipality to file annual financial disclosure statements.

Present law (R.S. 42:1124.2) requires the following to annually file a financial statement with the Board of Ethics: (1) each member of the state legislature, (2) each person holding a public office who represents a voting district having a population of 5,000 or more, (3) each member of the Board of Ethics and the ethics administrator, and (4) each member of the State Board of Elementary and Secondary Education (informally termed Tier 2). Exempts statewide elected officials and certain executive branch officials required to file a financial statement under a different provision of present law (R.S. 42:1124—informally termed Tier 1).

Present law (R.S. 42:1124.2) generally requires the disclosure of certain specified information concerning income, employment, property, business associations, investments, liabilities, and transactions. Requires the disclosure of specified information, including value, regarding purchases or sales of immovable property, stocks, and other securities valued at over \$5,000 (subject to specific exceptions).

Proposed law adds to the list of persons required to annually file a financial statement with the Board of Ethics each public employee of a parish having a population of 50,000 or more persons or of a municipality having a population of 35,000 or more persons whom the parish or municipality has authorized to negotiate or otherwise determine the terms of contracts for the parish or municipality. Otherwise retains present law.

Present law (R.S. 42:1124.4) provides relative to penalties. Provides for penalties, after receipt of a notice of delinquency, for failure to file, to provide omitted information, to correct inaccurate information, or to file a written answer prior to the deadline contained in the notice of delinquency. Penalties may be imposed for each day until the statement, omitted information, corrected information, or written answer is filed. Penalties are: \$500 per day for governor, statewide elected officials, and others who report pursuant to R.S. 42:1124 (Tier 1); \$100 per day for legislators, officials in districts of 5,000 persons or more, and members of boards and commissions who report pursuant to R.S. 42:1124.2 (Tier 2); and \$50 per day for officials who represent districts under 5,000 persons who report pursuant to R.S. 42:1124.3 (informally termed Tier 3). Provides criminal penalties for certain willful and knowing violations.

Proposed law makes present law applicable to violations of proposed law.

(Adds R.S. 42:1124.2(A)(5))

HLS 10RS-1761

ORIGINAL

Regular Session, 2010

HOUSE BILL NO. 933

BY REPRESENTATIVE PERRY

ETHICS/CODE: Authorizes certain transactions between a hospital service district and a board member and legal entities in which a board member owns an interest

1 AN ACT

2 To enact R.S. 42:1123(18)(b), relative to ethics; to allow a member on the board of

3 commissioners of a hospital service district to engage in certain transactions and to

4 own an interest in entities that engage in certain transactions; to require certain

5 recusals by such board members; to provide for restrictions and limitations; and to

6 provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 42:1123(18)(b) is hereby enacted to read as follows:

9 §1123. Exceptions

10 This Part shall not preclude:

11 * * *

12 (18)

13 * * *

14 (b) A member of a board of commissioners for any hospital service district

15 authorized by Chapter 10 of Title 46 of the Louisiana Revised Statutes of 1950 or a

16 legal entity in which the board member owns an interest from entering into

17 transactions with the board or with a hospital over which the board exercises

18 jurisdiction provided that the total amount of such transactions shall not exceed one

19 thousand five hundred dollars per month and provided that the board member shall

HLS 10RS-76

ORIGINAL

Regular Session, 2010

HOUSE BILL NO. 1059

BY REPRESENTATIVE ABRAMSON

ETHICS: Requires reimbursement when public funds are used or appropriated for certain prohibited purposes related to elections

1 AN ACT

2 To amend and reenact R.S. 18:1465, relative to election offenses; to require the

3 reimbursement of certain public funds; to provide relative to penalties; and to

4 provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 18:1465 is hereby amended and reenacted to read as follows:

7 §1465. Prohibited use of public funds

8 A.(1) No public funds shall be used to urge any elector to vote for or against

9 any candidate or proposition or be appropriated to a candidate or political

organization.

11 ~~(2) This provision~~ The provisions of Paragraph (1) of this Subsection shall

12 not prohibit the use of public funds for dissemination of factual information relative

13 to a proposition appearing on an election ballot.

14 (3)(a) If public funds have facilitated both a public purpose related to the

15 official duties of a public servant and have in any manner been used to urge any

16 elector to vote for or against any candidate or proposition or been appropriated to any

17 candidate or political organization, the public servant or other person who directed

18 or caused the use or appropriation of the public funds in such a manner shall within

19 ten calendar days of the use or appropriation reimburse the appropriate governmental

20 entity the prorated fair market value of the use or appropriation.

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1 (b) The failure of a public servant or other person to reimburse the
2 appropriate governmental entity as provided in this Paragraph shall be a violation of
3 this Section.

4 (c) The terms "public servant" and "governmental entity" shall have the same
5 meaning as provided in R.S. 42:1102.

6 B.(1) Whoever violates any provision of this Section shall be fined not more
7 than five hundred dollars or be imprisoned for not more than six months, or both.
8 On a second offense or any succeeding offense, the penalty shall be a fine of not
9 more than one thousand dollars or imprisonment for not more than one year, or both.

10 (2) In addition to the penalties provided in Paragraph (1) of this Subsection,
11 whoever violates the provisions of Subparagraph (A)(3)(a) of this Section, shall be
12 subject to the imposition of an additional civil penalty of up to one and one-half
13 times the prorated fair market value of the use or appropriation of the public funds,
14 which penalty shall be payable to the appropriate governmental entity.

15 Section 2. This Act shall become effective upon signature by the governor or, if not
16 signed by the governor, upon expiration of the time for bills to become law without signature
17 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
18 vetoed by the governor and subsequently approved by the legislature, this Act shall become
19 effective on the day following such approval.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Abramson

HB No. 1059

Abstract: In instances where public funds have been used for both a public purpose and certain prohibited political purposes, requires the public servant or other person who directed or caused the use or appropriation of the public funds in that manner to reimburse the appropriate governmental entity the prorated fair market value of the use or appropriation within 10 days or be subject to penalties.

Present law prohibits public funds from being used to urge any elector to vote for or against any candidate or proposition or from being appropriated to a candidate or political organization. Present law specifically provides that present law does not prohibit the use of public funds for dissemination of factual information relative to a proposition.

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ORIGINAL
HB NO. 1059

Proposed law provides that if public funds have facilitated both a public purpose related to the official duties of a public servant and have in any manner been used to urge any elector to vote for or against any candidate or proposition or been appropriated to any candidate or political organization, the public servant or other person who directed or caused the use or appropriation of the public funds shall within 10 days reimburse the appropriate governmental entity the prorated fair market value of the use or appropriation. Proposed law provides that the failure of a public servant or other person to reimburse the appropriate governmental entity shall be a violation of proposed law.

Present law provides for a penalty of not more than \$500 or imprisonment for not more than six months, or both. Provides that on a second offense or any succeeding offense, the penalty shall be a fine of not more than \$1,000 or imprisonment for not more than one year, or both.

Proposed law retains present law penalties for violations of proposed law and additionally provides that for failure to reimburse in the manner provided in proposed law, a person shall be subject to an additional civil penalty equal to up to 1-½ times the prorated fair market value of the use or appropriation of the public funds, payable to the appropriate governmental entity.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 18:1465)

HLS 10RS-155

ORIGINAL

Regular Session, 2010

HOUSE BILL NO. 1143

BY REPRESENTATIVE GALLOT

ETHICS/BOARD: Amends provisions concerning enforcement of the ethics code

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AN ACT

To amend and reenact R.S. 42:1141(A)(1) and (6), (B)(1)(a), and (C)(1), (2), (4)(c), (d), and (e), and (5), to enact R.S. 42:1141(C)(4)(f) and (g) and 1163.1, and to repeal R.S. 42:1141(B)(3), (C)(3)(c), and (E)(10) and 1163, relative to enforcement of laws within the jurisdiction of the Board of Ethics; to provide for the conduct of hearings and procedures related thereto; to provide for review of decisions related thereto; to provide for certain time limits for such enforcement; to provide relative to the powers, functions, and duties of the Board of Ethics, relative to such enforcement; to provide relative to the powers, functions, and duties of the Ethics Adjudicatory Board and the division of administrative law, relative to such enforcement; to provide relative to the composition of and selection of members for the Ethics Adjudicatory Board; to provide for the terms of members of the Ethics Adjudicatory Board; to provide for applicability; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 42:1141(A)(1) and (6), (B)(1)(a), and (C)(1), (2), (4)(c), (d), and (e), and (5) are hereby amended and reenacted and R.S. 42:1141(C)(4)(f) and (g) and 1163.1 are hereby enacted to read as follows:

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HB NO. 1143

1 §1141. Procedure; adjudicatory board

2 A. Panels. (1) The ~~board~~ members of the board of ethics shall sit en banc
3 and in panels in such order and at such times as the board directs.

4 * * *

5 (6)(a) The board, by a majority vote of its membership, may review any
6 opinion, decision, finding, or ruling of any panel.

7 (b) Any public servant or other person who is aggrieved by any action taken
8 by a panel may request a review of the panel's decision by the board within thirty
9 days of the mailing of the notice of the panel's decision. The board shall determine
10 whether or not to review the panel's action within thirty days of receipt of the request
11 for review.

12 * * *

13 B. Complaints. (1)(a) The board shall consider any signed sworn complaint
14 from any elector, hereinafter referred to as complainant, concerning a violation of
15 this Chapter which is within its jurisdiction or the regulations or orders issued by the
16 board, or may, by a two-thirds majority vote of its membership, consider any matter
17 which it has reason to believe may be a violation of this Chapter. Additionally, the
18 board may consider any matter which it has reason to believe may be a violation of
19 any other provision of law within its jurisdiction as provided in this Subsection or
20 as may be otherwise provided by law. A certified copy of the vote; a detailed
21 explanation of the matter, including the specific factual allegations upon which the
22 board based its decision to investigate; and a copy of any complaint received by the
23 board, from which the name of the complainant has been redacted, shall be sent by
24 certified mail to the ~~accused~~ respondent and the complainant within ten days after
25 the vote occurs or after receipt of a signed sworn complaint. The chairman of the
26 board shall assign each such matter to the appropriate panel for investigation.

27 * * *

28 C. Investigation and hearing. (1) Upon receiving a sworn complaint or
29 voting to consider a matter as provided in Subsection B of this Section, a private

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1 investigation shall be conducted to elicit evidence upon which the panel as provided
 2 in this Section shall determine whether to recommend to the board that a public
 3 hearing be conducted or that a violation has not occurred. The ~~accused~~ respondent
 4 and the complainant shall be given written notification of the commencement of the
 5 investigation not less than ten days prior to the date set for the commencement of the
 6 investigation. All determinations in this Subsection shall be by a majority vote of
 7 the panel. However, in cases where the panel consists of three members, all
 8 determinations of such a panel shall require a unanimous vote of the members of the
 9 panel.

10 (2) After the investigation has been completed, the board shall determine
 11 whether a public hearing should be conducted to receive evidence and to determine
 12 whether any violation of any provision of law within its jurisdiction has occurred.
 13 If a violation has not occurred, the ~~defendant~~ respondent and the complainant shall
 14 be notified within ten days of the ruling.

* * *

16 (4)

* * *

18 (c) The members of the Ethics Adjudicatory Board shall be randomly
 19 selected at a public meeting of the Board of Ethics, from among the names of all
 20 administrative law judges who meet the qualifications. ~~The members of the first~~
 21 ~~Ethics Adjudicatory Board shall be selected by August 15, 2008. The initial Ethics~~
 22 ~~Adjudicatory Board shall serve until January 1, 2009. Thereafter, the adjudicatory~~
 23 ~~board members shall be selected annually to serve a one-year term from January first~~
 24 ~~through December thirty-first. The members of the adjudicatory board shall serve~~
 25 ~~three year terms, which terms shall begin on January first.~~ The adjudicatory board
 26 members ~~for the years 2009 and beyond~~ shall be randomly selected at a public
 27 meeting held by the Board of Ethics in December of the ~~preceding~~ year preceding
 28 the year in which the terms are to begin. There shall be no limitation on the number
 29 of times a qualified member may be selected to serve.

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1 (d)(i) The Ethics Adjudicatory Board shall sit in ~~rotating~~ panels composed
2 of three administrative law judges randomly selected from among the members of
3 the adjudicatory board. The administrative law judge most senior in service who is
4 present shall preside. The determination of the majority of the panel in a particular
5 case shall be the determination of the Ethics Adjudicatory Board. After the hearing,
6 the presiding administrative law judge shall assign authorship responsibility for the
7 determination.

8 (ii) ~~At the hearing, an ethics adjudicatory panel shall determine whether a~~
9 ~~violation of any provision of law within the jurisdiction of the Board of Ethics has~~
10 ~~occurred. If the ethics adjudicatory panel determines that a violation has occurred,~~
11 ~~it shall determine what authorized penalties or other sanctions, if any, should be~~
12 ~~imposed. The administrative law judge remaining after the selection of the two~~
13 ~~panels shall serve as an alternate who shall serve on a panel when a member of the~~
14 ~~panel is unavailable. A vacancy occurring on a panel shall be filled by the alternate.~~
15 ~~A vacancy on the Ethics Adjudicatory Board shall be filled for the remainder of the~~
16 ~~term at the next public meeting of the Board of Ethics following the occurrence of~~
17 ~~the vacancy in the same manner as the original appointment.~~

18 (e) ~~At the hearing, an ethics adjudicatory panel shall determine whether a~~
19 ~~violation of any provision of law within the jurisdiction of the Board of Ethics has~~
20 ~~occurred. If the ethics adjudicatory panel determines that a violation has occurred,~~
21 ~~it shall determine what authorized penalties or other sanctions, if any, should be~~
22 ~~imposed.~~

23 (f) ~~If the public hearing of the ethics adjudicatory panel fails to disclose clear~~
24 ~~and convincing evidence to support the charges, the ethics adjudicatory panel shall~~
25 ~~make an official determination of its findings, and thereupon the ~~Board of Ethics~~~~
26 ~~shall close its file on the charges matter shall be dismissed. The person charged~~
27 ~~respondent and the complainant shall be notified in writing within ten days of the~~
28 ~~ethics adjudicatory panel's rendition of a final decision. The person charged may~~

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HB NO. 1143

1 require the ethics adjudicatory panel to make an official determination of the validity
2 of the charges against him.

3 (g)(i) A public servant or other person who is aggrieved by an action taken
4 by an adjudicatory panel may request a review of the panel's decision by the full
5 Ethics Adjudicatory Board.

6 (ii) The Board of Ethics may request a review by the full Ethics Adjudicatory
7 Board of an adjudicatory panel's decision on a question of law.

8 (iii) A request for review pursuant to this Subparagraph shall be made within
9 thirty days of the mailing of the notice of the adjudicatory panel's decision. The
10 adjudicatory board shall determine whether or not to review the panel's action within
11 thirty days of receipt of the request for review.

12 ~~(5) If the ethics adjudicatory panel determines that a violation has occurred~~
13 ~~and prescribes authorized penalties or other sanctions, the Board of Ethics shall,~~
14 ~~within forty-five days of the issuance of the determination by the ethics adjudicatory~~
15 ~~panel, issue a decision adopting the determination of the ethics adjudicatory panel.~~
16 The Ethics Adjudicatory Board shall issue the final decision or order, whether or not
17 on rehearing, and the Board of Ethics shall have no authority to override such
18 decision or order. Upon the issuance of such a final decision or order, the Board of
19 Ethics and each official and employee acting on behalf of the Board of Ethics shall
20 comply fully with and enforce the final order or decision.

21 * * *

22 §1163.1. Time limits on enforcement

23 The Board of Ethics shall not vote to issue charges based on an alleged
24 violation of any provision of this Chapter after the expiration of the shorter of the
25 following periods:

26 (1) One year following receipt by the board of the complaint of the alleged
27 violation or, if no complaint was received, the date the board voted to consider the
28 alleged violation. For purposes of this Paragraph, "receipt by the board" means

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1 receipt by a member of the board, a member of the staff of the board, or any person
2 employed by or acting on behalf of the board, whichever occurs earliest.

3 (2) Four years after the occurrence of the alleged violation.

4 Section 2. R.S. 42:1141(B)(3), (C)(3)(c), and (E)(10) and 1163 are hereby repealed
5 in their entirety.

6 Section 3. Each person who is a member of the Ethics Adjudicatory Board as of the
7 effective date of this Act shall serve the remainder of his term. Subsequent members of the
8 Ethics Adjudicatory Board shall be selected in December 2010, in accordance with R.S.
9 42:1141 as amended by this Act.

10 Section 4. The provisions of this Act enacting R.S. 42:1163.1 and repealing R.S.
11 42:1163 shall not apply with respect to any alleged violation that the Board of Ethics has
12 voted to consider or about which the Board of Ethics has received a complaint as of the
13 effective date of this Act.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Gallot

HB No. 1143

Abstract: Repeals provisions requiring the Board of Ethics to close its file upon a dismissal by the Ethics Adjudicatory Board and requiring the Board of Ethics to adopt decisions of the adjudicatory board; changes terms of members of the adjudicatory board from one year to three years; provides for the judge remaining after the adjudicatory panels are picked to serve as an alternate; provides for vacancies on the adjudicatory board; provides for review of adjudicatory panel decisions by the full adjudicatory board; and provides for one- and four-year time limits on the issuance of charges by the board of ethics.

Present law (Code of Governmental Ethics) provides for the Board of Ethics (BOE) and the Ethics Adjudicatory Board (EAB). Provides for the composition and the powers and duties of each board.

Present law (R.S. 42:1141) provides that the BOE receives complaints, conducts investigations concerning alleged violations of laws within its jurisdiction, and issues charges based on such alleged violations. Provides that the EAB conducts hearings on the charges to determine whether a violation has in fact occurred and, if a violation has occurred, determines what authorized penalties or other sanctions should be imposed. Provides that if the public hearing of the EAB fails to disclose clear and convincing evidence to support the charges, the EAB must make an official determination of its findings, and thereupon the BOE must close its file on the charges. Provides that if the EAB determines that a violation has occurred and prescribes authorized penalties or other sanctions, the BOE must, within

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45 days of the issuance of the determination by the EAB, issue a decision adopting the determination of the EAB.

Proposed law repeals the requirement that the BOE close its file on the charges if the public hearing fails to disclose clear and convincing evidence to support the charges. Provides that if such evidence is not disclosed at the hearing, the matter shall be dismissed.

Proposed law repeals the requirement that the BOE adopt a decision of the EAB. Provides that the EAB shall issue the final decision or order, whether or not on rehearing, and the BOE shall have no authority to override such decision or order. Provides that upon the issuance of such a final decision or order, the BOE and each official and employee acting on behalf of the BOE shall comply fully with and enforce the final order or decision. Otherwise retains present law.

Present law provides that any public servant or other person who is aggrieved by any action taken by a panel may request a review of the panel's decision by the board within 30 days of the panel's decision. Provides that the board shall determine whether or not to review the panel's action within 30 days of the request for review. Proposed law clarifies that present law applies to panels of the BOE. Provides that the request must be made within 30 days after the mailing of the notice of the panel's decision and that the BOE shall determine whether to review the panel's decision within 30 days of receipt of the request.

Proposed law replaces references in present law to the "accused" with "respondent".

Present law provides relative to the terms of the initial EAB. Proposed law repeals present law.

Present law provides that members of the EAB serve one-year terms. Proposed law provides instead the members of the EAB serve three-year terms. Provides that members as of Aug. 15, 2010 (effective date of Act) shall complete their terms and new members shall be selected in Dec. 2010 for three-year terms.

Present law provides that the EAB shall sit in rotating panels of three administrative law judges. Proposed law repeals the requirements that the EAB sit in rotating panels. Provides further that the administrative law judge remaining after the selection of the two panels shall serve as an alternate who shall serve on a panel when a member of the panel is unavailable. Provides that a vacancy occurring on a panel shall be filled by the alternate and that a vacancy on the EAB shall be filled for the remainder of the term at the next public meeting of the BOE following the occurrence of the vacancy in the same manner as the original appointment.

Proposed law provides that a public servant or other person who is aggrieved by an action taken by an adjudicatory panel may request a review of the panel's decision by the full EAB. Provides that the EAB may request a review by the full EAB of an adjudicatory panel's decision on a question of law. Requires a request for review pursuant to proposed law to be made within 30 days of the mailing of the notice of the adjudicatory panel's decision. Requires the adjudicatory board to determine whether or not to review the panel's action within 30 days of receipt of the request for review.

Present law (R.S. 42:1141(C)(3)(c)) provides that if the Board of Ethics does not issue charges within one year from the date upon which a sworn complaint is received or, if no sworn complaint was received, within one year from the date the board voted to consider the matter, the matter shall be dismissed.

Present law (R.S. 42:1163) provides that no action to enforce any provision of present law (Code of Governmental Ethics) shall be commenced after the expiration of two years following the discovery of the occurrence of the alleged violation, or four years after the occurrence of the alleged violation, whichever period is shorter.

HLS 10RS-155

ORIGINAL
HB NO. 1143Proposed law repeals present law.

Proposed law provides that the Board of Ethics shall not vote to issue charges based on an alleged violation of any provision of present law (Code of Governmental Ethics) after the expiration of the shorter of the following periods:

- (1) One year following receipt by the board of the complaint of the alleged violation or, if no complaint was received, the date the board voted to consider the alleged violation.
- (2) Four years after the occurrence of the alleged violation.

Proposed law specifies that the changes in the time period for BOE action to issue charges shall not apply to any alleged violation that the BOE has voted to consider or about which the BOE has received a complaint as of Aug. 15, 2010 (effective date of Act).

Proposed law provides that "receipt by the board" means receipt by a member of the board, a member of the staff of the board, or any person employed by or acting on behalf of the board, whichever occurs earliest.

(Amends R.S. 42:1141(A)(1) and (6), (B)(1)(a), and (C)(1), (2), (4)(c), (d), and (e), and (5); Adds R.S. 42:1141(C)(4)(f) and (g) and 1163.1; Repeals R.S. 42:1141(B)(3), (C)(3)(c), and (E)(10) and 1163)

HLS 10RS-1637

ORIGINAL

Regular Session, 2010

HOUSE BILL NO. 1178

BY REPRESENTATIVES CONNICK, BARRAS, CROMER, DANAHAY, GEYMANN,
HENRY, LIGI, PONTI, PUGH, SMILEY, AND JANE SMITH

ETHICS/BOARD: Provides relative to the Ethics Adjudicatory Board

1 AN ACT

2 To amend and reenact R.S. 42:1141(C)(4)(c) and (d)(ii) and (E)(10), relative to the Ethics

3 Adjudicatory Board; to provide for the terms of members of the adjudicatory board;

4 to require an adjudicatory panel to consider prior decisions and actions of the

5 adjudicatory board and its predecessors; to provide for review of an adjudicatory

6 panel decision by the adjudicatory board; to provide relative to procedures for such

7 review; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 42:1141(C)(4)(c) and (d)(ii) and (E)(10) are hereby amended and

10 reenacted to read as follows:

11 §1141. Procedure; adjudicatory board

12 * * *

13 C. Investigation and hearing.

14 * * *

15 (4)

16 * * *

17 (c) The members of the Ethics Adjudicatory Board shall be randomly

18 selected at a public meeting of the Board of Ethics, from among the names of all

19 administrative law judges who meet the qualifications. ~~The members of the first~~

20 ~~Ethics Adjudicatory Board shall be selected by August 15, 2008. The initial Ethics~~

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1 ~~Adjudicatory Board shall serve until January 1, 2009. Thereafter, the adjudicatory~~
 2 ~~board members shall be selected annually to serve a one-year term from January first~~
 3 ~~through December thirty-first. The members of the adjudicatory board shall serve~~
 4 ~~three year terms, which terms shall begin on January first.~~ The adjudicatory board
 5 members ~~for the years 2009 and beyond~~ shall be randomly selected at a public
 6 meeting held by the Board of Ethics in December of the ~~preceding year~~ preceding
 7 the year in which the terms are to begin. There shall be no limitation on the number
 8 of times a qualified member may be selected to serve.

9 (d)

10 * * *

11 (ii) At the hearing, an ethics adjudicatory panel shall determine whether a
 12 violation of any provision of law within the jurisdiction of the Board of Ethics has
 13 occurred. If the ethics adjudicatory panel determines that a violation has occurred,
 14 it shall determine what authorized penalties or other sanctions, if any, should be
 15 imposed. In rendering a decision, the adjudicatory panel shall consider prior
 16 decisions and actions of the Ethics Adjudicatory Board and its predecessors.

17 * * *

18 E. Procedure.

19 * * *

20 (10) Any public servant or other person who is aggrieved by any action taken
 21 by a panel of the Ethics Adjudicatory Board may request a review of the panel's
 22 decision by the ~~board~~ Ethics Adjudicatory Board sitting en banc within thirty days
 23 of the mailing of notice of the panel's decision. The board shall determine whether
 24 or not to review the panel's action within thirty days of the request for review.

25 * * *

26 Section 2. Each person who is a member of the Ethics Adjudicatory Board as of the
 27 effective date of this Act shall serve the remainder of his term. Subsequent members of the
 28 Ethics Adjudicatory Board shall be selected in December 2010 in accordance with
 29 R.S. 42:1141 as amended by this Act.

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HB NO. 1178

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Connick

HB No. 1178

Abstract: Provides that members of the Ethics Adjudicatory Board serve three-year terms instead of one-year terms; requires an adjudicatory panel to consider prior decisions and actions of the adjudicatory board and its predecessors; and provides for en banc review by the adjudicatory board of a decision of an adjudicatory panel.

Present law (Code of Governmental Ethics) provides for the Board of Ethics (BOE) and the Ethics Adjudicatory Board (EAB). Provides for the composition and the powers and duties of each board.

Present law (R.S. 42:1141) provides that the BOE receives complaints, conducts investigations concerning alleged violations of laws within its jurisdiction, and issues charges based on such alleged violations. Provides that the EAB conducts hearings on the charges to determine whether a violation has in fact occurred and, if a violation has occurred, determines what authorized penalties or other sanctions should be imposed.

Proposed law retains present law.

Present law provides relative to the terms of the initial EAB. Proposed law repeals present law.

Present law provides that members of the EAB serve one-year terms. Proposed law provides instead that members of the EAB serve three-year terms.

Present law provides that any public servant or other person who is aggrieved by any action taken by a panel may request a review of the panel's decision by the board within 30 days of the panel's decision. Provides that the board shall determine whether or not to review the panel's action within 30 days of the request for review.

Proposed law provides that any public servant or other person who is aggrieved by any action taken by a panel *of the EAB* may request a review of the panel's decision by the EAB sitting en banc within 30 days of the mailing of notice of the panel's decision. Requires the board to determine whether or not to review the panel's action within 30 days of the request for review.

Proposed law requires an adjudicatory panel in rendering a decision to consider prior decisions and actions of the Ethics Adjudicatory Board and its predecessors.

(Amends R.S. 42:1141(C)(4)(c) and (d)(ii) and (E)(10))

HLS 10RS-1635

ORIGINAL

Regular Session, 2010

HOUSE BILL NO. 1179

BY REPRESENTATIVES LIGI, BARRAS, CONNICK, CROMER, DANAHAY,
GEYMANN, HENRY, JANE SMITH, PONTI, PUGH, AND SMILEY

ETHICS/BOARD: Provides relative to decisions of the Board of Ethics and of the Ethics
Adjudicatory Board

1 AN ACT

2 To amend and reenact R.S. 42:1142(A), (C), and (D) and to enact R.S. 42:1142(F), relative

3 to decisions of the Board of Ethics and of the Ethics Adjudicatory Board; to provide

4 for appeal by the Board of Ethics of decisions of the Ethics Adjudicatory Board to

5 the Court of Appeal, First Circuit; to provide for the scope of review of such appeal;

6 to provide that the court may award reasonable attorney fees and court costs to the

7 other party for such appeals under certain circumstances; to provide for when such

8 decisions become final; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 42:1142(A), (C), and (D) are hereby amended and reenacted and R.S.

11 42:1142(F) is hereby enacted to read as follows:

12 §1142. Appeals

13 A.(1) Whenever action is taken against any public servant or person by the

14 board or panel or by an agency head by order of the board or panel, or whenever any

15 public servant or person is aggrieved by any action taken by the board or panel, he

16 may appeal therefrom to the Court of Appeal, First Circuit, if application to the board

17 is made within thirty days after the mailing of the notice of the decision of the board

18 ~~becomes final~~. Any refusal by the board or panel to issue a declaratory opinion or

19 any preliminary, procedural, or intermediate action or ruling by the board or panel

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HB NO. 1179

1 is subject to the supervisory jurisdiction of the appellate court as provided by Article
2 V, Section 10 of the Constitution of Louisiana. The Court of Appeal, First Circuit,
3 shall promulgate rules of procedure to be followed in taking and lodging such
4 appeals.

5 (2)(a) The Board of Ethics may appeal a decision of the Ethics Adjudicatory
6 Board or a panel thereof to the Court of Appeal, First Circuit, if application to the
7 adjudicatory board is made within thirty days after the mailing of the notice of the
8 decision of the adjudicatory board. The appeal shall be limited solely to questions
9 of law and shall be confined to the record created at the hearing before the
10 adjudicatory board or panel.

11 (b) If the Board of Ethics appeals a decision of the Ethics Adjudicatory
12 Board and does not prevail in the final disposition of the appeal, the court may award
13 reasonable attorney fees and court costs to the other party.

14 * * *

15 C. Notwithstanding the provisions of this Section, a public employee who
16 has attained permanent status in the classified state or city service, as provided in
17 Article X, Section 1 of the Constitution of Louisiana, may, whenever any
18 disciplinary action is taken against him by the board or panel or by an appointing
19 authority by order of the board or panel, appeal therefrom to the appropriate civil
20 service commission, if application to the board is made within thirty days after the
21 mailing of the notice of the decision of the board or panel ~~becomes final~~. Any
22 decision of a civil service commission may be appealed to the Court of Appeal, First
23 Circuit, either by the board or the public employee, upon application to the civil
24 service commission within thirty days after the mailing of the notice of the decision
25 of such civil service commission ~~becomes final~~.

26 D. Notwithstanding the provisions of this Section, any tenured public
27 employee of a public institution of higher education in this state may, whenever any
28 disciplinary action is taken against him by the board or panel or by the appointing
29 authority by order of the board or panel, appeal therefrom to the appropriate higher

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HB NO. 1179

1 education management board, if application to the board is made within thirty days
 2 after the mailing of the notice of the decision of the board or panel ~~becomes final~~.
 3 Such appeal shall be solely on the record of the board or panel hearing and the board
 4 shall adopt rules and regulations to effectuate the preparation of such record. If
 5 appeal is timely filed, the appropriate higher education management board shall
 6 review the record and decision shall be rendered thereon within one hundred twenty
 7 days of the receipt of the record from the board. Any decision of a higher education
 8 management board may be appealed to the Court of Appeal, First Circuit, as
 9 provided in this Chapter, either by the board or by the tenured public employee, upon
 10 application to the appropriate higher education management board within thirty days
 11 after the decision of such higher education management board is rendered.

* * *

13 F. For purposes of this Chapter, a decision of the Board of Ethics, the Ethics
 14 Adjudicatory Board, or a panel of either board becomes final when all time delays
 15 for appeal or review have expired or rights of appeal or review have been exhausted.

 DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Ligi

HB No. 1179

Abstract: Allows the Board of Ethics to appeal decisions of the Ethics Adjudicatory Board on questions of law, but provides that the court may award attorney fees and costs to the other party if the board does not prevail in the final disposition of the appeal.

Present law (Code of Governmental Ethics) provides for the Board of Ethics (BOE) and the Ethics Adjudicatory Board (EAB). Provides for the composition and the powers and duties of each board.

Present law (R.S. 42:1141) provides that the BOE receives complaints, conducts investigations concerning alleged violations of laws within its jurisdiction, and issues charges based on such alleged violations. Provides that the EAB conducts hearings on the charges to determine whether a violation has in fact occurred and, if a violation has occurred, determines what authorized penalties or other sanctions should be imposed.

Present law (R.S. 42:1142) provides that whenever action is taken against any public servant or person by the BOE or panel or by an agency head by order of the board or panel, or whenever any public servant or person is aggrieved by any action taken by the board or panel, he may appeal therefrom to the Court of Appeal, First Circuit, if application to the board is made within 30 days after the decision of the board becomes final. Provides that

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any refusal by the board or panel to issue a declaratory opinion or any preliminary, procedural, or intermediate action or ruling by the board or panel is subject to the supervisory jurisdiction of the appellate court as provided by Article V, Section 10 of the Const. of La.

Present law provides for appeals to the appropriate civil service commission for employees who have attained permanent status in the classified state or city civil service and to the appropriate higher education management board for a tenured public employee of a public institution of higher education. Provides that application for appeal must be made within 30 days of when the decision becomes final.

Present law provides that a decision of the EAB or a panel thereof may be appealed under present law in the same manner as a decision of the BOE.

Proposed law changes time limitations for appeals in present law from within 30 days of when the decision becomes final to within 30 days of when notice of the decision is mailed.

Present law (Administrative Procedure Act—R.S. 49: 964) provides that no agency or official thereof, or other person acting on behalf of an agency or official thereof shall be entitled to judicial review of an administrative adjudication.

Proposed law provides that the BOE may appeal a decision of the EAB or a panel thereof to the Court of Appeal, First Circuit, if application to the adjudicatory board is made within 30 days after the mailing of notice of the decision of the adjudicatory board. Provides that the appeal shall be limited solely to questions of law and shall be confined to the record created at the hearing before the adjudicatory board or panel. Provides that if the Board of Ethics appeals a final decision of the EAB and does not prevail in the final disposition of the appeal, the court may award reasonable attorney fees and court costs to the other party.

Proposed law provides that for purposes of present law (Code of Governmental Ethics) a decision of the BOE, the EAB, or a panel of either board becomes final when all time delays for appeal or review have expired or rights of appeal or review have been exhausted.

(Amends R.S. 42:1142(A), (C), and (D); Adds 42:1142(F))

HLS 10RS-1097

ORIGINAL

Regular Session, 2010

HOUSE BILL NO. 1202

BY REPRESENTATIVE GALLOT

ETHICS/CODE: Provides relative to appeals of decisions enforcing laws within the jurisdiction of the Board of Ethics

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AN ACT

To enact R.S. 42:1142(F), relative to enforcement of laws within the jurisdiction of the Board of Ethics; to provide relative to decisions concerning such enforcement; to provide for appeal by the Board of Ethics of decisions of the Ethics Adjudicatory Board; to provide for the scope of review of such appeals; to provide that the Board of Ethics shall be responsible for the payment of the reasonable attorney fees and court costs of the other party for such appeals under certain circumstances; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 42:1142(F) is hereby enacted to read as follows:

§1142. Appeals

* * *

F.(1) The Board of Ethics may appeal a final decision of the Ethics Adjudicatory Board on a question of law to the Court of Appeal, First Circuit, if application to the adjudicatory board is made within thirty days after the decision of the adjudicatory board becomes final.

(2) If the Board of Ethics appeals a final decision of the Ethics Adjudicatory Board and does not prevail in the final disposition of the appeal, the Board of Ethics shall be responsible for the payment of the reasonable attorney fees and court costs of the other party.

HLS 10RS-1097

ORIGINAL
HB NO. 1202

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Gallot

HB No. 1202

Abstract: Allows the Board of Ethics to appeal decisions of the Ethics Adjudicatory Board on questions of law, but provides that if the board does not prevail in the final disposition of the appeal, it shall be responsible for the payment of the reasonable attorney fees and court costs of the other party.

Present law (Code of Governmental Ethics) provides for the Board of Ethics (BOE) and the Ethics Adjudicatory Board (EAB). Provides for the composition and the powers and duties of each board.

Present law (R.S. 42:1141) provides that the BOE receives complaints, conducts investigations concerning alleged violations of laws within its jurisdiction, and issues charges based on such alleged violations. Provides that the EAB conducts hearings on the charges to determine whether a violation has in fact occurred and, if a violation has occurred, determines what authorized penalties or other sanctions should be imposed.

Present law (R.S. 42:1142) provides that whenever action is taken against any public servant or person by the BOE or panel or by an agency head by order of the board or panel, or whenever any public servant or person is aggrieved by any action taken by the board or panel, he may appeal therefrom to the Court of Appeal, First Circuit, if application to the board is made within 30 days after the decision of the board becomes final. Provides that any refusal by the board or panel to issue a declaratory opinion or any preliminary, procedural, or intermediate action or ruling by the board or panel is subject to the supervisory jurisdiction of the appellate court as provided by Article V, Section 10 of the Const. of La.

Present law provides for appeals to the appropriate civil service commission for employees who have attained permanent status in the classified state or city civil service and to the appropriate higher education management board for a tenured public employee of a public institution of higher education.

Present law provides that a decision of the EAB or a panel thereof may be appealed under present law in the same manner as a decision of the BOE.

Present law (Administrative Procedure Act—R.S. 49: 964) provides that no agency or official thereof, or other person acting on behalf of an agency or official thereof shall be entitled to judicial review of an administrative adjudication.

Proposed law provides that the BOE may appeal a final decision of the EAB on a question of law to the Court of Appeal, First Circuit, if application to the adjudicatory board is made within 30 days after the decision of the adjudicatory board becomes final. Provides that if the BOE appeals a final decision of the EAB and does not prevail in the final disposition of the appeal, the BOE shall be responsible for the payment of the reasonable attorney fees and court costs of the other party.

(Adds R.S. 42:1142(F))

HLS 10RS-1563

ORIGINAL

Regular Session, 2010

HOUSE BILL NO. 1203

BY REPRESENTATIVE GALLOT

ETHICS/CODE: Provides for certain time limits for enforcing ethics code provisions

1 AN ACT

2 To amend and reenact R.S. 42:1169(E), to enact R.S. 42:1163.1, and to repeal R.S.

3 42:1141(C)(3)(c) and 1163, relative to enforcement of laws within the jurisdiction

4 of the Board of Ethics; to provide relative to the powers, functions, and duties of the

5 Board of Ethics relative to such enforcement; to provide for certain time limits for

6 such enforcement; to provide for applicability; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 42:1169(E) is hereby amended and reenacted and 1163.1 is hereby
9 enacted to read as follows:

10 §1163.1 Time limits on enforcement

11 The Board of Ethics shall not vote to issue charges based on an alleged
12 violation of any provision of this Chapter after the expiration of the shorter of the
13 following periods:

14 (1) One year following receipt by the board of the complaint of the alleged
15 violation or, if no complaint was received, the date the board voted to consider the
16 alleged violation. For purposes of this Paragraph, "receipt by the board" means
17 receipt by a member of the board, a member of the staff of the board, or any person
18 employed by or acting on behalf of the board, whichever occurs earliest.

19 (2) Four years after the occurrence of the alleged violation.

20 * * *

HLS 10RS-1563

ORIGINAL
HB NO. 1203

1 §1169. Freedom from reprisal for disclosure of improper acts

2 * * *

3 E. Upon notification by the employee, the employee's agency, the defendant,
4 or the defendant's agency that the employee has commenced a civil action in a
5 district or federal court or with a federal agency with adjudicatory authority over
6 employment complaints against his agency pursuant to R.S. 23:967(B) or other
7 relevant state or federal statutes at any time prior to the board's final determination
8 as to whether a violation of this Section has occurred, the board shall stay any action
9 pending before the board until a final order in the civil or adjudicatory action is
10 issued, and the prescriptive period provided for in R.S. ~~42:1163~~ for action 42:1163.1
11 shall be suspended while such civil or adjudicatory action is pending and shall
12 resume when such final order is issued. The final order of the court in the civil
13 action or agency in an adjudicatory action, except if the action is dismissed by the
14 plaintiff, shall resolve all matters the employee has pending before the board
15 regarding this Section.

16 * * *

17 Section 2. R.S. 42:1141(C)(3)(c) and 1163 are hereby repealed in their entirety.

18 Section 3. The provisions of this Act shall not apply with respect to any alleged
19 violation that the Board of Ethics has voted to consider or about which the Board of Ethics
20 has received a complaint as of the effective date of this Act.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Gallot

HB No. 1203

Abstract: Provides that the Board of Ethics shall not vote to issue charges based on an alleged violation of the ethics code after the shorter of: (1) one year following receipt of the complaint or, if no complaint was received, the date the board voted to consider the alleged violation or (2) four years after the occurrence of the alleged violation.

Present law (R.S. 42:1141(C)(3)(c)) provides that if the Board of Ethics does not issue charges within one year from the date upon which a sworn complaint is received or, if no

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ORIGINAL
HB NO. 1203

sworn complaint was received, within one year from the date the board voted to consider the matter, the matter shall be dismissed.

Present law (R.S. 42:1163) provides that no action to enforce any provision of present law (Code of Governmental Ethics) shall be commenced after the expiration of two years following the discovery of the occurrence of the alleged violation, or four years after the occurrence of the alleged violation, whichever period is shorter.

Proposed law repeals present law.

Proposed law provides that the Board of Ethics shall not vote to issue charges based on an alleged violation of any provision of present law (Code of Governmental Ethics) after the expiration of the shorter of the following periods:

- (1) One year following receipt by the board of the complaint of the alleged violation or, if no complaint was received, the date the board voted to consider the alleged violation.
- (2) Four years after the occurrence of the alleged violation.

Proposed law provides that "receipt by the board" means receipt by a member of the board, a member of the staff of the board, or any person employed by or acting on behalf of the board, whichever occurs earliest.

(Amends R.S. 42:1169(E); Adds R.S. 42:1163.1; Repeals R.S. 42:1141(C)(3)(c) and 1163)

HLS 10RS-1108

ENGROSSED
HCR NO. 51

1 THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby
2 urge and request the Board of Ethics to work with the office of facility planning and control
3 to determine the potential costs and feasibility of installing audio-video equipment in the
4 board's meeting room to record, broadcast, and archive recordings of board meetings and to
5 report its findings to the House Committee on House and Governmental Affairs and the
6 Senate Committee on Senate and Governmental Affairs by May 1, 2010.

7 BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the
8 chairman of the Board of Ethics and the commissioner of administration.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Gallot

HCR No. 51

Requests the Board of Ethics to work with the office of facility planning and control to determine the potential costs and feasibility of installing audio-video equipment in the board's meeting room to record, broadcast, and archive recordings of board meetings and to report its findings to the House Committee on House and Governmental Affairs and the Senate Committee on Senate and Governmental Affairs by May 1, 2010.

SLS 10RS-383

ORIGINAL

Regular Session, 2010

SENATE BILL NO. 72

BY SENATOR APPEL

ETHICS. Provides that certain provisions of the Code of Governmental Ethics are applicable to judges. (8/15/10)

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AN ACT

To amend and reenact R.S. 42:1170(A)(1) and to enact R.S. 42:1124.2(A)(5), relative to ethical standards for public servants; to provide for financial disclosure requirements and mandatory ethics education of appointed and elected judges; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 42:1170(A)(1) is hereby amended and reenacted and R.S. 42:1124.2(A)(5) is hereby enacted to read as follows:

§1124.2. Financial disclosure; certain elected officials; members of certain boards and commissions; ethics administrator; judges

A. Each of the following, except a person who is required to file a financial statement pursuant to R.S. 42:1124, shall annually file a financial statement as provided in this Section:

- (1) Each member of the state legislature.
- (2) Each person holding a public office who represents a voting district having a population of five thousand or more persons.
- (3) Each member of the Board of Ethics and the ethics administrator.

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(4) Each member of the State Board of Elementary and Secondary Education.

(5) Each member holding an appointed or elected position of judge to the supreme court, courts of appeal, district courts, or other courts authorized by Article V of the Constitution of Louisiana.

* * *

§1170. Ethics education; mandatory requirements; ethics designee

A.(1) Commencing with terms of office beginning January 1, 2008, and thereafter, each statewide elected official, legislator, **appointed and elected judge**, and public service commissioner shall receive a minimum of one hour of education and training on the Code of Governmental Ethics during each year of his term of office. All newly elected officials shall receive the required one hour of education training on the Code of Governmental Ethics within the first ninety days after taking the oath of office. In addition, each statewide elected official, legislator, **appointed and elected judge**, and public service commissioner shall receive a minimum of one hour of education and training on the Campaign Finance Disclosure Act during his term of office.

* * *

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Ann S. Brown.

DIGEST

Present law provides that an annual financial statement must be filed by the following persons:

- (1) Legislators.
- (2) Elected officials representing a voting district with a population of 5,000 or more.
- (3) Board of Ethics members and the ethics administrator.
- (4) BESE members.

Proposed law retains present law and extends the financial disclosure requirements to appointed and elected judges.

Present law provides for mandatory ethics educational training for statewide elected officials, legislators, and the public service commissioner. The training requirements are:

- (a) The Code of Governmental Ethic ----- training annually.

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(b) The Campaign Finance Disclosure Act ----- training during their term of office.

Proposed law retains present law and extends the mandatory ethics educational training requirements to appointed and elected judges.

Effective August 15, 2010.

(Amends R.S. 42:1170(A)(1); adds R.S. 42:1124.2(A)(5))

SLS 10RS-394

ORIGINAL

Regular Session, 2010

SENATE BILL NO. 126

BY SENATOR ADLEY

ETHICS. Provides that the provisions of the Code of Governmental Ethics prohibiting or restricting contracts involving the secretary, deputy secretary, undersecretary, and assistant secretary, or equivalent position of each state department shall also apply to the spouses and immediate family members of such officials. (gov sig)

1

AN ACT

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To amend and reenact R.S. 42:1113(D)(1)(a)(i) and (b)(i) and to repeal R.S. 42:1113(D)(6),

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relative to conflicts of interest; to provide relative to certain contracts involving

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certain public servants and certain affiliated persons and entities; to provide

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restrictions on certain contracts with respect to certain persons; and to provide for

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related matters.

7

Be it enacted by the Legislature of Louisiana:

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Section 1. R.S. 42:1113(D)(1)(a)(i) and (b)(i) are hereby amended and reenacted to

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read as follows:

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§1113. Prohibited contractual arrangements; exceptions; reports

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* * *

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D.(1)(a)(i) No person identified in Item (ii) of this Subparagraph, ~~nor~~ or the

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spouse **or immediate family members** of such person, nor any legal entity of a **such**

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person shall enter into any contract with state government.

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* * *

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(b)(i) No immediate family member, ~~except the spouse;~~ **including the**

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spouse, of a person identified in Item (a)(ii) of this Paragraph, nor any legal entity

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1 of a family member shall enter into any contract with state government unless the
 2 contract is awarded by competitive bidding after being advertised and awarded in
 3 accordance with Part II of Chapter 10 of Title 38 of the Louisiana Revised Statutes
 4 of 1950 or is competitively negotiated through a request for proposal process or any
 5 similar competitive selection process in accordance with Chapter 16 or 17 of Title
 6 39 of the Louisiana Revised Statutes of 1950; however, this exception for
 7 competitively negotiated contracts shall not include contracts for consulting services.

8 * * *

9 Section 2. R.S. 42:1113(D)(6) is hereby repealed in its entirety.

10 Section 3. This Act shall become effective upon signature by the governor or, if not
 11 signed by the governor, upon expiration of the time for bills to become law without signature
 12 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 13 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 14 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part
 of the legislative instrument, were prepared by Alden A. Clement, Jr.

DIGEST

Present law, with respect to contractual arrangements under the Code of Governmental Ethics, provides that none of the following persons, nor the spouse, nor any legal entity of such person, is permitted to enter into any contract with state government:

- (1) A legislator and any person who has been certified by the secretary of state as elected to the legislature.
- (2) The governor and each person holding statewide elected office.
- (3) The secretary, deputy secretary, undersecretary, and each assistant secretary, or the equivalent position of the Department of Economic Development.
- (4) The secretary, deputy secretary, undersecretary, and each assistant secretary, or the equivalent position of the Department of Culture, Recreation and Tourism.
- (5) The secretary, deputy secretary, undersecretary, and each assistant secretary, or the equivalent position of the Department of Environmental Quality.
- (6) The secretary, deputy secretary, undersecretary, and each assistant secretary, or the equivalent position of the Department of Health and Hospitals.
- (7) The secretary, deputy secretary, undersecretary, and each assistant secretary, or the equivalent position of the Department of Labor.

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- (8) The secretary, deputy secretary, undersecretary, and each assistant secretary, or the equivalent position of the Department of Natural Resources.
- (9) The secretary, deputy secretary, undersecretary, and each assistant secretary, or the equivalent position of the Department of Public Safety and Corrections and any warden or assistant warden of a state penal institution.
- (10) The secretary, deputy secretary, undersecretary, and each assistant secretary, or the equivalent position of the Department of Revenue.
- (11) The secretary, deputy secretary, undersecretary, and each assistant secretary, or the equivalent position of the Department of Social Services.
- (12) The secretary, deputy secretary, undersecretary, and each assistant secretary, or the equivalent position of the Department of Transportation and Development.
- (13) The secretary, deputy secretary, undersecretary, and each assistant secretary, or the equivalent position of the Department of Wildlife and Fisheries.
- (14) The secretary, deputy secretary, undersecretary, and each assistant secretary, or the equivalent position of the Department of Veterans Affairs.
- (15) The executive secretary of the Public Service Commission.
- (16) The director of state civil service.
- (17) Each member of the State Board of Elementary and Secondary Education.
- (18) The commissioner of higher education and the president of each public postsecondary education system.
- (19) Each member of the Board of Ethics and the ethics administrator.
- (20) The chief of staff to the governor.
- (21) The commissioner of the division of administration.
- (22) The executive counsel to the governor.
- (23) The legislative director for the governor.
- (24) The deputy chief of staff to the governor.
- (25) The director of policy for the governor.
- (26) The assistant commissioner for management and finance, the deputy commissioner, the confidential assistant, and each assistant commissioner of the Department of Agriculture and Forestry.
- (27) The superintendent of education, the deputy superintendent of education, the deputy superintendent for management and finance, and each assistant superintendent of the Department of Education.
- (28) The chief deputy commissioner, each deputy commissioner, the assistant commissioner, and the executive counsel of the Department of Insurance.
- (29) The first assistant attorney general of the Department of Justice.

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- (30) The deputy secretary of the Department of State, the deputy secretary for the office of the Uniform Commercial Code, and the deputy secretary for the office of GeauxBiz or his successor.
- (31) Each deputy state treasurer and each assistant state treasurer of the Department of the Treasury.

Proposed law extends the prohibition contained in present law to the immediate family members of the persons enumerated in present law. Proposed law otherwise retains present law.

Present law further provides that no immediate family member, except the spouse, of any of the persons enumerated in present law, nor any legal entity of a family member of such person, are permitted to enter into any contract with state government unless the contract is awarded by competitive bidding pursuant to present law or is competitively negotiated through a request for proposal process or any similar competitive selection process in accordance with present law. Present law provides that this exception for competitively negotiated contracts does not include contracts for consulting services.

Proposed law extends the prohibition contained in present law to the spouse of the persons enumerated in present law. Proposed law otherwise retains present law.

Present law further provides that the prohibitions contained in present law do not apply to the spouses and immediate family members of the deputy secretaries, undersecretaries, assistant secretaries, or equivalent positions in the following agencies:

- (1) Department of Economic Development.
- (2) Department of Culture, Recreation, and Tourism.
- (3) Department of Environmental Quality.
- (4) Department of Health and Hospitals.
- (5) Department of Labor.
- (6) Department of Natural Resources.
- (7) Department of Public Safety and Corrections.
- (8) Department of Revenue.
- (9) Department of Social Services.
- (10) Department of Transportation and Development.
- (11) Department of Wildlife and Fisheries.
- (12) Department of Veterans Affairs.
- (13) Department of Agriculture and Forestry.
- (14) Department of Education.
- (15) Department of Insurance.
- (16) Department of Justice.

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(17) Department of State.

(18) Department of the Treasury.

Proposed law deletes the exemption from present law provided to the spouses and immediate family members of the deputy secretaries, undersecretaries, assistant secretaries, or equivalent positions in the agencies enumerated in present law.

Proposed law otherwise retains present law.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 42:1113(D)(1)(a)(i) and (b)(i); repeals R.S. 42:1113(D)(6))

SLS 10RS-890

ORIGINAL

Regular Session, 2010

SENATE BILL NO. 277

BY SENATOR MARTINY

ETHICS. Provides relative to disclosure of gifts made to institutions of higher education by foreign governments, persons, and entities. (8/15/10)

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AN ACT

To enact R.S. 42:1113.2, relative to the Code of Governmental Ethics; to provide relative to disclosure of gifts made to institutions of higher education by certain entities and individuals; to provide for definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 42:1113.2 is hereby enacted to read as follows:

§1113.2. Disclosure of gifts made to higher education institutions by foreign governments, persons, and entities

A. As used in this Section the following terms shall have the following meanings unless the context clearly requires otherwise:

(1) "Foreign government" shall mean any government other than the United States government or the government of a state or a political subdivision thereof and shall include an agent of such government.

(2) "Foreign legal entity" shall mean any of the following:

(a) Any legal entity created under the laws of a foreign government.

(b) Any legal entity created under the laws of the United States or of any state of the United States if a majority of the ownership of the stock of such legal

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1 entity is directly or indirectly owned legally or beneficially by one or more
2 foreign governments or one or more foreign persons or one or more legal
3 entities created under the laws of a foreign government or if a majority of the
4 membership of any such entity is composed of foreign persons or legal entities
5 created under the laws of a foreign government and shall include an agent of
6 such legal entity.

7 (3) "Fiscal year" shall mean the fiscal year of the respective higher
8 education institution.

9 (4) "Foreign person" shall mean any individual who is not a citizen or
10 national of the United States or a trust territory or protectorate of the United
11 States and shall include an agent of such individual.

12 (5) "Gift" shall mean an endowment, scholarship, gift, donation, grant,
13 or award of money or property of any kind. "Gift" shall also include entering
14 into a contract or other agreement to make a gift.

15 (6) "Higher education institution" shall mean each public or private
16 postsecondary, academic degree-granting institution offering instruction in the
17 state which is required by R.S. 17:1808 to register with the Board of Regents.

18 B.(1) Every higher education institution in this state shall disclose the
19 amount, terms, restrictions, and requirements attached to or made a part of any
20 gift of a value in excess of one hundred thousand dollars made to such
21 institution by a foreign government, foreign legal entity, or foreign person in
22 any fiscal year. If the foreign government, foreign legal entity, or foreign
23 person makes more than one gift to an institution in any fiscal year, and the
24 total value of those gifts in such fiscal year exceeds one hundred thousand
25 dollars, the institution shall disclose all of such gifts received.

26 (2) The disclosure required by this Section shall be made in a report to
27 the Board of Regents, which report shall be filed with the Board of Regents and
28 the Board of Ethics no later than thirty days after the final day of the
29 institution's fiscal year.

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1 **C. The report required by Subsection B of this Section shall include all**
2 **of the following:**

3 **(1) The amount of the gift and the date on which the gift was made to the**
4 **higher education institution.**

5 **(2) If the gift is conditional, matching, or designated for a particular**
6 **purpose, full details of the conditions, matching provisions, or designation.**

7 **(3) The name of the foreign government, in the case of a gift by a foreign**
8 **government.**

9 **(4) The name of the foreign country in which a foreign entity or foreign**
10 **person is principally located or resides in the case of a gift by a foreign entity or**
11 **foreign person.**

12 **(5) The name of the foreign entity, in the case of a gift which either:**

13 **(a) Contains conditions or restrictions regarding the control of**
14 **curricula, employment or termination of faculty, admission of students, or**
15 **student fees .**

16 **(b) Is contingent upon the agreement of the institution to take any**
17 **specific public position or actions or to award any honorary degree.**

18 **(6) The purpose or purposes for which the gift will be used.**

19 **D. The report and all information in the report shall be a public record.**

20 **E. Any gift subject to disclosure as required by this Section that is not**
21 **disclosed as required in this Section shall be forfeited to the treasury of the state**
22 **of Louisiana and the institution of higher education shall forfeit such gift to the**
23 **state treasurer not later than sixty days after the day the disclosure report in**
24 **which the gift should have been disclosed was required to be filed with the**
25 **Board of Regents and the Board of Ethics.**

26 **F. At the request of the Board of Regents, the attorney general may file**
27 **a civil action to compel a higher education institution to comply with the**
28 **provisions of this Section.**

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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Alden A. Clement, Jr.

DIGEST

Proposed law provides the following definitions relative to proposed law:

- (1) "Foreign government" means any government other than the United States government or the government of a state or a political subdivision thereof and shall include an agent of such government.
- (2) "Foreign legal entity" means any of the following:
 - (a) Any legal entity created under the laws of a foreign government.
 - (b) Any legal entity created under the laws of the United States or of any state of the United States if a majority of the ownership of the stock of such legal entity is directly or indirectly owned legally or beneficially by one or more foreign governments or one or more foreign persons or one or more legal entities created under the laws of a foreign government or if a majority of the membership of any such entity is composed of foreign persons or legal entities created under the laws of a foreign government and shall include an agent of such legal entity.
- (3) "Fiscal year" means the fiscal year of the respective higher education institution.
- (4) "Foreign person" means any individual who is not a citizen or national of the United States or a trust territory or protectorate of the United States and shall include an agent of such individual.
- (5) "Gift" means an endowment, scholarship, gift, donation, grant, or award of money or property of any kind. "Gift" also includes entering into a contract or other agreement to make a gift.
- (6) "Higher education institution" means each public or private postsecondary, academic degree-granting institution offering instruction in the state which is required by present law to register with the Board of Regents.

Proposed law provides that every higher education institution in this state must disclose the amount, terms, restrictions, and requirements attached to or made a part of any gift of a value in excess of \$100,000 made to such institution by a foreign government, foreign legal entity, or foreign person in any fiscal year. Proposed law further provides that if the foreign government, foreign legal entity, or foreign person makes more than one gift to an institution in any fiscal year, and the total value of those gifts in such fiscal year exceeds \$100,000, the institution must disclose all of such gifts received.

Proposed law provides that the disclosure required by proposed law is to be made in a report to the Board of Regents, which report is to be filed with the Board of Regents and the Board of Ethics no later than 30 days after the final day of the institution's fiscal year.

Proposed law provides that the report required by proposed law is to include all of the following:

- (1) The amount of the gift and the date on which the gift was made to the higher education institution.
- (2) If the gift is conditional, matching, or designated for a particular purpose, full details

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of the conditions, matching provisions, or designation.

- (3) The name of the foreign government, in the case of a gift by a foreign government.
- (4) The name of the foreign country in which a foreign entity or foreign person is principally located or resides in the case of a gift by a foreign entity or foreign person.
- (5) The name of the foreign entity, in the case of a gift which either:
 - (a) Contains conditions or restrictions regarding the control of curricula, employment or termination of faculty, admission of students, or student fees.
 - (b) Is contingent upon the agreement of the institution to take any specific public position or actions or to award any honorary degree.
- (6) The purpose or purposes for which the gift will be used.

Proposed law provides that the report and all information in the report will be a public record.

Proposed law provides that any gift subject to disclosure as required by proposed law that is not disclosed as required by proposed law is to be forfeited to the treasury of the state and the institution of higher education is to forfeit such gift to the state treasurer not later than 60 days after the day the disclosure report in which the gift should have been disclosed was required to be filed with the Board of Regents and the Board of Ethics.

Proposed law provides that, at the request of the Board of Regents, the attorney general may file a civil action to compel a higher education institution to comply with the provisions of proposed law.

Effective August 15, 2010.

(Adds R.S. 42:1113.2)

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ORIGINAL

Regular Session, 2010

SENATE BILL NO. 310

BY SENATOR KOSTELKA

ETHICS. Provides relative to the Code of Governmental Ethics. (gov sig)

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AN ACT

To amend and reenact R.S. 42:1141(C)(4)(a) and (c) and (5) and (E)(10) and 1142(E), relative to enforcement of laws within the jurisdiction of the Board of Ethics; to provide relative to the powers, functions, and duties of the Ethics Adjudicatory Board; to provide relative to appeals of board decisions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 42:1141(C)(4)(a) and (c) and (5) and (E)(10) and 1142(E) are hereby amended and reenacted to read as follows:

§1141. Procedure; adjudicatory board

* * *

C. Investigation and hearing.

* * *

(4)(a) The director of the division of administrative law shall randomly select seven administrative law judges from among those who meet the qualifications to comprise the Ethics Adjudicatory Board. **The last selected judge shall serve as the alternate.** Members of the adjudicatory board shall have not less than two years of

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1 experience as an administrative law judge or not less than ten years experience in the
2 practice of law.

3 * * *

4 (c) **Selection. (i)** The members of the Ethics Adjudicatory Board shall be
5 randomly selected at a public meeting of the Board of Ethics, from among the names
6 of all administrative law judges who meet the qualifications. ~~The members of the~~
7 ~~first Ethics Adjudicatory Board shall be selected by August 15, 2008.~~ The initial
8 **current** Ethics Adjudicatory Board shall serve ~~until January 1, 2009~~ **through**
9 **December 31, 2010**. Thereafter, the adjudicatory board members shall be selected
10 annually to **each** serve a ~~one-year~~ **two-year** term from January first through
11 December thirty-first. ~~The adjudicatory board members for the years 2009 and~~
12 ~~beyond shall be randomly selected at~~ **the December** a public meeting held by the
13 Board of Ethics in ~~December of the preceding year~~ **even-numbered years**. There
14 shall be no limitation on the number of times a qualified member may be selected to
15 serve.

16 **(ii) A vacancy on either three-judge panel shall be filled by the alternate**
17 **judge.**

18 **(iii) A vacancy on the Ethics Adjudicatory Board shall be filled for the**
19 **unexpired term at the next public meeting of the Board of Ethics and in the**
20 **same manner as for the original selection. The last selected judge shall serve as**
21 **the alternate.**

22 * * *

23 (5) If the ethics adjudicatory panel determines that a violation has occurred
24 and prescribes authorized penalties or other sanctions, **the public servant or person**
25 **may appeal as set forth in R.S. 42:1142** the Board of Ethics shall, within forty-five
26 days of the issuance of the determination by the ethics adjudicatory panel, issue a
27 decision adopting the determination of the ethics adjudicatory panel.

28 * * *

29 E. Procedure. * * *

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1 (10) Any public servant or other person who is aggrieved by any action taken
 2 by a panel of the Board of Ethics may request a review of the panel's decision by
 3 the board **full Board of Ethics** within thirty days of the panel's decision. The board
 4 shall determine whether or not to review the panel's action within thirty days of the
 5 request for review.

6 * * *

7 §1142. Appeals

8 * * *

9 E. A decision of the Ethics Adjudicatory Board or a panel thereof **is a final**
 10 **decision that** may be appealed under this Section ~~in the same manner as a decision~~
 11 ~~of the Board of Ethics~~ **within thirty days after the mailing of the notice of the**
 12 **decision, or if a rehearing is requested, within thirty days after mailing of the**
 13 **decision on the rehearing.**

14 Section 2. This Act shall become effective upon signature by the governor or, if not
 15 signed by the governor, upon expiration of the time for bills to become law without signature
 16 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 17 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 18 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part
 of the legislative instrument, were prepared by Alden A. Clement, Jr.

DIGEST

Present law provides that the director of the division of administrative law is to randomly select seven administrative law judges from among those who meet the qualifications to comprise the Ethics Adjudicatory Board. Present law provides that members of the adjudicatory board must have at least two years of experience as an administrative law judge or not less than ten years experience in the practice of law.

Proposed law retains present law and further provides that the last selected judge will serve as the alternate.

Present law provides that the members of the Ethics Adjudicatory Board are to be randomly selected at a public meeting of the Board of Ethics from among the names of all administrative law judges who meet the qualifications. Present law provides that the initial Ethics Adjudicatory Board will serve until January 1, 2009, and thereafter the adjudicatory board members shall be selected annually to serve a one year term from January 1st through December 31st. Present law provides that the adjudicatory board members for the years 2009 and beyond are to be randomly selected at a public meeting held by the Board of Ethics

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in December of the preceding year. Present law provides that there will be no limitation on the number of times a qualified member may be selected to serve.

Proposed law provides that the current Ethics Adjudicatory Board will serve through December 31, 2010, and thereafter the adjudicatory board members will be selected to each serve a two-year term from January first through December thirty-first at the December public meeting held by the Board of Ethics in even-numbered years.

Proposed law further provides that a vacancy on either three-judge panel is to be filled by the alternate judge, and a vacancy on the Ethics Adjudicatory Board is to be filled for the unexpired term at the next public meeting of the Board of Ethics and in the same manner as for the original selection, with the last selected judge serving as the alternate.

Proposed law otherwise retains present law.

Present law provides that if the ethics adjudicatory panel determines that a violation has occurred and prescribes authorized penalties or other sanctions, the Board of Ethics must issue a decision adopting the determination of the ethics adjudicatory panel within 45 days of the issuance of the determination by the ethics adjudicatory panel.

Proposed law deletes the provision of present law requiring the Board of Ethics to adopt the determination of the ethics adjudicatory panel, and further provides that if the ethics adjudicatory panel determines that a violation has occurred and prescribes authorized penalties or other sanctions, the public servant or person may appeal as set forth in present law.

Present law provides that a decision of the Ethics Adjudicatory Board or a panel thereof may be appealed under present law in the same manner as a decision of the Board of Ethics.

Proposed law provides that a decision of the Ethics Adjudicatory Board or a panel thereof is a final decision that may be appealed under present law within 30 days after the mailing of the notice of the decision, or if a rehearing is requested, within 30 days after mailing of the decision on the rehearing.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 42:1141(C)(4)(a) and (c) and (5) and (E)(10) and 1142(E))

SLS 10RS-434

ORIGINAL

Regular Session, 2010

SENATE BILL NO. 418

BY SENATOR KOSTELKA

ETHICS. Provides relative to the Code of Governmental Ethics. (gov sig)

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AN ACT

To amend and reenact R.S. 42:1141(C)(3)(a), (c) and (d) and 1163, and to enact R.S. 42:1141(C)(3)(e), relative to enforcement of laws within the jurisdiction of the Board of Ethics; to provide for procedures relative to such enforcement; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 42:1141(C)(3)(a), (c) and (d) and 1163 are hereby amended and reenacted and R.S. 42:1141(C)(3)(e) is hereby enacted to read as follows:

§1141. Procedure; adjudicatory board

* * *

C. Investigation and hearing.

* * *

(3)(a) If the board determines following an investigation that a public hearing should be conducted, the board shall issue charges **in a letter sent by certified mail to the person accused of a violation ("charges")**. A public hearing shall be conducted to receive evidence relative to the facts alleged in the charges and to determine whether any violation of any provision of law within the jurisdiction of

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1 the board has occurred. The public hearing on such charges shall be conducted by
2 the Ethics Adjudicatory Board in accordance with the Administrative Procedure Act
3 and this Part.

4 * * *

5 (c) ~~If the board does not issue charges~~ **A matter shall be dismissed if the**
6 **board does not issue charges** within one year from the date upon which a **signed**
7 **sworn complaint is was received by the board or its staff** or, if no sworn complaint
8 ~~was received, within one year from the date the board voted to consider the matter;~~
9 ~~the matter shall be dismissed.~~

10 (d) **If no signed sworn complaint was received, a matter shall be**
11 **dismissed if either:**

12 (i) **The board does not issue charges within two years from the date the**
13 **board or its staff discovers the alleged violation.**

14 (ii) **The board does not issue charges within one year from the date the**
15 **board voted to consider the matter as provided for in Subsection B.**

16 (d) (e) The board shall consider offering a consent opinion to each person
17 who is the subject of an investigation.

18 * * *

19 §1163. Prescription

20 ~~No action~~ **The Board of Ethics shall not issue charges** to enforce any
21 provision of this Chapter ~~shall be commenced~~ after the expiration of ~~two~~ **four** years
22 following ~~the discovery of the occurrence of the alleged violation, or four years after~~
23 ~~the occurrence of the alleged violation, whichever period is shorter.~~ **This four year**
24 **period is a preemptive period that may not be interrupted.**

25 Section 2. This Act shall become effective upon signature by the governor or, if not
26 signed by the governor, upon expiration of the time for bills to become law without signature
27 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
28 vetoed by the governor and subsequently approved by the legislature, this Act shall become
29 effective on the day following such approval.

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ORIGINAL
SB NO. 418

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Alden A. Clement, Jr.

DIGEST

Present law provides that if the Board of Ethics determines following an investigation that a public hearing should be conducted, the board is to issue charges and a public hearing will be conducted to receive evidence relative to the facts alleged in the charges and to determine whether any violation of any provision of law within the jurisdiction of the board has occurred. Present law provides that the public hearing on such charges will be conducted by the Ethics Adjudicatory Board in accordance with present law.

Proposed law provides that if the Board of Ethics determines following an investigation that a public hearing should be conducted, the board must issue charges in a letter sent by certified mail to the person accused of a violation, to be known as the "charges."

Present law provides that if the board does not issue charges within one year from the date upon which a sworn complaint is received or, if no sworn complaint was received, within one year from the date the board voted to consider the matter, then the matter is to be dismissed.

Proposed law specifies that a sworn complaint must be signed, and that such complaint can be received by the board or its staff.

Proposed law further provides that a matter is to be dismissed if the board does not issue charges within one year from the date upon which a signed sworn complaint was received by the board or its staff.

Proposed law further provides that if no signed sworn complaint was received, a matter is to be dismissed if either:

- (1) The board does not issue charges within two years from the date the board or its staff discovers the alleged violation.
- (2) The board does not issue charges within one year from the date the board voted to consider the matter as provided for in present law.

Present law provides that the board is required to consider offering a consent opinion to each person who is the subject of an investigation.

Present law provides that no action to enforce any provision of present law (Code of Governmental Ethics) can be commenced after the expiration of two years following the discovery of the occurrence of the alleged violation, or four years after the occurrence of the alleged violation, whichever period is shorter.

Proposed law provides that the Board of Ethics cannot issue charges to enforce any provision of present law (Code of Governmental Ethics) after the expiration of four years following the occurrence of the alleged violation, and specifies that this four year period is a preemptive period that may not be interrupted.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 42:1141(C)(3)(a), (c) and (d) and 1163; adds R.S. 42:1141(C)(3)(e))

SLS 10RS-881

ORIGINAL

Regular Session, 2010

SENATE BILL NO. 470

BY SENATOR LONG

ETHICS. Provides relative to conflicts of interest. (8/15/10)

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AN ACT

To enact R.S. 42:1123(18)(d), relative to conflicts of interest; to provide that certain children of members of boards of commissioners of certain hospitals may contract with such hospitals under certain circumstances; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 42:1123(18)(d) is hereby enacted to read as follows:

§1123. Exceptions

This Part shall not preclude:

* * *

(18)(a) * * *

(d) Any child of a member of a board of commissioners, which child is a licensed physician, for any hospital service district authorized by Chapter 10 of Title 46 of the Louisiana Revised Statutes of 1950, located within a parish that has a population of fifty thousand or less or for a hospital that is specified as rural, from contracting with the hospital over which the board exercises jurisdiction, from subcontracting with another provider who contracts with such hospital, or from owning an interest in any entity that contracts with such

SLS 10RS-1038

ORIGINAL

Regular Session, 2010

SENATE BILL NO. 477

BY SENATOR N. GAUTREAUX

ETHICS. Requires certain public servants to disclose certain financial information.
(8/15/10)

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AN ACT

To amend and reenact R.S. 42:1124(A)(6), relative to financial disclosure; to provide disclosure requirements for certain public servants; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 42:1124(A)(6) is hereby amended and reenacted to read as follows:

§1124. Financial disclosure; statewide elected officials; certain public servants

A. The following persons shall annually file a financial statement as provided in this Section:

* * *

(6) The commissioner of the division of administration, the commissioner of conservation, the commissioner of financial institutions, the commissioner of insurance, the commissioner of public finance, and the commissioner of public property.

* * *

SLS 10RS-1038

ORIGINAL
SB NO. 477

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Alden A. Clement, Jr.

DIGEST

Present law provides that the following persons must annually file a financial statement as provided in present law:

- (1) Each person holding statewide elected office.
- (2) The secretary of each of the following departments of state government:
 - (a) The Department of Economic Development.
 - (b) The Department of Culture, Recreation and Tourism.
 - (c) The Department of Environmental Quality.
 - (d) The Department of Health and Hospitals.
 - (e) The Department of Labor.
 - (f) The Department of Natural Resources.
 - (g) The Department of Public Safety and Corrections.
 - (h) The Department of Revenue.
 - (i) The Department of Social Services.
 - (j) The Department of Transportation and Development.
 - (k) The Department of Wildlife and Fisheries.
 - (l) The Department of Veterans Affairs.
- (3) The executive secretary of the Public Service Commission.
- (4) The director of state civil service.
- (5) The superintendent of education, the commissioner of higher education, and the president of each public postsecondary education system.
- (6) The commissioner of the division of administration.
- (7) The policy director in the office of the governor.
- (8) The chief of staff of the office of the governor.
- (9) The executive counsel to the governor.
- (10) The deputy chief of staff of the office of the governor.
- (11) The legislative director in the office of the governor.

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Proposed law retains present law and also provides that the following public servants must also file the financial statements provided for by present law:

- (1) The commissioner of conservation.
- (2) The commissioner of financial institutions.
- (3) The commissioner of insurance.
- (4) The commissioner of public finance.
- (5) The commissioner of public property.

Effective August 15, 2010.

(Amends R.S. 42:1124(A)(6))

SLS 10RS-570

ORIGINAL

Regular Session, 2010

SENATE BILL NO. 492

BY SENATOR NEVERS

ETHICS. Brings the governing boards of charter schools under the financial disclosure requirements of the Ethics Code. (8/15/10)

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AN ACT

To enact R.S. 42:1124.2.1(A)(4), relative to financial disclosure; to provide that members of the governing or management board of a charter school are subject to certain financial disclosure requirements; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 42:1124.2.1(A)(4) is hereby enacted to read as follows:

§1124.2.1 Financial disclosure; members of boards and commissions

A. Each of the following, except a person who is required to file a financial statement pursuant to R.S. 42:1124 or 1124.2, shall annually file a financial statement as provided in this Section:

* * *

(4) Each member of the governing authority or management board of a charter school created pursuant to Chapter 42 of Title 17.

* * *

SLS 10RS-570

ORIGINAL
SB NO. 492

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Alden A. Clement, Jr.

DIGEST

Present law provides that each of the following persons, except a person who is required to file a financial statement pursuant under "Tier 1" or "Tier 2" of present law, must annually file a financial statement with the Board of Ethics as provided for in present law relative to "Tier 2.1" reporting requirements:

- (1) Each member and any designee of a member of a board or commission that has the authority to expend, disburse, or invest ten thousand dollars or more of funds in a fiscal year.
- (2) Each member of the State Civil Service Commission.
- (3) Each member of the Board of Commissioners of the Louisiana Stadium and Exposition District.

Proposed law provides that each member of the governing authority or management board of a charter school created pursuant to present law must also file the "Tier 2.1" financial disclosure report required by present law.

Proposed law otherwise retains present law.

Effective August 15, 2010.

(Adds R.S. 42:1124.2.1(A)(4))

SLS 10RS-1053

ORIGINAL

Regular Session, 2010

SENATE BILL NO. 622

BY SENATOR WALSWORTH

ETHICS. Provides relative to conflict of interest laws. (gov sig)

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AN ACT

To amend and reenact R.S. 42:1123(32), relative to the Code of Governmental Ethics; to provide that any person who has a contract for advertising services with an agency is allowed to enter into contracts with any other person who engages in a transaction with that agency; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 42:1123(32) is hereby amended and reenacted to read as follows:

§1123. Exceptions

This Part shall not preclude:

* * *

(32) Any person who has a contract for advertising services with the Department of Culture, Recreation and Tourism, ~~the Department of Wildlife and Fisheries, the Department of Economic Development, or the Department of Agriculture and Forestry~~ from entering into contracts with any other person who engages in any transaction with the Department of Culture, Recreation and Tourism, the Department of Wildlife and Fisheries, the Department of Economic Development, or the Department of Agriculture and Forestry.

SLS 10RS-1053

ORIGINAL
SB NO. 622

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Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided in Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Alden A. Clement, Jr.

DIGEST

Present law provides that present law (Code of Governmental Ethics) does not preclude any person who has a contract for advertising services with the Department of Culture, Recreation and Tourism from entering into contracts with any other person who engages in any transaction with the Department of Culture, Recreation and Tourism.

Proposed law retains present law and further provides that any person who has a contract for advertising services with the Department of Wildlife and Fisheries, the Department of Economic Development, or the Department of Agriculture and Forestry is not prohibited from entering into contracts with any other person who engages in any transaction with those agencies.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 42:1123(32))

SLS 10RS-60

ORIGINAL

Regular Session, 2010

SENATE CONCURRENT RESOLUTION NO. 2

BY SENATOR MURRAY

ETHICS. Requests the Law Institute to study changes to the Code of Governmental Ethics enacted in the 2008 extraordinary and regular sessions and to make recommendations regarding those changes.

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A CONCURRENT RESOLUTION

To urge and request the Louisiana State Law Institute to study and make recommendations relative to the revisions to the Code of Governmental Ethics made by the Louisiana Legislature in the First Extraordinary Session of 2008 and the Regular Session of 2008.

WHEREAS, in the First Extraordinary Session of 2008 and the Regular Session of 2008, the Louisiana Legislature revised the Code of Governmental Ethics and revised the procedures by which the code is administered and enforced, and by which alleged violations of the code are adjudicated; and

WHEREAS, these revisions to the Code of Governmental Ethics provide that the Board of Ethics shall determine whether a public hearing should be conducted to receive evidence and determine whether a violation of the code has occurred, and provide that any such hearing is to be conducted before a panel of administrative law judges of the Division of Administrative Law, designated as the ethics adjudicatory panel; and

WHEREAS, these revisions to the Code of Governmental Ethics further provide that the Board of Ethics is required to close its file on a charged violation if the public hearing fails to disclose clear and convincing evidence to support the charge; and

WHEREAS, these revisions to the Code of Governmental Ethics further provide that

SLS 10RS-60

ORIGINAL
SCR NO. 2

1 the Board of Ethics is required to issue a decision adopting the determination of the ethics
2 adjudicatory panel if the panel determines that a violation has occurred; and

3 WHEREAS, there has been concern expressed by members of the Board of Ethics
4 with regard to the constitutionality and practicability of the system of administration,
5 enforcement, and adjudication established relative to the Code of Governmental Ethics in
6 the First Extraordinary Session of 2008 and the Regular Session of 2008;

7 THEREFORE, BE IT RESOLVED that the Legislature of Louisiana hereby urges
8 and requests that the Louisiana State Law Institute study and make recommendations with
9 regard to the changes made by the legislature during the 2008 first extraordinary and regular
10 sessions to the procedures by which the Code of Governmental Ethics is administered and
11 enforced, and by which alleged violations of the code are adjudicated.

12 BE IT FURTHER RESOLVED that the Legislature of Louisiana hereby urges and
13 requests that the Louisiana State Law Institute study and make recommendations with regard
14 to the following specific issues:

15 (1) Whether charges of violations of the Code of Governmental Ethics should be
16 brought by the Board of Ethics, or by another administrative body composed of retired
17 judges, or by some other body.

18 (2) Whether charges of alleged violations of the Code of Governmental Ethics should
19 be adjudicated by the Board of Ethics, or by a panel of administrative law judges, or by some
20 other body.

21 (3) Whether the Board of Ethics should be required to adopt the determinations of
22 the ethics adjudicatory panel, without right of appeal.

23 BE IT FURTHER RESOLVED that the Legislature of Louisiana hereby urges and
24 requests that the Louisiana State Law Institute report the results of its study findings and its
25 recommendations to the legislature prior to March 1, 2011.

SLS 10RS-60

ORIGINAL
SCR NO. 2

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Alden A. Clement, Jr.

DIGEST

Murray

SCR No.

Requests the La. State Law Institute to study and make recommendations relative to the revisions to the Code of Governmental Ethics made in the 2008 first extraordinary and regular sessions. Requests that the institute study and make recommendations with regard to whether charges of alleged violations of the Code of Governmental Ethics should be brought by the Board of Ethics or by some other body, whether charges of alleged violations of the code should be adjudicated by the board or by some other body, and whether some provision for the board to appeal panel decisions should be adopted.

Requests report to the legislature prior to March 1, 2011.

**2010 Regular Legislative Session
BILLS INVOLVING CAMPAIGN FINANCE**

Bill No.	Author	Summary	Position/Status
HB 414	Ligi	Authorizes the expenditure of campaign funds by electronic fund transfer	Assigned to Senate & Governmental Affairs
HB434	Pugh	Makes revisions to the election code to provide for the transmission of date of birth to the Board of Ethics for purposes of identifying candidates.	Assigned to House & Governmental Affairs
HB 750	Tucker	Increases the aggregate limits that candidates can receive from political committees	Assigned to House & Governmental Affairs
HB 1038	Greene	Requires elected officials who hold district or major level office to file additional campaign finance disclosure reports each April, July and October unless the official notifies the Board that he has a report due in connection with an election within 30 days of the due date of the report.	Assigned to House & Governmental Affairs
SB92	Murray	Provides for the hard copy filing of campaign finance reports that should be electronically filed, when the filer can certify that the Board's system is inoperable and impaired or when a computer is inaccessible or unavailable to the filer.	Pending House Referral
SB122	Adley	Provides for a constitutional amendment that the attorney general prosecute felony violations of the state campaign finance laws.	Assigned to Senate & Governmental Affairs
SB 252	Dorsey	Provides that purchase or rental of formal wear using campaign funds for a candidate's appearance at functions related to the candidate's campaign or holding of public office.	Assigned to Senate & Governmental Affairs
SB 259	Adley	Amends the Code of Criminal Procedure to provide that the attorney general institute and prosecute felony criminal violations of campaign finance laws.	Assigned to Senate Judiciary B

Bill No.	Author	Summary	Position/Status
SB 311	Kostelka	Raises the amount of expenditures that may be made in support of a proposition election from \$200 to \$1,000 before the person other than a candidate or political committee is required to file campaign finance disclosure reports; also provides that, with regard to contributions in the form of a payroll deduction or dues check-off system, the full name and address of a person is only disclosed if the person has contributed in excess of \$5 in a calendar year.	Assigned to Senate & Governmental Affairs
SB 319	Heitmeier	Adds as a ground on which the Board may object to a person's candidacy for office that the person falsely certified on his notice of candidacy that he has filed his state and federal income tax, has filed for an extension or is not required to file.	Assigned to Senate & Governmental Affairs
SB 333	Hebert	Provides that candidates who receive campaign contributions in excess of defined amounts must tender 50% of the surplus amounts to the Board of Ethics and that within 3 calendar days the Board will distribute the surplus in equal amounts to the other candidates in the election. Also provides that in connection with this provision the definition of candidate includes candidates for U.S. Senate and the U.S. House of Representatives.	Assigned to Senate & Governmental Affairs
SB 431	Hebert	Proposed constitutional amendment to provide that campaign contributions received by certain candidates in excess of defined amounts shall be equally distributed among all other candidates in the election.	Assigned to Senate & Governmental Affairs

HLS 10RS-432

ENGROSSED

Regular Session, 2010

HOUSE BILL NO. 414

BY REPRESENTATIVE LIGI

CAMPAIGN FINANCE: Authorizes the expenditure of campaign funds by electronic fund transfer

1

AN ACT

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To amend and reenact R.S. 18:1491.4(D) and 1495.2(D), relative to expenditures of campaign funds; to provide for certain methods of expending campaign funds; and to provide for related matters.

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Be it enacted by the Legislature of Louisiana:

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Section 1. R.S. 18:1491.4(D) and 1495.2(D) are hereby amended and reenacted to

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read as follows:

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§1491.4. Campaign treasurers; campaign depositories; expenditures ~~by check~~; petty cash fund

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D.(1) The chairman of each political committee shall designate one or more national or state banks or state or federally chartered savings and loan associations or savings banks, or state or federally chartered credit unions, as the campaign depositories of the committee and may invest in a money market mutual fund and designate such fund as a campaign depository. The committee chairman, the committee campaign treasurer, and any deputy treasurers shall deposit any contributions received by them into an account or accounts maintained at such depository or depositories. No expenditure shall be made by any committee chairman, committee campaign treasurer, deputy treasurer, or any other person on behalf of the committee, except by check drawn on such account or accounts, except

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ENGROSSED
HB NO. 414

1 as specifically provided in Paragraph (2) of this Subsection and Subsection E of this
 2 Section. Each check drawn on any such account shall be made payable to a specific
 3 person, except a check made payable to petty cash. Each check drawn on such an
 4 account shall indicate the objects or services for which such check is drawn and such
 5 check shall be maintained as part of the records required by R.S. 18:1491.5. The
 6 name and address of such campaign depository so designated shall be filed with the
 7 supervisory committee in the statement of organization required by R.S. 18:1491.1.
 8 If any additional depositories are designated, they shall be reported within ten days
 9 following such designation as required by R.S. 18:1491.1.

10 (2) An expenditure may be made by a committee chairman, committee
 11 campaign treasurer, deputy treasurer, or other authorized person on behalf of the
 12 committee by electronic funds transfer provided that the transfer of funds is to a
 13 specific person and that records are maintained as to the objects or services for which
 14 such transfer of funds was made. Detailed records of each electronic fund transfer
 15 shall be maintained as part of the records required by R.S. 18:1491.5.

* * *

17 §1495.2. Campaign treasurers; campaign depositories; expenditures ~~by check~~; petty
 18 cash fund

* * *

20 D.(1) The candidate shall designate one or more national or state banks or
 21 state or federally chartered savings and loan associations or savings banks, or state
 22 or federally chartered credit unions, as his campaign depositories and may invest in
 23 a money market mutual fund and designate such fund as a campaign depository. The
 24 candidate, his campaign treasurer, and any deputy treasurers shall deposit any
 25 contributions received by them into an account or accounts maintained at such
 26 depository or depositories. No expenditure shall be made by any candidate,
 27 campaign treasurer, deputy treasurer, or any other person on behalf of the candidate,
 28 except by check drawn on such account or accounts, except as specifically provided
 29 in Paragraph (2) of this Subsection and Subsection E of this Section. Each check

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1 drawn on any such account shall be made payable to a specific person, except a
 2 check made payable to petty cash. Each check drawn on such an account shall
 3 indicate the objects or services for which such check is drawn and such check shall
 4 be maintained as part of the records required by R.S. 18:1495.3. The name and
 5 address of each campaign depository so designated shall be filed with the
 6 supervisory committee in the first report after such designation. If any additional
 7 depositories are designated, they shall be reported in the first report following such
 8 designation.

9 (2) An expenditure may be made by the candidate, campaign treasurer,
 10 deputy treasurer, or other authorized person on behalf of the candidate by electronic
 11 funds transfer provided that the transfer of funds is to a specific person and that
 12 records are maintained as to the objects or services for which such transfer of funds
 13 was made. Detailed records of each electronic fund transfer shall be maintained as
 14 part of the records required by R.S. 18:1495.3.

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* * *

16 Section 2. This Act shall become effective upon signature by the governor or, if not
 17 signed by the governor, upon expiration of the time for bills to become law without signature
 18 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 19 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 20 effective on the day following such approval.

 DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Ligi

HB No. 414

Abstract: Authorizes expenditures of campaign funds by electronic funds transfer provided appropriate records are created and maintained.

Present law (Campaign Finance Disclosure Act--R.S. 18:1491.4 and 1495.2), relative to the expenditure of campaign funds, prohibits any expenditure of campaign funds except by check drawn on a designated campaign depository (bank, savings and loan, credit union, or money market mutual fund) or from a petty cash fund subject to certain restrictions. Requires each check to be made payable to a specific person, except a check made payable to petty cash. Requires each check to indicate the objects or services for which the check is

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ENGROSSED
HB NO. 414

drawn and requires the check to be maintained as part of the records required by present law (R.S. 18:1491.5 and 1495.3).

Proposed law additionally authorizes the expenditure of campaign funds by electronic funds transfer provided that the transfer of funds is to a specific person and that records are maintained as to the objects or services for which such transfer of funds was made. Requires detailed records of each electronic fund transfer to be maintained as part of the records required in present law (R.S. 18:1491.5 and 1495.3) and otherwise retains present law.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 18:1491.4(D) and 1495.2(D))

HLS 10RS-679

ORIGINAL

Regular Session, 2010

HOUSE BILL NO. 434

BY REPRESENTATIVE PUGH

ELECTION CODE: Makes revisions to the election code

1 AN ACT
2 To amend and reenact R.S. 18:102.1(B), 152(C)(2)(a), 152.1, 154(C),
3 425(A)(1)(b)(introductory paragraph), 428(D), 431(A)(1)(a), 433(B)(1) and (E)(2),
4 591, 602(A), (B), and (C), 604(B)(1) and (2)(a), 1254(D), 1284(F), 1299.1, 1307(H),
5 1308(B), 1314(B)(1), (C)(1)(b) and (3), and (D)(2), 1333(A), 1352, and
6 1505.2(H)(1)(c) and (2)(a)(introductory paragraph), (b), and (f), (I)(1), and
7 (R)(3)(a)(ii) and (b) and to enact R.S. 18:1307(I), relative to the Louisiana Election
8 Code; to revise the system of laws comprising the Louisiana Election Code; to
9 provide relative to records used by the registrar of voters; to provide relative to
10 disclosure of voter information; to provide relative to courses of instruction for
11 commissioners; to provide relative to vacancies in certain offices; to provide relative
12 to propositions submitted to voters at certain elections; to provide relative to
13 applying to vote absentee by mail; to provide relative to procedures for voting
14 absentee by mail; to provide relative to absentee by mail and early voting
15 commissioners; to provide relative to voting machines; to provide for the use of
16 paper ballots; and to provide for related matters.

17 Be it enacted by the Legislature of Louisiana:

18 Section 1. R.S. 18:102.1(B), 152(C)(2)(a), 152.1, 154(C), 425(A)(1)(b)(introductory
19 paragraph), 428(D), 431(A)(1)(a), 433(B)(1) and (E)(2), 591, 602(A), (B), and (C),
20 604(B)(1) and (2)(a), 1254(D), 1284(F), 1299.1, 1307(H), 1308(B), 1314(B)(1), (C)(1)(b)
21 and (3), and (D)(2), 1333(A), 1352, and 1505.2(H)(1)(c) and (2)(a)(introductory paragraph),

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HB NO. 434

1 §152.1. Destruction of records of the registrar of voters

2 If original records of a registrar of voters are destroyed as a result of
3 catastrophic loss or damage and there are no microfilm, microfiche, or scanned or
4 electronically captured computerized images of the original records of voters, every
5 attempt shall be made to re-create the records of voters who are not canceled.
6 Computer records from the secretary of state's database shall be deemed the original
7 records until such time as the records can be ~~recreated~~ re-created.

8 * * *

9 §154. Records open to inspection; copying; exceptions

10 * * *

11 C. Notwithstanding the provisions of this Section, neither the registrar nor
12 the Department of State shall disclose the fact that a registered voter is entitled to
13 assistance in voting or the social security number, driver's license number, day and
14 month of the date of birth, or mother's maiden name of a registered voter or circulate
15 the fact that registered voters are entitled to assistance in voting or the social security
16 numbers, driver's license numbers, day and month of the dates of birth, or mother's
17 maiden names of registered voters on commercial lists, except when voter
18 registration data is transmitted to the office of motor vehicles of the Department of
19 Public Safety and Corrections; for the purposes of verifying the accuracy and
20 authenticity of the social security number, driver's license number, or full date of
21 birth provided by the voter or when the full date of birth of a registered voter is
22 transmitted to the Board of Ethics to verify the identity of a candidate for purposes
23 of campaign finance reporting.

24 * * *

25 §425. Commissioners

26 A. Number. (1) In addition to the commissioner-in-charge, at the following
27 elections there shall be the following number of additional commissioners at each
28 precinct:

29 * * *

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1 H.(1)

2 * * *

3 (c) Notwithstanding the provisions of Subparagraph (a) of this Paragraph,
4 the contribution limit for contributions made to an unsuccessful major office
5 candidate, or the principal campaign committee and any subsidiary committee of
6 such unsuccessful candidate, who does not participate in the general election and for
7 the time period for which such candidate has a deficit for expenditures made through
8 the day of the primary election, shall be ten thousand dollars.

9 (2)(a) Notwithstanding the provisions of Paragraph (1) of this Subsection,
10 the following contribution limits are established for contributions by political
11 committees supporting or opposing a candidate for the following offices:

12 * * *

13 (b) Notwithstanding the provisions of Paragraph (1) and Subparagraph (2)(a)
14 of this Subsection, the following campaign contribution limits are established for
15 contributions by political committees supporting or opposing a candidate for the
16 following offices, the membership of which political committee exceeds two
17 hundred and fifty members as of the December thirty-first of the preceding calendar
18 year, and additionally provided that at least two hundred and fifty of the members
19 have each contributed at least fifty dollars to the political committee during the
20 preceding one-year period:

21 (i) Major office - ten thousand dollars.

22 (ii) District office - five thousand dollars.

23 (iii) Other office - two thousand dollars.

24 No contribution in excess of the limits contained in Subparagraph ~~(2)(a)~~ (a)
25 of this ~~Subsection~~ Paragraph shall be made by any political committee until such
26 membership certification is made on the statement of organization form required by
27 this Chapter and timely submitted to the supervisory committee by the applicable
28 due date. Any political committee certified under this Paragraph shall notify the

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1 supported candidate in writing at the time any contribution is made under this
2 Paragraph.

3 * * *
4 (f) Notwithstanding the provisions of Paragraph (1) and Subparagraphs
5 (2)(a) and (b) of this Subsection, the contributions limit for contributions by political
6 committees certified according to the provisions of Subparagraph (2)(b) of this
7 Subsection to an unsuccessful major office candidate, or the principal campaign
8 committee and subsidiary committee of such unsuccessful candidate, who does not
9 participate in the general election and for the time period for which such candidate
10 has a deficit for expenditures made through the day of the primary election, shall be
11 twenty thousand dollars.

12 * * *
13 I.(1) On and after January 1, 1991, contributions received by a candidate or
14 a political committee may be expended for any lawful purpose, but such funds shall
15 not be used, loaned, or pledged by any person for any personal use unrelated to a
16 political campaign, the holding of a public office or party position, or, in the case of
17 a political committee, other than a candidate's principal campaign committee or
18 subsidiary committee, the administrative costs or operating expenses of the political
19 committee; except that excess campaign funds may be returned to contributors on
20 a pro rata basis, given as a charitable contribution as provided in 26 ~~USE~~ U.S.C.
21 170(c), given to a charitable organization as defined in 26 ~~USE~~ U.S.C. 501(c)(3),
22 expended in support of or in opposition to a proposition, political party, or candidacy
23 of any person, or maintained in a segregated fund for use in future political
24 campaigns or activity related to preparing for future candidacy to elective office.
25 However, the use of campaign funds of a candidate or his principal or subsidiary
26 committees to reimburse a candidate for expenses related to his political campaign
27 or his holding of a public office or party position shall not be considered personal use
28 by the candidate. If a candidate is required by state or federal law to pay taxes on the
29 interest earned by campaign funds of the candidate or any political committee of the

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1 candidate, the candidate may use the interest on which such tax is paid for such
2 purpose. A payment from campaign funds shall not be considered as having been
3 spent for personal use when the funds are used to replace articles lost, stolen, or
4 damaged in connection with the campaign.

5 * * *

6 R.

7 * * *

8 (3)(a)

9 * * *

10 (ii) The provisions of this Subsection shall not prohibit the governor from
11 obtaining a loan for his own campaign from a state bank, a federally chartered
12 depository institution, or a depository institution the deposits or accounts of which
13 are insured by the Federal Deposit Insurance Corporation, ~~Federal Savings and Loan~~
14 ~~Insurance Corporation~~, or the National Credit Union Administration, any licensed
15 lender under the Louisiana Consumer Credit Law, or an insurance company, made
16 in accordance with applicable law and in the ordinary course of business, provided
17 that the governor is the sole endorser or guarantor of the loan and that the loan is
18 made on a basis which assures repayment evidenced by a written instrument, is
19 subject to a due date or amortization schedule, and bears the usual and customary
20 interest rate of the lending institution.

21 (b) The provisions of Paragraphs ~~(R)(1)~~ (1) and (2) of this Subsection shall
22 not apply if the governor is a candidate for the office of United States senator; the
23 office of United States representative; an office which is to be filled by an election
24 which occurs during the regular legislative session during which the contribution,
25 loan, or transfer of funds or in-kind contribution is accepted or within sixty days after
26 such regular legislative session adjourns; or an office other than that of governor.
27 However, if the governor accepts a contribution, loan, or transfer of funds or in-kind
28 contribution during a regular legislative session or within thirty days after such a
29 regular legislative session adjourns for a state or local office to which the prohibition

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1 in this Subsection does not apply and the governor chooses not to seek said office or
 2 fails to qualify for said office, the governor shall return, in the manner prescribed by
 3 the supervisory committee, each such contribution, loan, transfer of funds, or in-kind
 4 contribution which remains unexpended or unencumbered for expenses directly
 5 related to such campaign for said office.

6 * * *

 DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Pugh

HB No. 434

Abstract: Revises the system of laws comprising the La. Election Code.

Present law (R.S. 18:152) provides that prior to each election, the registrar shall request a current precinct register and duplicate precinct register for each precinct in the parish where an election is to be held. Proposed law repeals the requirement for a hard copy duplicate precinct register. Provides that the Dept. of State will provide the registrar with a duplicate precinct register in electronic form instead.

Present law (R.S. 18:154) prohibits the registrar and the Dept. of State from disclosing certain voter information, including the day and month of the date of birth of a voter. Proposed law retains present law, but provides an exception for transmitting the full date of birth of a voter to the Board of Ethics to verify the identity of a candidate for purposes of campaign finance reporting.

Present law requires the clerk of court to conduct a general course of instruction for commissioners at least semiannually. Proposed law changes this requirement to provide that the course of instruction be conducted at least annually instead of semiannually.

Present law (R.S. 18:591, 602, and 604) provides a 10-day deadline for making an appointment to fill a vacancy in the offices of elective members of state boards and commissions and certain local and municipal offices. Proposed law retains present law but additionally provides that if the vacancy is due to the death of the official, the deadline is extended to 20 days.

Present law (R.S. 19:1284 and 1299.1) provides relative to bond, debt, and tax elections and other elections where a proposition or question is put to the voters. Provides requirements for a statement of a proposition to be submitted to the voters. Provides that the statement is the responsibility of the governing authority, political subdivision, or other entity calling the election. Requires certain information to be included, including a simple, unbiased, and concise summary of the proposition. Provides that the statement of the proposition shall not exceed 400 words. Provides that the secretary of state is responsible for ensuring that the statement of the proposition contains a summary as required by present law.

Proposed law repeals references to a "statement of a proposition" and applies requirements to the proposition itself. Provides that the proposition shall not exceed 200 words, instead of 400. Requires the proposition to be stated in the form of a question. Provides that the

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secretary of state shall ensure that the proposition complies with proposed law. Otherwise retains present law.

Present law (R.S. 44:52 et seq.) provides for the Dept. of State Address Confidentiality Program. Provides for the confidentiality of the physical addresses of program participants who are victims of abuse, sexual assault, or stalking.

Present law (R.S. 18:1303) provides eligibility requirements for voting absentee by mail. Provides that a program participant in the Address Confidentiality Program is eligible to vote absentee by mail. Present law (R.S. 18:1308) provides procedures and requirements for applying to vote absentee by mail. Requires the submission within certain deadlines of an application containing certain information.

Proposed law retains present law. Additionally provides that if a person applying to vote absentee by mail is a program participant in the Address Confidentiality Program pursuant to present law his application, if it meets the requirements of present law, shall remain valid as long as the applicant is a program participant in the Address Confidentiality Program. Provides that when the applicant ceases participation in the program, the registrar shall send notice by forwardable mail to the applicant that his application will no longer be valid, and the applicant shall be required to submit a new application to the registrar that meets the requirements of present law and provide a current address before the applicant will be eligible to vote absentee by mail again.

Present law (R.S. 18:1308) provides procedures for voting absentee by mail. Requires the ballot to be marked as required by present law (R.S. 18:1308) and returned to the registrar. Proposed law retains present law, but provides relative to specific methods of delivery. Provides that a marked ballot may be returned to the registrar by the U.S. Postal Service, commercial delivery service, or hand delivery. Provides that if hand delivered by other than a commercial delivery service or the U.S. Postal Service, the registrar shall require that the person making such delivery sign a statement prepared by the secretary of state certifying that he has the authorization and consent of the voter to hand deliver the marked ballot. Provides that no person, except the immediate family of any voter shall hand deliver more than one marked ballot to the registrar of voters.

Present law (R.S. 18:1314) provides relative to absentee by mail and early voting commissioners. Provides for qualifications and selection. Provides that the parish board of election supervisors shall determine the number of absentee by mail and early voting commissioners necessary for an election. Requires the board to select at least three for the primary or first party primary election. Allows the board to increase or decrease the number of absentee by mail and early voting commissioners for a second party primary or general election.

Proposed law repeals the minimum number of absentee by mail and early voting commissioners that must be selected and provides for a maximum of six such commissioners. Requires approval of the secretary of state or his designee if the board seeks to use more than six absentee by mail and early voting commissioners for an election. Requires approval of the secretary of state or his designee to increase the number of commissioners to be used at the second party primary or general election. Provides that a designee of the secretary of state may approve the number of absentee by mail and early voting commissioners used to count and tabulate provisional ballots. Otherwise retains present law.

Present law (R.S. 18:1352) provides that voting machines shall be used throughout the state in all elections, provided that nothing in present law prohibits absentee by mail and early voting. Proposed law provides that paper ballots may be used when voting machines fail. Otherwise retains present law.

HLS 10RS-679

ORIGINAL
HB NO. 434

Proposed law makes various technical changes.

(Amends R.S. 18:102.1(B), 152(C)(2)(a), 152.1, 154(C), 425(A)(1)(b)(intro. para.), 428(D), 431(A)(1)(a), 433(B)(1) and (E)(2), 591, 602(A), (B), and (C), 604(B)(1) and (2)(a), 1254(D), 1284(F), 1299.1, 1307(H), 1308(B), 1314(B)(1), (C)(1)(b) and (3), and (D)(2), 1333(A), 1352, and 1505.2(H)(1)(c) and (2)(a)(intro. para.), (b), and (f), (I)(1), and (R)(3)(a)(ii) and (b); Adds R.S. 18:1307(I))

HLS 10RS-318

ORIGINAL

Regular Session, 2010

HOUSE BILL NO. 750

BY REPRESENTATIVE TUCKER

CAMPAIGN FINANCE: Provides relative to contributions from political committees

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AN ACT

To amend and reenact R.S. 18:1505.2(H)(7), relative to campaign finance; to provide for certain limits on contributions from certain political committees; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 18:1505.2(H)(7) is hereby amended and reenacted to read as follows:

§1505.2. Contributions; expenditures; certain prohibitions and limitations

* * *

H.

* * *

(7)(a) The total amount of combined contributions for both the primary and general elections, from political committees, which may be accepted by a candidate and his principal and subsidiary campaign committees, shall not exceed the following aggregate amounts:

- (i) Major office candidates - ~~eighty~~ one hundred sixty thousand dollars.
- (ii) District office candidates - ~~sixty~~ one hundred twenty thousand dollars.
- (iii) Other office candidates - ~~twenty~~ forty thousand dollars.

HLS 10RS-318

ORIGINAL
HB NO. 750

1 (b) The provisions of this Paragraph shall not apply to contributions made
 2 by a recognized political party or any committee thereof or to contributions made by
 3 the principal or subsidiary campaign committee of a candidate.

4 * * *

5 Section 2. This Act shall become effective upon signature by the governor or, if not
 6 signed by the governor, upon expiration of the time for bills to become law without signature
 7 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 8 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 9 effective on the day following such approval.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Tucker

HB No. 750

Abstract: Sets the aggregate PAC limits at \$160,000 for major office candidates, \$120,000 for district office candidates, and \$40,000 for other office candidates.

Present law sets the limits on the combined contributions for both the primary and the general elections that candidates and their campaign committees can accept from political committees, not including recognized political parties. Sets the aggregate PAC limits at \$80,000 for major office candidates, \$60,000 for district office candidates, and \$20,000 for other office candidates

Proposed law increases the aggregate PAC limit to \$160,000 for major office candidates, \$120,000 for district office candidates, and \$40,000 for other office candidates. Proposed law further clarifies that the aggregate PAC limit does not apply to contributions made by a principal or subsidiary campaign committee of a candidate.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 18:1505.2(H)(7))

HLS 10RS-1186

ORIGINAL

Regular Session, 2010

HOUSE BILL NO. 1038

BY REPRESENTATIVE GREENE

CAMPAIGN FINANCE: Requires elected officials who hold a major or district office to file certain reports at specified times except under certain circumstances

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AN ACT

To enact R.S. 18:1495.8, relative to campaign finance disclosure; to require certain persons to file certain reports at certain times; to provide for the content of such reports; to provide for penalties; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 18:1495.8 is hereby enacted to read as follows:

§1495.8. Special reports required; elected officials; reporting times and periods

A. In addition to the reports required to be filed by R.S. 18:1495.4, each elected official who holds a major office or a district office shall file a report containing all of the information required by R.S. 18:1495.5 with the supervisory committee according to the following schedule:

(1) The tenth day of April, which shall be complete for the period from the first of January through the thirty-first of March.

(2) The tenth day of July, which shall be complete for the period from the first day of April through the thirtieth day of June.

(3) The tenth day of October, which shall be complete for the period from the first day in July through the thirtieth day of September.

B.(1) The reports required by this Section shall not be required if the elected official, as a candidate, has a report required pursuant to R.S. 18:1495.4 due within

HLS 10RS-1186

ORIGINAL
HB NO. 1038

- 1 a thirty-day period of the due date of a report required by Subsection A of this Section.
- 2 (2) If the provisions of Paragraph (1) of this Subsection are applicable to an
- 3 elected official, the elected official shall send written notice of such fact to the
- 4 supervisory committee no later than ten days prior to the due date of the report that
- 5 is otherwise required to be filed pursuant to Subsection A of this Section.
- 6 C. The reports filed pursuant to this Section shall not affect the reporting
- 7 period for any report required to be filed pursuant to R.S. 18:1495.4 or any other
- 8 provision of this Chapter.
- 9 Section 2. This Act shall become effective on January 1, 2011.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Greene

HB No. 1038

Abstract: Requires elected officials who hold major or district office to file additional campaign finance disclosure reports each April, July, and October unless the elected official has a report due within the same time period as a candidate.

Present law (R.S. 18:1495.4 - relative to campaign finance disclosure) provides that a candidate and his campaign treasurer, if any, shall be responsible for filing a report of all information required by the Campaign Finance Disclosure Act with the Supervisory Committee on Campaign Finance Disclosure (supervisory committee) at the times required by present law. Present law provides a schedule for reporting including: (1) for major office candidates - no later than the 180th day prior to the primary election, which shall be complete through the 190th day prior to the primary election; (2) for major office candidates - no later than the 90th day prior to the primary election, which shall be complete through the 100th day prior to the primary election; (3) for all candidates - no later than the 30th day prior to the primary election, which shall be complete through the 40th day prior to the primary election; (4) for all candidates - no later than the 10th day prior to the primary election which shall be complete through the 20th day prior to the primary election; (5) for all candidates - no later than the 10th day prior to the general election, which shall be complete through the 20th day prior to the general election; (6) for candidates in a general election - no later than the 40th day after the general election, which shall be complete through the 30th day after the general election. Present law additionally requires special reports for certain specified contributions or expenditures which are due no later than 48 hours after such transaction. Present law also requires certain annual reports to be filed in the case of candidates with a deficit and provides that such reports are due no later than Feb. 15 of each year, complete through the preceding Dec. 31. Present law further provides for annual reports for candidates who have received contributions, made expenditures, or received or made loans during the reporting period and provides that such reports are due no later than Feb. 15 of each year, complete through the preceding Dec. 31.

Proposed law provides that in addition to the reports required pursuant to present law, each elected official who holds a major office or district office shall file a report with the supervisory committee on April 10th (complete from Jan. 1st - March 31st); July 10th

HLS 10RS-1186

ORIGINAL
HB NO. 1038

(complete from April 1st to June 30th); and Oct. 10th (complete from July 1st through Sept. 30th). Provides, however, that a report required pursuant to proposed law shall not be required to be filed if the elected official, as a candidate, has a report required pursuant to present law due within a 30 day period of the due date of a report required by proposed law. Provides that if that is the case, the elected official shall send written notice of such fact to the supervisory committee no later than 10 days prior to the due date of the proposed law report.

Proposed law specifies that the reports filed pursuant to proposed law shall not affect the reporting period for any report required by present law.

Present law provides civil penalties for a candidate, the treasurer, or chairman of a political committee, or any other person required to file certain reports pursuant to the Campaign Finance Disclosure Act who knowingly fails to file or to timely or accurately file such reports. The monetary penalties applicable to major office are \$100/day not to exceed \$2,500 and to district office are \$60/day not to exceed \$2,000. The Board of Ethics, acting in its capacity as the supervisory committee on campaign finance disclosure, may order a candidate to file an overdue report, amend an existing report, and pay a civil penalty. Present law also includes criminal penalties for knowingly, willfully, and fraudulently failing to file or knowingly, willfully, and fraudulently failing to timely file a report of not more than six months in a parish jail or a fine of not more than \$500, or both. The same penalty applies for knowingly, willfully, and fraudulently failing to disclose, or knowingly, willfully, and fraudulently disclosing inaccurately, any information required to be disclosed.

Proposed law retains present law.

Effective Jan. 1, 2011.

(Adds R.S. 18:1495.8)

SLS 10RS-315

ENGROSSED

Regular Session, 2010

SENATE BILL NO. 92

BY SENATOR MURRAY

CAMPAIGN FINANCE. Provide for hard copy filing of specific reports in certain situations. (gov sig)

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AN ACT

To enact R.S. 18:1485(F), relative to campaign finance reporting requirements; to provide relative to procedures for the filing of certain reports electronically; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 18:1485(F) is hereby enacted to read as follows:

§1485. Filing; receipt by supervisory committee; special penalties

* * *

F. Exceptions to electronic filing. (1) If at any time during the three calendar days prior to and including the due date of any report required by this Section to be filed electronically, the Board of Ethics Computerized Data Management System is inoperable or otherwise impaired so as to be unavailable for use by the person or political committee required to file a report electronically, then the report may be submitted to the supervisory committee by any other means, including the United States Postal Service, commercial delivery service, hand delivery, or facsimile. The person or political committee submitting the report by means other than electronically shall certify in writing

SLS 10RS-315

ENGROSSED
SB NO. 92

1 to the supervisory committee that the Computerized Data Management System
2 was inoperable or otherwise impaired at the time of the attempted electronic
3 filing at the same time as the report is submitted by other means. The person
4 or political committee submitting the report other than electronically shall
5 submit the report electronically within twenty-four hours of submitting the
6 report by other means, or within twenty-four hours of the Computerized Data
7 Management System becoming available for use, whichever occurs first.

8 (2) If on the due date of any report required by this Chapter to be filed
9 electronically, a computer is inaccessible by or unavailable to the person or
10 political committee required to file a report electronically, then the report may
11 be submitted to the supervisory committee by any other means, including the
12 United States Postal Service, commercial delivery service, hand delivery, or
13 facsimile. The person or political committee submitting the report by means
14 other than electronically shall certify in writing to the supervisory committee
15 that a computer was inaccessible or unavailable for submitting the report
16 electronically at the same time as the report is submitted by other means. The
17 person or political committee submitting the report other than electronically
18 shall submit the report electronically within twenty-four hours of a computer
19 becoming accessible or available for this purpose.

20 (3) Notwithstanding the provisions of Paragraphs (1) and (2) of this
21 Subsection, in no case shall a report be filed electronically more than five days
22 after the due date of the report.

23 Section 2. This Act shall become effective upon signature by the governor or, if not
24 signed by the governor, upon expiration of the time for bills to become law without signature
25 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
26 vetoed by the governor and subsequently approved by the legislature, this Act shall become
27 effective on the day following such approval.

SLS 10RS-315

ENGROSSED
SB NO. 92

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Alden A. Clement, Jr.

DIGEST

Murray (SB 92)

Present law provides that each candidate for a major or district office and each principal campaign committee of a candidate for a major or district office that receives contributions or loans in excess of \$25,000 in the aggregate during the aggregating period or that makes expenditures in excess of \$25,000 in the aggregate during the aggregating period must electronically file reports of contributions and expenditures with the Supervisory Committee on Campaign Finance Disclosure (Board of Ethics) through the Board of Ethics Computerized Data Management System as provided in present law.

Proposed law provides exceptions to present law provisions relative to electronic filing of reports to the supervisory committee.

Proposed law provides that if at any time during the three calendar days prior to and including the due date of any report required by present law to be filed electronically, the Computerized Data Management System is inoperable or otherwise impaired so as to be unavailable for use by the person or political committee required to file a report electronically, then the report may be submitted to the supervisory committee by any other means, including the United States Postal Service, commercial delivery service, hand delivery, or facsimile. Proposed law further provides that the person or political committee submitting the report by means other than electronically must certify in writing to the supervisory committee that the Computerized Data Management System was inoperable or otherwise impaired at the time of the attempted electronic filing at the same time as the report is submitted by other means. Proposed law further provides that the person or political committee submitting the report by means other than electronically must submit the report electronically within 24 hours of submitting the report by other means, or within 24 hours of the Computerized Data Management System becoming available for use, whichever occurs first.

Proposed law also provides that if on the due date of any report required by present law to be filed electronically, a computer is inaccessible or unavailable to the person or political committee required to file a report electronically, then the report may be submitted to the supervisory committee by any other means, including the United States Postal Service, commercial delivery service, hand delivery, or facsimile. Proposed law further provides that the person or political committee submitting the report by means other than electronically must certify in writing to the supervisory committee that a computer was inaccessible or unavailable for submitting the report electronically at the same time as the report is submitted by other means. Proposed law provides that the person or political committee submitting the report other than electronically must submit the report electronically within 24 hours of a computer becoming accessible or available for this purpose.

Proposed law further provides that, notwithstanding the provisions of proposed law, in no case will reports be filed electronically more than five days after the due date of the report.

Proposed law otherwise retains present law.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 18:1485(F))

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ENGROSSED
SB NO. 92

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Senate and
Governmental Affairs to the original bill.

1. Adds provision that in no case will reports be filed electronically more than five days after the due date of the report.

SLS 10RS-319

ORIGINAL

Regular Session, 2010

SENATE BILL NO. 122

BY SENATOR ADLEY

CAMPAIGN FINANCE. Constitutional amendment to provide that the attorney general is to prosecute felony violations of state campaign finance laws. (2/3-CA 13s1(A))

A JOINT RESOLUTION

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Proposing to amend Article IV, Section 8, of the Constitution of Louisiana, relative to powers and duties of the attorney general; to provide for the criminal prosecution of certain crimes; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members elected to each house concurring, that there shall be submitted to the electors of the state, for their approval or rejection in the manner provided by law, a proposal to amend Article IV, Section 8 of the Constitution of Louisiana, to read as follows:

§8. Attorney General; Powers and Duties

Section 8. There shall be a Department of Justice, headed by the attorney general, who shall be the chief legal officer of the state. The attorney general shall be elected for a term of four years at the state general election. The assistant attorneys general shall be appointed by the attorney general to serve at his pleasure.

As necessary for the assertion or protection of any right or interest of the state, the attorney general shall have authority (1) to institute, prosecute, or intervene in any civil action or proceeding; (2) upon the written request of a district attorney,

SLS 10RS-319

ORIGINAL
SB NO. 122

1 to advise and assist in the prosecution of any criminal case; ~~and~~ (3) for cause, when
 2 authorized by the court which would have original jurisdiction and subject to judicial
 3 review, (a) to institute, prosecute, or intervene in any criminal action or proceeding,
 4 or (b) to supersede any attorney representing the state in any civil or criminal action;
 5 **and (4) to institute and prosecute felony violations of state campaign finance**
 6 **laws.**

7 The attorney general shall exercise other powers and perform other duties
 8 authorized by this constitution or by law.

9 Section 2. Be it further resolved that this proposed amendment shall be submitted
 10 to the electors of the state of Louisiana at the statewide election to be held on November 2,
 11 2010.

12 Section 3. Be it further resolved that on the official ballot to be used at said election
 13 there shall be printed a proposition, upon which the electors of the state shall be permitted
 14 to vote FOR or AGAINST, to amend the Constitution of Louisiana, which proposition shall
 15 read as follows:

16 To require the attorney general to prosecute felony violations of state
 17 campaign finance laws.

18 (Amends Article IV, Section 8)

19 Section 4. The provisions of this Resolution shall be given retroactive application to
 20 March 30, 2008.

The original instrument and the following digest, which constitutes no part
 of the legislative instrument, were prepared by Michael Bell.

DIGEST

Present state constitution provides that the attorney general will have authority do the
 following:

- (1) To institute, prosecute, or intervene in any civil action or proceeding.
- (2) Upon the written request of a district attorney, to advise and assist in the prosecution of any criminal case.
- (3) For cause, when authorized by the court which would have original jurisdiction and subject to judicial review, (a) to institute, prosecute, or intervene in any criminal action or proceeding, or (b) to supersede any attorney representing the state in any civil or criminal action.

SLS 10RS-319

ORIGINAL
SB NO. 122

Proposed constitutional amendment retains present constitution and requires the attorney general to institute and prosecute felony violations of state campaign finance laws.

Provides that proposed constitutional amendment is retroactive to March 30, 2008.

Specifies submission of the amendment to the voters at the statewide election to be held on November 2, 2010.

(Amends Const. Art. IV, Sec. 8)

SLS 10RS-57

ORIGINAL

Regular Session, 2010

SENATE BILL NO. 252

BY SENATOR DORSEY

CAMPAIGN FINANCE. Provides with respect to the expenditure of campaign funds.
(8/15/10)

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AN ACT

To amend and reenact R.S. 18:1505.2(I)(1), relative to campaign finance; to permit the expenditure of campaign funds for certain purposes; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 18:1505.2(I)(1) is hereby amended and reenacted to read as follows:

§1505.2. Contributions; expenditures; certain prohibitions and limitations

* * *

I.(1) On and after January 1, 1991, contributions received by a candidate or a political committee may be expended for any lawful purpose, but such funds shall not be used, loaned, or pledged by any person for any personal use unrelated to a political campaign or the holding of a public office or party position; or, in the case of a political committee, other than a candidate's principal campaign committee or subsidiary committee, the administrative costs or operating expenses of the political committee; except that excess campaign funds may be returned to contributors on a pro rata basis, given as a charitable contribution as provided in 26 USC 170(c), given to a charitable organization as defined in 26 USC 501(c)(3), expended in

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ORIGINAL
SB NO. 252

1 support of or in opposition to a proposition, political party, or candidacy of any
2 person, or maintained in a segregated fund for use in future political campaigns or
3 activity related to preparing for future candidacy to elective office.

4 **However, the (a) The** use of campaign funds of a candidate or his principal
5 or subsidiary committees to reimburse a candidate for expenses related to his
6 political campaign or his holding of a public office or party position shall not be
7 considered personal use by the candidate.

8 **(b)** If a candidate is required by state or federal law to pay taxes on the
9 interest earned by campaign funds of the candidate or any political committee of the
10 candidate, the candidate may use the interest on which such tax is paid for such
11 purpose.

12 **(c)** A payment from campaign funds shall not be considered as having been
13 spent for personal use when the funds are used to replace articles lost, stolen, or
14 damaged in connection with the campaign.

15 **(d) The purchase or rental of formal wear, including tuxedos and**
16 **evening gowns, using campaign funds shall not be considered an expenditure for**
17 **personal use when the items of formal wear are worn by the candidate solely in**
18 **conjunction with the candidate's appearance at functions related to the**
19 **candidate's political campaign or holding of public office.**

20 * * *

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Alden A. Clement, Jr.

DIGEST

Present law provides that contributions received by a candidate or by a political committee may be expended for any lawful purpose, but such funds cannot be used, loaned, or pledged by any person for any personal use unrelated to a political campaign or the holding of a public office or party position.

Present law provides that the use of campaign funds to reimburse the candidate for expenses related to his political campaign or his holding of a public office or party position are not considered "personal use" by the candidate.

Present law provides that if a candidate is required by state or federal law to pay taxes on the interest earned by campaign funds of the candidate or any political committee of the candidate, the candidate may use the interest on which such tax is paid for such purpose.

SLS 10RS-57

ORIGINAL
SB NO. 252

Present law provides that a payment from campaign funds is not considered as having been spent for "personal use" when the funds are used to replace articles lost, stolen, or damaged in connection with the campaign.

Proposed law provides that the purchase or rental of formal wear, including tuxedos and evening gowns, using campaign funds is not an expenditure for "personal use" when the items of formal wear are worn by the candidate solely in conjunction with the candidate's appearance at functions related to the candidate's political campaign or holding of public office.

Proposed law otherwise retains present law.

Effective August 15, 2010.

(Amends R.S. 18:1505.2(I)(1))

SLS 10RS-782

ORIGINAL

Regular Session, 2010

SENATE BILL NO. 259

BY SENATOR ADLEY

CAMPAIGN FINANCE. Provides that the attorney general is to prosecute felony violations of state campaign finance laws. (8/15/10)

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AN ACT

To enact Code of Criminal Procedure Art. 62(D), relative to the authority of the attorney general; to provide for the exclusive prosecution of campaign finance laws; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Art. 62(D) is hereby enacted to read as follows:

Art. 62. Authority of attorney general; supervision of district attorney

* * *

D. The attorney general shall institute and prosecute felony criminal violations of state campaign finance laws.

SLS 10RS-782

ORIGINAL
SB NO. 259

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Michael Bell.

DIGEST

Proposed law provides for the attorney general to institute and prosecute felony criminal violations of state campaign finance laws.

Effective August 15, 2010.

(Adds C.Cr.P. Art. 62(D))

SLS 10RS-287

ORIGINAL

Regular Session, 2010

SENATE BILL NO. 311

BY SENATOR KOSTELKA

CAMPAIGN FINANCE. Provides relative to campaign contributions and expenditures by individuals. (gov sig)

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AN ACT

To amend and reenact R.S. 18:1486(B) and 1491.7(B)(4), relative to contributions by individuals to political committees and certain expenditures by certain individuals; to provide relative to reporting requirements for individual contributions in the form of a payroll deduction or dues check-off system; to provide relative to expenditures made in support of or in opposition to a proposition by certain persons; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 18:1486(B) and 1491.7(B)(4) are hereby amended and reenacted to read as follows:

§1486. Proposition elections; required reports; recall elections

* * *

B. These requirements shall be applicable only if the aggregate amount of contributions, loans, and transfers of funds received and accepted or expenditures made equals or exceeds two hundred dollars at any time during the aggregating period; **except that, with regard to expenditures made in support of or in opposition to a proposition or question submitted to the voters by a person who**

SLS 10RS-287

ORIGINAL
SB NO. 311

1 ~~addresses of its contributors on an annual basis. Political committees making this~~
2 ~~election shall list the names and addresses of its contributors, the total amount of the~~
3 ~~contributions received per contributor, and the schedule of the receipt of such~~
4 ~~contributions on the annual report due by February fifteenth complete through the~~
5 ~~preceding December thirty-first.~~

6 (b) The full name and address of each person who has made one or more
7 contributions in the form of a payroll deduction or dues check-off system in
8 excess of five dollars in the aggregate in a calendar year to and which have been
9 received and accepted by the political committee during the reporting period,
10 and the date and amount of each contribution. In the case of a political
11 committee that supports multiple candidates and/or issues and receives over ten
12 thousand contributions in the form of a payroll deduction or dues check-off
13 system when no single contributor contributes in excess of twenty-four dollars
14 in the aggregate in a calendar year, such committee may elect to report the
15 names and addresses of its contributors on an annual basis. Political
16 committees making this election shall list the names and addresses of its
17 contributors, the total amount of the contributions received per contributor,
18 and the schedule of the receipt of such contributions on the annual report due
19 by February fifteenth complete through the preceding December thirty-first.

20 (c) The aggregate amount of all contributions, other than in-kind
21 contributions, received and accepted during the reporting period.

22 (e) (d) The aggregate valuation of in-kind contributions received during the
23 reporting period.

24 * * *

25 Section 2. This Act shall become effective upon signature by the governor or, if not
26 signed by the governor, upon expiration of the time for bills to become law without signature
27 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
28 vetoed by the governor and subsequently approved by the legislature, this Act shall become
29 effective on the day following such approval.

SLS 10RS-287

ORIGINAL
SB NO. 311

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Alden A. Clement, Jr.

DIGEST

Present law provides that contributions to a political committee received during the reporting period provided for by present law must be reported to the Supervisory Committee on Campaign Finance Disclosure (Board of Ethics), irrespective of the amount of the contribution, as follows:

- (1) The full name and address of each person who has made one or more contributions to a political committee that have been received and accepted by the political committee during the reporting period, along with the aggregate amount of such contributions, except in-kind contributions, and the date and amount of each contribution. In the case of a political committee that supports multiple candidates and/or issues and receives over 10,000 contributions in the form of a payroll deduction or dues check-off system, when no single contributor contributes in excess of \$24 in the aggregate in a calendar year, such committee may elect to report the names and addresses of its contributors on an annual basis. Political committees reporting in this way must list the names and addresses of its contributors, the total amount of the contributions received per contributor, and the schedule of the receipt of such contributions on the annual report due by February 15th complete through the preceding December 31st.
- (2) The full name and address of each person who has made an in-kind contribution, along with a brief description of each in-kind contribution, the valuation thereof made by the chairman and the campaign treasurer, and the date of each in-kind contribution.
- (3) The aggregate amount of all contributions, other than in-kind contributions, received and accepted during the reporting period.
- (4) The aggregate valuation of in-kind contributions received during the reporting period.

Proposed law provides that, with regard to contributions in the form of a payroll deduction or dues check-off system, only the full name and address of a person who has made one or more such contributions in excess of \$5 in the aggregate in a calendar year needs to be reported.

Proposed law otherwise retains present law.

Present law provides that any person, including a political committee, who makes any expenditure in support of or in opposition to a proposition or question submitted to the voters is required to file reports of such contributions and expenditures, if the aggregate amount of contributions, loans, and transfers of funds received and accepted or expenditures made equals or exceeds \$200 at any time during the aggregating period.

Proposed law retains the provisions of present law but further provides that, with regard to expenditures made in support of or in opposition to a proposition or question submitted to the voters by a person who is not a candidate or a member of the principal campaign committee of a candidate or a political committee, the reporting requirements of present law are applicable only if the aggregate amount of expenditures made equals or exceeds \$1,000.

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SB NO. 311

Proposed law otherwise retains present law.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 18:1486(B) and 1491.7(B)(4))

SLS 10RS-25

ORIGINAL

Regular Session, 2010

SENATE BILL NO. 319

BY SENATOR HEITMEIER

ELECTION CODE. Requires all individuals registering to run for local/state office submit proof to the local election official that a current state income tax return has been filed.

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AN ACT

To amend and reenact R.S. 18:463(A)(2)(a)(iv) and to enact R.S. 18:492(A)(7), relative to the Louisiana Election Code; to provide qualifications for candidacy for public office, notice of candidacy, and grounds for objection to candidacy; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section I. R.S. 18:463(A)(2)(a)(iv) is hereby amended and reenacted and R.S. 18:492(A)(7) is hereby enacted to read as follows:

§463. Notice of candidacy; financial ~~statements~~ disclosure; political advertising; penalties

A. * * *

(2)(a) The notice of candidacy also shall include a certificate, signed by the candidate, certifying all of the following:

* * *

(iv) ~~That he has attached to the notice of his candidacy the financial statement required by Subsection B of this Section, if applicable. That he has filed his federal and state income tax returns, has filed for an extension of time for filing either~~

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SB NO. 319

political party and that he does not owe any outstanding fines, fees, or penalties pursuant to the Campaign Finance Disclosure Act.

6. That he does not owe any outstanding fines, fees, or penalties pursuant to the Code of Governmental Ethics.
7. That all of the statements contained in it are true and correct.

Proposed law deletes the requirement that the candidate certify that he has attached the financial statement required by present law ("Subsection B of this Section"), as Subsection B of present law has been repealed by prior legislation.

Proposed law adds a requirement that the candidate certify that he has filed his federal and state income tax returns, has filed for an extension of time for filing either his federal or state income tax return or both, or is not required to file either a federal or state income tax return or both. Proposed law otherwise retains present law.

Present law provides that an action objecting to the candidacy of a person who qualified as a candidate in a primary election must be based on one or more of the following grounds:

1. The defendant failed to qualify for the primary election in the manner prescribed by law.
2. The defendant failed to qualify for the primary election within the time prescribed by law.
3. The defendant does not meet the qualifications for the office he seeks in the primary election.
4. The defendant is prohibited by law from becoming a candidate for one or more of the offices for which he qualified.
5. The defendant falsely certified on his notice of candidacy that he does not owe any outstanding fines, fees, or penalties pursuant to the Campaign Finance Disclosure Act as provided in R.S. 18:463(A)(2).
6. The defendant falsely certified on his notice of candidacy that he does not owe any outstanding fines, fees, or penalties pursuant to the Code of Governmental Ethics as provided in present law (R.S. 18:463(A)(2)).

Proposed law retains present law, and adds as a ground for objecting to the candidacy of a person that the defendant falsely certified on his notice of candidacy that he has filed his federal and state income tax returns, has filed for an extension of time for filing either his federal or state income tax return or both, or is not required to file either a federal or state income tax return or both.

Effective January 1, 2011.

(Amends R.S. 18:463(A)(2)(a)(iv); adds R.S. 18:492(A)(7))

SLS 10RS-835

ORIGINAL

Regular Session, 2010

SENATE BILL NO. 333

BY SENATOR HEBERT

CAMPAIGN FINANCE. Limits the amount of money spent on election campaigns.
(1/31/12)

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AN ACT

To amend and reenact R.S. 18:1483(3)(a) and 1505.2(I)(1), and to enact R.S. 18:1505.2(I)(6), relative to campaign finance; to provide with regard to campaign contributions to candidates for certain elective offices; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 18:1483(3)(a) and 1505.2(I)(1) are hereby amended and reenacted, and R.S. 18:1505.2(I)(6) is hereby enacted, to read as follows:

§1483. Definitions

As used in this Chapter, the following terms shall have the meanings herein given to each unless the context clearly indicates otherwise:

* * *

(3)(a) "Candidate" means a person who seeks nomination or election to public office, except the office of president or vice president of the United States, presidential elector, delegate to a political party convention, United States senator, United States congressman, or political party office; **except that for purposes of R.S. 18:1505.2(I)(6), "candidate" shall also mean a person who seeks**

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ORIGINAL
SB NO. 333

1 political campaign or his holding of a public office or party position shall not be
2 considered personal use by the candidate.

3 (c) If a candidate is required by state or federal law to pay taxes on the
4 interest earned by campaign funds of the candidate or any political committee of the
5 candidate, the candidate may use the interest on which such tax is paid for such
6 purpose.

7 (d) A payment from campaign funds shall not be considered as having been
8 spent for personal use when the funds are used to replace articles lost, stolen, or
9 damaged in connection with the campaign.

10 * * *

11 **(6) Excess contributions. (a) Fifty percent of all campaign contributions**
12 **from whatever source received by a candidate for the following offices that are**
13 **in excess of the following amounts shall be equally distributed among all other**
14 **candidates qualified in the election:**

15 **(i) Governor - one million dollars**

16 **(ii) United States senator - one million dollars**

17 **(iii) Major office, other than governor - five hundred thousand dollars**

18 **(iv) United States congressman - five hundred thousand dollars**

19 **(v) State senator - one hundred fifty thousand dollars**

20 **(vi) State representative - fifty thousand dollars**

21 **(b) The excess contributions provided for in Subparagraph (a) of this**
22 **Paragraph shall be tendered by the candidate or the candidate's principal**
23 **campaign committee to the Supervisory Committee on Campaign Finance**
24 **within ten calendar days of receipt or within three calendar days of the election,**
25 **whichever is sooner. The supervisory committee shall immediately upon receipt**
26 **deposit such funds into a special account designated for that purpose, out of**
27 **which shall be drawn funds for equal distribution among the other qualified**
28 **candidates in the election. Such funds are to be tendered by the supervisory**
29 **committee to the other candidates within three days of deposit into the account**

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ORIGINAL
SB NO. 333

Proposed law provides that such funds are to be tendered by the supervisory committee to the other candidates within three days of deposit into the account designated for that purpose by the supervisory committee.

Proposed law provides that for purposes of proposed law, "equally" and "equal" mean as equal as practicable under all circumstances in the discretion of the supervisory committee.

Effective January 31, 2012.

(Amends R.S. 18:1483(3)(a) and 1505.2(1)(1); adds R.S. 18:1505.2(1)(6))

SLS 10RS-1044

ORIGINAL

Regular Session, 2010

SENATE BILL NO. 431

BY SENATOR HEBERT

CAMPAIGN FINANCE. Provides for the distribution of excess campaign contributions among other candidates in the election. (2/3-CA13s1(A))

1

A JOINT RESOLUTION

2

Proposing to add Article XI, Section 6 of the Constitution of Louisiana, relative to campaign

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finance; to provide that fifty percent of all campaign contributions received by a

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candidate for governor, major office other than governor, state senator, state

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representative, United States senator, and United States representative, that are in

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excess of the amounts established by law are to be equally distributed among all

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other candidates qualified in the election; and to specify an election for submission

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of the proposition to electors and provide a ballot proposition.

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Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members

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elected to each house concurring, that there shall be submitted to the electors of the state, for

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their approval or rejection in the manner provided by law, a proposal to add Article XI,

12

Section 6 of the Constitution of Louisiana, to read as follows:

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ARTICLE XI. ELECTIONS

14

§6. Excess Campaign Contributions

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Section 6. Fifty percent of all campaign contributions from whatever

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source received by a candidate for any of the following offices that are in excess

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of the following amounts shall be equally distributed among all other candidates

SLS 10RS-1044

ORIGINAL
SB NO. 431

- 1 qualified in the election in the manner provided by law:
- 2 **(A) Governor - one million dollars.**
- 3 **(B) United States senator - one million dollars.**
- 4 **(C) Major office, other than governor - five hundred thousand dollars.**
- 5 **(D) United States congressman - five hundred thousand dollars.**
- 6 **(E) State senator - one hundred fifty thousand dollars.**
- 7 **(F) State representative - fifty thousand dollars.**

8 Section 2. Be it further resolved that this proposed amendment shall be submitted
9 to the electors of the state of Louisiana at the statewide election to be held on November 2,
10 2010.

11 Section 3. Be it further resolved that on the official ballot to be used at said election
12 there shall be printed a proposition, upon which the electors of the state shall be permitted
13 to vote FOR or AGAINST, to amend the Constitution of Louisiana, which proposition shall
14 read as follows:

15 Provides that fifty percent of all campaign contributions received by a
16 candidate for the following offices that are in excess of the following
17 amounts shall be equally distributed among all other candidates qualified in
18 the election: governor, \$1,000,000; major statewide office other than
19 governor, \$500,000; state senator, \$150,000; state representative, \$50,000;
20 United States senator, \$1,000,000, United States congressman, \$500,000.

21 (Adds Article XI, Section 6)

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Alden A. Clement, Jr.

DIGEST

Proposed constitutional amendment provides that 50% of all campaign contributions from
whatever source received by a candidate for the following offices that are in excess of the
following amounts are to be equally distributed among all other candidates qualified in the
election:

1. Governor - \$1,000,000.
2. United States senator - \$1,000,000.
3. Major office, other than governor - \$500,000.

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4. United States congressman - \$500,000.
5. State senator - \$150,000.
6. State representative - \$50,000 in the manner provided by law.

Specifies submission of the amendment to the voters at the statewide election to be held on November 2, 2010.

(Adds Art. XI, Sec. 6)

**2010 Regular Legislative Session
BILLS INVOLVING LOBBYING DISCLOSURE**

Bill No.	Author	Summary	Position/Status
SB 507	Jackson	Provides for registration and reporting with the Board of Ethics by persons lobbying local governmental agencies.	ASSIGNED TO SENATE & GOVERNMENTAL AFFAIRS
HB 1216	Gallot	Makes technical changes to the Revised Statutes, including parts of Legislative Lobbyist Disclosure Act	ASSIGNED TO HOUSE & GOVERNMENTAL AFFAIRS

SLS 10RS-594

ORIGINAL

Regular Session, 2010

SENATE BILL NO. 507

BY SENATOR JACKSON

LOBBYING. Provides for the regulation and disclosure of expenditures by persons who lobby local government. (8/15/10)

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AN ACT

To amend and reenact R.S. 42:1132(D), 1134(N), and 1157(A)(1) and (3) and to enact Chapter 46 of Title 33 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 33:9661 through 9669, relative to the regulation of lobbying; to provide for the regulation of lobbying of local government; to provide for the reporting of certain expenditures by principals and employers of lobbyists; to provide definitions; to provide for registration, reporting, and disclosure; to provide for administration and enforcement; to provide for penalties; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 42:1132(D), 1134(N), and 1157(A)(1) and (3) are hereby amended and reenacted to read as follows:

§1132. Board of Ethics

* * *

D. Additional Jurisdiction. The board shall administer and enforce the provisions of R.S. 27:63, 96, 226, 261, ~~and~~ Part III of Chapter 1 of Title 24 of the Louisiana Revised Statutes of 1950, Part IV of Chapter 1 of Title 49 of the Louisiana Revised Statutes of 1950, **Chapter 46 of Title 33 of the Louisiana Revised**

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Statutes of 1950, R.S. 27:316, and R.S. 47:9072.

* * *

§1134. Powers, duties, and responsibilities of the board

N.(1) On a regular basis, the board shall conduct educational activities, seminars, and publish appropriate materials which provide instruction and information relative to the subjects of ethics and conflicts of interest concerning the following provisions: the Code of Governmental Ethics; the Campaign Finance Disclosure Act; the provisions of Part III of Chapter 1 of Title 24 relative to lobbying of the legislature; the provisions of Part IV of Chapter 1 of Title 49 of the Louisiana Revised Statutes of 1950 relative to lobbying of executive branch agencies; **the provisions of Chapter 46 of Title 33 of the Louisiana Revised Statutes of 1950, relative to lobbying local government**; the Louisiana Riverboat Economic Development and Gaming Control Act; the Louisiana Economic Development and Gaming Corporation Act; the Louisiana Lottery Corporation Law; the Video Draw Poker Devices Control Law; and any other matter within the board's jurisdiction or as provided in this Chapter. Such activities, seminars, and materials shall explain the law in plain language and shall be open or available to public servants in all state and local agencies, persons who do business with such agencies, candidates, lobbyists, and any other interested persons.

(2) The board shall design and make available to all interested persons via the Internet training and educational materials pertaining to the Code of Governmental Ethics; the Campaign Finance Disclosure Act; the provisions of Part III of Chapter 1 of Title 24 relative to lobbying of the legislature; **the provisions of Chapter 46 of Title 33 of the Louisiana Revised Statutes of 1950, relative to lobbying local government**; and the provisions of Part IV of Chapter 1 of Title 49 of the Louisiana Revised Statutes of 1950 relative to lobbying of executive branch agencies.

* * *

§1157. Late filing fees

A.(1) The staff of the board may automatically assess and order the payment

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1 of late filing fees, in accordance with rules adopted by the board, for any failure to
 2 timely file any report or statement due under any law under its jurisdiction as
 3 provided in R.S. 42:1132(C), R.S. 24:50 et seq., ~~or~~ R.S. 49:71 et seq., or R.S.
 4 33:9661 et seq. The board shall promulgate rules to facilitate the carrying out of the
 5 provisions of this Chapter regarding order for and payment of late fees. Any appeal
 6 of such order for the payment of late fees shall be to the board, which shall
 7 promulgate rules governing the procedure for appeals of late filing fees.

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* * *

9 (3) The late filing fees for any lobbyist required to register and file reports
 10 under the provisions of R.S. 24:50 et seq., shall be as provided in R.S. 24:58(D). The
 11 late filing fees for any lobbyist required to register and file reports under the
 12 provisions of R.S. 49:71 et seq., shall be as provided in R.S. 49:78(D). The late
 13 filing fees for any lobbyist required to register and file reports under the
 14 provisions of R.S. 33:9661 et seq., shall be as provided in R.S. 33:9668(D).

15 Section 2. Chapter 46 of Title 33 of the Louisiana Revised Statutes of 1950,
 16 comprised of R.S. 33:9661 through 9669, is hereby enacted to read as follows:

17 CHAPTER 46. LOBBYING LOCAL GOVERNMENT

18 §9661. Purpose

19 The legislature declares that the operation of open and responsible
 20 government requires that the fullest opportunity be afforded to the people to
 21 petition their government for the redress of grievances and to express freely
 22 their opinions on actions of local government. To preserve and maintain the
 23 integrity of local government action, the legislature also declares it is necessary
 24 that the identity of persons who attempt to influence actions of local government
 25 and certain expenditures by those persons be publicly disclosed.

26 §9662. Definitions

27 When used in this Chapter:

28 (1) "Ethics board" means the ethics body which has jurisdiction over
 29 elected officials under Chapter 15 of Title 42 of the Louisiana Revised Statutes

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ORIGINAL
SB NO. 5071 of 1950.

2 (2) "Local government action" means any act by a local government
3 agency or official to effectuate the public powers, functions, and duties of a local
4 government official or a local government agency, including but not limited to
5 any act in the nature of policymaking, rulemaking, adjudication, licensing,
6 regulation, or enforcement; relative to contracts, requests for proposals,
7 development of specifications, or engaging another person to perform a
8 governmental function; to adopt, repeal, increase, or decrease any fee imposed
9 on the affairs, actions, or persons regulated by a local government agency; or
10 to affect the passage, defeat, or implementation of any legislation.

11 (3) "Local government agency" or "agency" means any authority,
12 office, department, district, unit, board, commission, institution, or any
13 quasi-public entity created in local government by or pursuant to law or by or
14 pursuant to the constitution. The terms "local government agency" or "agency"
15 shall not include any unit of the executive, legislative, or judicial branch of state
16 government, or any political subdivision of the state or any agency thereof.

17 (4) "Local government official" or "official" means an elected official,
18 an appointed official, or an employee in a local government agency.

19 (5) "Expenditure" means the gift or payment of money or any thing of
20 value for the purchase of food, drink, or refreshment for a local government
21 official or for the spouse or minor child of a local government official for the
22 purpose of lobbying or any gift or payment permitted by R.S. 42:1123(13) when
23 the lobbyist or principal accounts, or would be expected to account, for the
24 expenditure as an ordinary and necessary expense directly related to the active
25 conduct of the lobbyist's, his employer's, or the principal's trade or business.

26 (6) "Lobbying" or "to lobby" means any direct act or communication
27 with a local government official, the purpose of which is to aid in influencing a
28 local government action.

29 (7) "Lobbyist" means:

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1 **(a) Any person who is employed or engaged for compensation to act in**
 2 **a representative capacity for the purpose of lobbying if lobbying constitutes one**
 3 **of the duties of such employment or engagement; however, any person who is**
 4 **engaged or employed to provide a professional service to a person and**
 5 **incidental to such professional service such person communicates with a local**
 6 **government agency or official or makes an appearance or assists in an**
 7 **appearance with a local government agency or official shall not be a lobbyist**
 8 **unless such person or the person who engaged the professional services of or**
 9 **employed such person makes an expenditure as defined in this Section.**

10 **(b) Any person who receives compensation of any kind, including**
 11 **reimbursement of expenditures, to act in a representative capacity when one of**
 12 **the functions for which compensation is paid is lobbying and makes**
 13 **expenditures as herein defined of five hundred dollars or more in a calendar**
 14 **year for the purpose of lobbying.**

15 **(8) "Person" means an individual, partnership, committee, association,**
 16 **corporation, and any other organization or group of persons.**

17 **§9663. Persons to whom applicable; exceptions**

18 **Except as otherwise provided in this Chapter relative to a principal or**
 19 **employer of a lobbyist, the provisions of this Chapter shall apply only to persons**
 20 **who are lobbyists as defined in R.S. 33:9662. An elected or appointed public**
 21 **official or any designee of such an official acting in the performance of his**
 22 **public duties shall not be considered to be a lobbyist as defined in this Chapter.**

23 **§9664. Registration of lobbyists with the ethics board; compilation of**
 24 **information**

25 **A. Each lobbyist shall register with the ethics board as soon as possible**
 26 **after employment as a lobbyist or after the first action requiring his registration**
 27 **as a lobbyist, whichever occurs first, and in any event not later than five days**
 28 **after employment as a lobbyist or not later than five days after the first action**
 29 **requiring his registration as a lobbyist, whichever occurs first. He shall**

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1 **electronically file with the ethics board using forms provided by it, the following**
2 **information:**

3 **(1) His name and business address.**

4 **(2) The name and address of each person by whom he is employed and,**
5 **if different, whose interests he represents, including the business in which that**
6 **person is engaged.**

7 **(3)(a) The name of each person by whom he is paid or is to be paid, the**
8 **amount he is paid or is to be paid for the purpose of lobbying, and a**
9 **characterization of such payment as paid, earned but not received, or**
10 **prospective.**

11 **(b) Amounts required to be disclosed pursuant to this Paragraph shall**
12 **be reported by category of value. The categories shall be:**

13 **(i) Category I, \$24,999 or less.**

14 **(ii) Category II, \$25,000-\$49,999.**

15 **(iii) Category III, \$50,000-\$99,999.**

16 **(iv) Category IV, \$100,000-\$249,999.**

17 **(v) Category V, \$250,000 or more.**

18 **(4)(a) An indication of potential subject matter about which he**
19 **anticipates lobbying.**

20 **(b) Indication of potential subject matters shall be made by choosing**
21 **from the following potential subject matter categories:**

22 **(i) Aerospace and space technology.**

23 **(ii) Agriculture: horticulture; livestock; poultry.**

24 **(iii) Agriculture: forestry; timber.**

25 **(iv) Alcohol and other beverages.**

26 **(v) Arts and entertainment.**

27 **(vi) Aquaculture and fisheries.**

28 **(vii) Business and private and commercial enterprises.**

29 **(viii) Banking, financial, and accounting.**

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- 1 **(ix) Charities and social services, faith-based organizations, and**
2 **community outreach.**
- 3 **(x) Computers, hardware, software, and intellectual property.**
- 4 **(xi) Construction, contracting, and real estate.**
- 5 **(xii) Educational services: colleges; technical schools; trade schools.**
- 6 **(xiii) Environmental quality, conservation, and wildlife preservation.**
- 7 **(xiv) Gaming.**
- 8 **(xv) Government: local; municipal; parish; state; federal.**
- 9 **(xvi) Health care: hospitals; nursing homes; elderly care; hospice.**
- 10 **(xvii) Health care: physicians; nurse practitioners; nurses.**
- 11 **(xviii) Health care: pharmaceutical and medical devices; research;**
12 **development; sales.**
- 13 **(xix) Homeland security.**
- 14 **(xx) Hotels, restaurants, and tourism.**
- 15 **(xxi) Insurance.**
- 16 **(xxii) International trade.**
- 17 **(xxiii) Law and lawyers.**
- 18 **(xxiv) Manufacturing: oil and gas; mining; refining; production;**
19 **chemical industry.**
- 20 **(xxv) Manufacturing: wholesale.**
- 21 **(xxvi) Military and veterans affairs.**
- 22 **(xxvii) Public safety, police, and fire.**
- 23 **(xxviii) Telecommunications.**
- 24 **(xxix) Tobacco industry.**
- 25 **(xxx) Transportation.**
- 26 **(xxxii) Unions, labor issues, and special advocacy groups.**
- 27 **(xxxii) Utilities: electric; gas; water; nuclear.**
- 28 **(c) The unintentional omission of a potential subject matter as provided**
29 **in this Paragraph shall not be a violation of this Chapter.**

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1 **(5)(a) The identity of each elected local government official or spouse of**
2 **an elected local government official with whom he or his employer or principal**
3 **has or has had in the preceding twelve months a business relationship.**

4 **(b) For the purposes of this Paragraph, "business relationship" means**
5 **any transaction or activity that is conducted or undertaken for profit and which**
6 **arises from a joint ownership interest, partnership, or common legal entity**
7 **between a lobbyist or his employer or principal and an elected local government**
8 **official or spouse of an elected local government official when the elected local**
9 **government official or spouse of the elected local government official owns ten**
10 **percent or more of such interest, partnership, or legal entity.**

11 **(6) One copy of a two-inch-by-two-inch recent photograph of the**
12 **registrant made within the prior six months shall be filed with the initial**
13 **registration form.**

14 **B. At the time of the initial registration of a lobbyist, the ethics board**
15 **shall assign the lobbyist a registration number, which number shall be inscribed**
16 **on the registration form. This number shall be inscribed on each supplemental**
17 **registration form, renewal form, and expenditure report filed by the lobbyist.**

18 **C. A registration shall expire on December thirty-first of each year**
19 **unless the lobbyist submits a renewal on forms provided by the ethics board**
20 **along with the appropriate fee. The registrant may file his renewal any time**
21 **from December first until January thirty-first. Failure to file the renewal form**
22 **by January thirty-first each year shall cause the registration to expire**
23 **retroactively as of December thirty-first of the preceding year.**

24 **D.(1) Within ten days of termination of a registrant's employment or**
25 **representation of any person, the registrant shall file a supplemental**
26 **registration with the ethics board acknowledging the termination of his**
27 **employment or representation.**

28 **(2) Each registrant who ceases activities requiring him to register shall**
29 **file a supplemental registration with the ethics board acknowledging the**

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1 termination of his lobbying activities.

2 (3) Each registrant who has terminated his registration must file
3 disclosure reports for each reporting period during which he was registered.

4 E. The forms shall be published electronically by the ethics board.
5 Registrations which have been filed shall be maintained by the ethics board and
6 made available to the public via the Internet. The electronic filing by a lobbyist
7 of any information required under this Section shall constitute a certification
8 that the information is true and correct to the best of his knowledge,
9 information, and belief and that no information required by this Part has been
10 deliberately omitted.

11 F. Whenever any information contained in his registration changes, or
12 the lobbyist begins representing an additional person, a supplemental electronic
13 registration shall be filed with the ethics board as soon as possible after such
14 change occurs and in any event not later than five days after such change using
15 forms provided by the ethics board.

16 G. Each lobbyist shall pay a fee of one hundred ten dollars with each
17 registration and each renewal of registration form filed. No additional fee shall
18 be paid for filing supplemental registration.

19 §9665. Reports and statements under oath

20 A.(1) All reports, registrations, and statements required under this
21 Chapter shall include a certification of accuracy by the person responsible for
22 filing the report, registration, or statement that the information contained in the
23 report, registration, or statement is true and correct to the best of his
24 knowledge, information, and belief; that no reportable expenditures have been
25 made that are not included therein as required by law; and that no information
26 required by this Chapter has been deliberately omitted.

27 (2) Except as otherwise specifically provided in this Chapter, reports,
28 registrations, and statements required under this Chapter shall be filed by
29 mailing said documents through the United States Postal Service, delivering by

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1 hand or through a commercial delivery service, or by transmitting by facsimile
2 or electronic transfer.

3 B. All reports, registrations, and forms filed with the ethics board shall
4 be maintained as public records and shall be made available for public
5 inspection. The ethics board may charge a reasonable amount for copies of such
6 reports.

7 §9666. Lobbyist expenditure reports

8 A. Each lobbyist registered under the provisions of this Chapter shall file
9 with the ethics board, in the manner prescribed by the ethics board by rule in
10 accordance with the provisions of this Chapter, a report of all expenditures
11 incurred for the purpose of lobbying.

12 B. A report shall be filed monthly. The report for each month shall be
13 filed by the twenty-fifth day of the following month.

14 C.(1) The report shall be electronically filed using forms provided by the
15 ethics board in a format suitable for use on the database required by R.S.
16 49:77(4). The electronic filing by a lobbyist of any report required under this
17 Section shall constitute a certification that the information contained in the
18 report is true and correct to the best of his knowledge, information, and belief;
19 that no reportable expenditures have been made that are not included therein
20 as required by law; and that no information required by this Chapter has been
21 deliberately omitted.

22 (2) A lobbyist shall retain records that document all reports made
23 pursuant to this Chapter for no less than three years.

24 D.(1) Each report shall include the following:

25 (a) A listing of each subject matter lobbied during each reporting period
26 pursuant to R.S. 49:74(A)(4).

27 (b) The total of all expenditures made during each reporting period
28 aggregated in the manner prescribed by the ethics board by rule.

29 (c) The aggregate total of expenditures attributable to an individual local

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1 government official during each reporting period, including the name of the
2 local government official and his local government agency.

3 (d) The aggregate total of expenditures attributable to the spouse or
4 minor child of a local government official during each reporting period. The
5 name of the spouse or minor child shall not be included. The aggregate total of
6 such expenditures shall be reported as follows:

7 "The aggregate total of expenditures attributable to the spouse of (insert
8 name of local government official) was (insert aggregate total of expenditures).

9 The aggregate total of expenditures attributable to the minor child or
10 children of (insert name of local government official) was (insert aggregate total
11 of expenditures)."

12 (e) The aggregate total of expenditures for all reporting periods during
13 the same calendar year, aggregated in the manner prescribed by the ethics
14 board by rule.

15 (f) The aggregate total of all expenditures attributable to an individual
16 local government official for all reporting periods during the same calendar
17 year, including the name of the local government official and his local
18 government agency.

19 (g) The aggregate total of all expenditures attributable to the spouse or
20 minor child of a local government official for all reporting periods during the
21 same calendar year. The name of the spouse or minor child shall not be
22 included. The aggregate total of such expenditures shall be reported as follows:

23 "The aggregate total of expenditures attributable to the spouse of (insert
24 name of local government official) for all reporting periods during the year was
25 (insert aggregate total of expenditures).

26 The aggregate total of expenditures attributable to the minor child or
27 children of (insert name of local government official) for all reporting periods
28 during the year was (insert aggregate total of expenditures)."

29 (2) For the purposes of this Section, the aggregate amount or any per

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1 **occasion amount attributable to a local government official or spouse or minor**
2 **child of a local government official shall not include any expenditure which is**
3 **otherwise required to be reported in Paragraph (E)(1) of this Section or which**
4 **is exempt as provided in Paragraph (E)(2) or (3) of this Section.**

5 **E.(1) Each report shall include a statement of the expenditure for each**
6 **reception, social gathering, or other function to which more than twenty-five**
7 **local government officials are invited. Any report of such amount shall include**
8 **the name of the group or groups invited and the date and location of the**
9 **reception, social gathering, or other function.**

10 **(2) Any expenditure, as defined herein, for any reception or social**
11 **gathering sponsored in whole or in part by a lobbyist, individually or on behalf**
12 **of a principal he represents, held in conjunction with a meeting of a national or**
13 **regional organization of local government officials shall be exempt from the**
14 **provisions of this Chapter.**

15 **(3) Any expenditure for any meal or refreshment consumed by or offered**
16 **to a local government official which is incidental to the local government official**
17 **giving a speech, being a member of a panel, or otherwise being involved in an**
18 **informational presentation to a group shall be exempt from the provisions of**
19 **this Chapter.**

20 **F.(1)(a) Any expenditures by a lobbyist's principal or employer made in**
21 **the presence of the lobbyist shall be reported by the lobbyist as provided in this**
22 **Chapter.**

23 **(b) Any lobbyist's principal or employer who makes direct expenditures**
24 **required to be reported pursuant to this Chapter shall timely furnish its**
25 **lobbyist information about such expenditures as necessary for compliance with**
26 **this Chapter. Such information shall be furnished to the lobbyist no later than**
27 **two business days after the close of each reporting period.**

28 **(c) Any lobbyist's principal or employer who makes direct expenditures**
29 **required to be reported pursuant to this Chapter who fails to provide its**

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1 lobbyist the information regarding such expenditures as provided in
2 Subparagraph (b) of this Paragraph shall be required to register as a lobbyist
3 pursuant to this Chapter and shall be subject to penalties for violations of this
4 Chapter.

5 (2)(a) Notwithstanding any provision of this Chapter to the contrary, a
6 lobbyist's principal or employer may opt to file reports required by this Section
7 in the manner prescribed by the ethics board by rule on behalf of all of the
8 lobbyists who represent such principal's or employer's interests. If a lobbyist's
9 principal or employer opts to file such reports, the principal or employer shall
10 notify the ethics board no later than January thirty-first of each year, and such
11 option shall be effective for the reporting of all expenditures made during that
12 calendar year. The notification shall include a listing of all persons on whose
13 behalf the lobbyist's principal or employer is filing the reports required by this
14 Section.

15 (b) Any lobbyist whose principal or employer opts pursuant to this
16 Paragraph to file the reports required by this Section shall timely furnish its
17 principal or employer all information about expenditures as necessary for
18 compliance with this Chapter. Such information shall be furnished to the
19 principal or employer no later than two business days after the close of each
20 reporting period.

21 (c) Any lobbyist's principal or employer who opts pursuant to this
22 Paragraph to file the reports required by this Section who fails to file or timely
23 file such reports shall be liable for and subject to any applicable late fees or
24 penalties, or both, for violations of this Chapter.

25 §9667. Administration

26 The ethics board, in performance of its duties under this Chapter, shall:

27 (1) Register lobbyists and assign lobbyist registration numbers as
28 required by this Chapter.

29 (2) Issue to each registered lobbyist at the time of initial registration a

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1 copy of this Chapter and any rules adopted pursuant to this Chapter.

2 (3) Promulgate all rules and forms necessary for the implementation
3 and administration of this Chapter, including but not limited to rules and forms
4 to prescribe the level of organizational unit or units of a local government
5 agency for which expenditures required to be reported pursuant to this Chapter
6 shall be aggregated.

7 (4) Establish and maintain access to a searchable, electronic database
8 available to the public via the Internet.

9 §9668. Enforcement

10 A. The ethics board shall be responsible for the enforcement of
11 provisions of this Chapter. The provisions of Part III of Chapter 15 of Title 42
12 of the Louisiana Revised Statutes of 1950, shall be applicable to enforcement of
13 this Chapter.

14 B. No action to enforce any provision of this Chapter shall be
15 commenced after expiration of two years after the occurrence of the alleged
16 violation.

17 C. The ethics board shall have the authority to impose and collect
18 penalties in accordance with the provisions of Part III of Chapter 15 of Title 42
19 of the Louisiana Revised Statutes of 1950, for a violation of this Chapter. In
20 addition, for recurring or egregious violations of this Chapter, the ethics board
21 may censure any person found guilty of such violation by the ethics board and
22 prohibit such person from lobbying for not less than thirty days and not more
23 than one year.

24 D. In addition to any other applicable penalties:

25 (1) Any person required to register and who fails to timely register and
26 any person who fails to timely file any report required by this Chapter shall be
27 assessed, pursuant to R.S. 42:1157, a late fee of fifty dollars per day.

28 (2) Any person whose registration or report is filed eleven or more days
29 after the day on which it was due shall be assessed, in addition to any late fees

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1 pursuant to this Section, after a hearing by the ethics board, a civil penalty not
2 to exceed ten thousand dollars.

3 (3) If the board determines that a person has filed a registration or
4 report required by this Chapter that is inaccurate or incomplete, the board shall
5 mail by certified mail a notice of delinquency informing the person that the
6 inaccuracy must be corrected or the missing information must be provided no
7 later than fourteen business days after receipt of the notice of delinquency. The
8 notice of delinquency shall include the deadline for correcting the inaccuracy
9 or providing the missing information. If the person corrects the inaccuracy or
10 provides the missing information prior to the deadline contained in the notice
11 of delinquency, no penalties shall be assessed against the person.

12 (4) Whoever fails to correct the inaccuracy or provide the missing
13 information by the deadline included in the notice of delinquency shall be
14 subject to penalties as provided by law.

15 (5) Any person, who with knowledge of its falsity, files a registration or
16 report as required in this Chapter that contains a false statement or false
17 representation of a material fact, shall be subject to the assessment of the civil
18 penalties provided in Part III of Chapter 15 of Title 42 of the Louisiana Revised
19 Statutes of 1950, and the findings of the board relative to such filing shall be
20 referred by the board to the appropriate district attorney for prosecution
21 pursuant to R.S. 14:133.

22 **§9669. Prohibited conduct; additional remedies; contract defeat or voidability**

23 A. No person shall enter into a contract to act in a representative
24 capacity for the purpose of lobbying and fail to register or fail to file a
25 supplemental registration providing the name and address of the person by
26 whom he is employed or engaged and, if different, whose interests he represents
27 pursuant to such contract as required by this Chapter.

28 B. Any person who violates the provisions of Subsection A of this Section
29 shall have engaged in a misrepresentation sufficient to defeat or void the

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1 contract such person entered into to act in a representative capacity for the
 2 purpose of lobbying. Any effort to register or to file a supplemental registration
 3 after any remedy or relief relative to such a violation is sought pursuant to any
 4 provision of law shall not be sufficient to reverse the misrepresentation.

5 C. The board shall afford any person accused of violating Subsection A
 6 of this Section a hearing in accordance with the provisions of Part III of
 7 Chapter 15 of Title 42 of the Louisiana Revised Statutes of 1950. If the board
 8 finds that a person violated the provisions of Subsection A of this Section, the
 9 board shall order that the contract entered into for the purpose of lobbying by
 10 such person is void and the provisions thereof unenforceable.

11 D. The provisions of this Section shall be in addition to any other
 12 applicable penalties or any other remedy or relief provided by law.

13 Section 3. Prior to the effective date of this Act, the Board of Ethics shall take
 14 whatever action may be necessary, including the promulgation of rules and forms, for the
 15 implementation and administration of the provisions of Section 1 of this Act by January 1,
 16 2011.

17 Section 4. The provisions of this Section and Section 3 of this Act shall become
 18 effective upon signature by the governor or, if not signed by the governor, upon expiration
 19 of the time for bills to become law without signature by the governor, as provided in Article
 20 III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently
 21 approved by the legislature, the provisions of this Section and Section 3 of this Act shall
 22 become effective on the day following such approval.

23 Section 5. The provisions of Sections 1 and 2 of this Act shall become effective on
 24 January 1, 2011.

The original instrument and the following digest, which constitutes no part
 of the legislative instrument, were prepared by Alden A. Clement, Jr.

DIGEST

Present law provides that the Board of Ethics is to administer certain provisions of present law, including the Code of Governmental Ethics and the Campaign Finance Disclosure Act.

Proposed law provides that the Board of Ethics is also to administer the provisions of

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Present law provides that, on a regular basis, the Board of Ethics is to conduct educational activities, seminars, and publish appropriate materials that provide instruction and information relative to the subjects of ethics and conflicts of interest concerning certain provisions of present law, including the Code of Governmental Ethics and the Campaign Finance Disclosure Act.

Proposed law makes this provision of present law applicable to proposed law.

Present law provides that the Board of Ethics is to design and make available to all interested persons via the Internet training and educational materials pertaining to certain provisions of present law, including the Code of Governmental Ethics and the Campaign Finance Disclosure Act.

Proposed law makes this provision of present law applicable to proposed law.

Proposed law defines terms, including:

- (1) Local government action - means any act by a local agency or official to effectuate the public powers, functions, and duties of a local government official or a local government agency, including but not limited to any act in the nature of policymaking, rulemaking, adjudication, licensing, regulation, or enforcement; relative to contracts, requests for proposals, development of specifications, or engaging another person to perform a governmental function; to adopt, repeal, increase, or decrease any fee imposed on the affairs, actions, or persons regulated by a local government agency; or to affect the passage, defeat, or implementation of any legislation.
- (2) Local government agency - any authority, office, department, district, unit, board, commission, institution, or any quasi-public entity created in local government by or pursuant to law or by or pursuant to the constitution in a local governmental or local political subdivision. Excludes any unit of the executive, legislative, or judicial branches of state government or any agency thereof.
- (3) Local government official - an elected official, an appointed official, or an employee in a local government agency.
- (4) Expenditure - the gift or payment of money or any thing of value for the purchase of food, drink, or refreshment for the purpose of lobbying and any gift or payment permitted by the ethics code for certain events for a local government official, his spouse, or minor child for the purpose of lobbying when the lobbyist or principal accounts or would be expected to account for the expenditure as an ordinary and necessary expense directly related to the active conduct of the lobbyist's, his employer's, or the principal's trade or business.
- (5) Lobbying - any direct act or communication with a local government official, the purpose of which is to aid in influencing a local government action.
- (6) Lobbyist - any person who is employed to act in a representative capacity for the purpose of lobbying if lobbying constitutes one of the duties of such employment, or any person who receives compensation of any kind to act in a representative capacity when lobbying is one of the functions for which such compensation is paid and makes expenditures of \$500 or more in a calendar year for the purpose of lobbying.

Proposed law provides that except as otherwise provided for lobbyist's principals and employers, provisions are applicable only to persons who are lobbyists. Proposed law

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specifies that an elected or appointed official or any designee of such an official acting in the performance of his public duties is not to be considered a lobbyist as defined in proposed law.

Proposed law provides that persons register with the ethics board as soon as possible after employment as a lobbyist or after the first action requiring registration whichever occurs first, but in no event later than five days after employment or five days after the first action requiring his registration whichever occurs first. Requires that the registration be filed electronically with the board.

Proposed law provides that registration renewal can occur anytime from Dec. 1 until Jan. 31 and that failure to renew by Jan. 31 of each year causes registration to expire retroactively to Dec. 31. Requires that the lobbyist provide the following information: his name, business address, the name and address of his employers and persons whose interests he represents, including the business in which such person is engaged, and the name of each person by whom he is paid; and adds that he must include with his initial registration one copy of a 2" x 2" photograph made within six months prior to the initial registration. Requires a supplemental registration form to be filed when any information changes.

Proposed law further requires that the following information be filed by a lobbyist:

- (1) The amount he is paid or is to be paid for lobbying using category ranges established in proposed law. Category ranges in proposed law are: Category I, less than \$24,999; Category II, \$25,000 - \$49,999; Category III, \$50,000-\$99,999; Category IV, \$100,000-\$249,000; Category V, \$250,000 or more.
- (2) A characterization of such payment as paid, earned but not received, or prospective.
- (3) An indication of potential subject matter about which he anticipates lobbying. Proposed law provides that such indication is to be made by choosing from one or more items on a list of potential subject matter categories. Proposed law lists 32 such categories. Proposed law provides that the unintentional omission of a potential subject matter is not a violation.
- (4) The identity of each elected local government official or spouse of an elected local government official with whom he or his employer or principal has, or has had in the preceding 12 months a business relationship.

Proposed law defines "business relationship" (relative to a local government official and his spouse) as any transaction, contract, or activity that is conducted or undertaken for profit and which arises from a joint ownership interest, partnership, or common legal entity between a lobbyist, his employer, or principal and a local government official or his spouse when the local government official or his spouse owns 10% or more of such interest or entity.

Proposed law provides that within 10 days of the termination of a registrant's employment or representation, such registrant must file a supplemental registration with the ethics board acknowledging termination. Proposed law also provides that a registrant who ceases activities that require him to register must file a supplemental registration acknowledging termination of lobbying activities, and that each such registrant is required to file disclosure reports for each reporting period he was registered.

Proposed law provides that whenever any information contained in his registration changes, a lobbyist must file a supplemental electronic registration as soon as possible and in no event not later than five days of such change using forms provided by the board.

Proposed law requires lobbyists to pay a \$110 fee for each registration and renewal filed.

Proposed law requires that, as provided by ethics board rule, each lobbyist file monthly, a

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report of all expenditures required to be reported during the reporting period. Requires each report to include the total aggregate expenditures during the calendar year, aggregated as prescribed by the ethics board. Proposed law provides that the lobbyist must also report by name and agency the total expenditures for any local government official, his spouse, or minor child during a reporting period and the total amount of expenditures for any such local government official, his spouse, or minor child during the calendar year.

Proposed law requires the ethics board to promulgate rules and forms to prescribe the level of organization unit or units of a local government agency for which expenditures are required to be aggregated.

Proposed law also provides that each report is to include a statement of total expenditures for each registration or social gathering to which 25 local government officials are invited and is to include the name of the group(s) invited and the date and location of the reception or social gathering. Amounts so reported are not attributable to individual officials for reports as required above. Exempts from reporting requirements any expenditures by a lobbyist for a reception or social gathering held in conjunction with a meeting of a national or regional organization of local government officials and expenditures for a meal or refreshment consumed or offered to a local government official giving a speech, being a member of a panel, or otherwise being involved in an informational presentation to a group.

Proposed law requires any expenditures by a lobbyist's principal or employer made in the presence of the lobbyist to be reported by the lobbyist. Requires any lobbyist's principal or employer who makes direct expenditures required to be reported to timely furnish its lobbyist information about such expenditures as necessary for compliance. Requires such information to be furnished to the lobbyist no later than two business days after the close of each reporting period.

Proposed law additionally specifies that any lobbyist's principal or employer who makes direct expenditures required to be reported and who fails to provide its lobbyist such information is required to register as a lobbyist and is subject to penalties for violations.

Proposed law allows a lobbyist's principal or employer to opt to file the required reports on behalf of all of the lobbyists who represent such principal's or employer's interests. Proposed law requires the principal or employer to notify the ethics board no later than January 31 of each year. Proposed law provides that such option shall be effective for the reporting of all expenditures made during that calendar year. Proposed law requires the notification to include a listing of all persons on whose behalf the lobbyist's principal or employer is filing reports. Proposed law requires any lobbyist whose principal or employer opts to file the required reports to timely furnish its principal or employer all information about expenditures as necessary for compliance, no later than two business days after the close of each reporting period. Proposed law provides that any lobbyist's principal or employer who opts to file the required reports who fails to file or timely file such reports are liable for and subject to any applicable late fees or penalties, or both.

Proposed law requires that the ethics board:

- (1) Register lobbyists and assign lobbyist registration numbers. Requires such number to be inscribed on registration forms and reports of the lobbyist.
- (2) Issue each registered lobbyist a copy of the provisions and rules adopted.
- (3) Promulgate all necessary rules and forms, including but not limited to rules and forms to prescribe the level of organizational unit or units of a local government agency for which expenditures required to be reported are to be aggregated.
- (4) Publish all necessary forms electronically. Requires the board to make registration filings available to the public via the Internet.

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Proposed law makes the ethics board responsible for enforcement, and provides that provisions for enforcement of the Code of Governmental Ethics apply, including investigation, hearing procedures, confidentiality, penalties, appeals, powers of the ethics board, and enforcement of orders. Proposed law prohibits commencement of enforcement actions after two years after the alleged violation.

Proposed law authorizes the ethics board to impose and collect penalties and authorizes the ethics board to censure any person found guilty of a recurring or egregious violations of proposed law and prohibits such person from lobbying for not less than 30 days and not more than one year.

Proposed law provides for late fees of \$50 per day for failure to timely register or timely file any report required by proposed law. Proposed law provides that for being 11 or more days late in registration or filing a report, after a hearing by the ethics board, a civil penalty may be assessed not to exceed \$10,000.

Proposed law provides that prior to the effective date of proposed law and effective upon signature of the governor, the Board of Ethics is to take whatever action necessary, including the promulgation of rules and forms, for the implementation and administration of the provisions of proposed law by January 1, 2011.

Effective August 15, 2010.

(Amends R.S. 42:1132(D), 1134(N), and 1157(A)(1) and (3); adds R.S. 33:9661-9669)

**2010 Regular Legislative Session
BILLS INVOLVING ETHICS**

Bill No.	Author	Summary	Position/Status
HB99	Jones	Requires the nominating committee for the Board of Ethics to provide no fewer than five names for each vacancy and to give consideration to the demographics of the population of the state.	ASSIGNED TO HOUSE & GOVERNMENTAL AFFAIRS
HB240	Danahay	Provides that the EAB issue the final decision, the Ethics Board cannot override the decision, and the employees of the Board must enforce the decision.	ASSIGNED TO HOUSE & GOVERNMENTAL AFFAIRS
HB258	Labruzzo	Requires a person to file a financial disclosure statement within 10 days of becoming a candidate for an office and annually thereafter as long as he is a candidate for the office.	ASSIGNED TO HOUSE & GOVERNMENTAL AFFAIRS
HB296	Hutter	Allows a public servant to accept gifts valued at less than \$15 for customary social occasions, provided the aggregate for a calendar year does not exceed \$45 per person.	ASSIGNED TO HOUSE & GOVERNMENTAL AFFAIRS
HB302	Smiley	Requires the boards and commissions whose members are required to file Tier 2.1 disclosures to give notice to the Commissioner of Administration who in turn must post such information on a website.	ASSIGNED TO HOUSE & GOVERNMENTAL AFFAIRS
HB566	Abramsom	Requires those holding a public office disclosure by certain officials of information relative to employment and appointment of campaign contributors.	ASSIGNED TO HOUSE & GOVERNMENTAL AFFAIRS
HB 670	Henry	Permits parishes governed by a home rule charter with a population in excess of 400,000 to create a local ethics entity with law enforcement authority	ASSIGNED TO HOUSE MUNICIPAL & PAROCHIAL AFFAIRS

Bill No.	Author	Summary	Position/Status
HB 731	Pugh	Provides a specific exception from the Public Records Law for agency head reports	ASSIGNED TO HOUSE & GOVERNMENTAL AFFAIRS
HB 734	Pearson	Extends the time period from 12/31/09 to 12/31/10 to permit public employees to receive donations from not-for-profit organizations to offset economic losses as result of Hurricanes Katrina and Rita and adds St. Tammany Parish Law Officer Relief Fund to the list of organizations.	ASSIGNED TO HOUSE & GOVERNMENTAL AFFAIRS
HB 758	Hutter	Provides for the disclosure of the name of the accused upon conclusion of a matter initiated by a complaint upon written request by the accused.	ASSIGNED TO HOUSE & GOVERNMENTAL AFFAIRS
HB 761	White	Requires public employees of a parish with a population of more than 50,000 or of a municipality with a population of more than 35,000 whom the parish or municipality has authorized to negotiate or determine the terms of a contract for the parish or municipality to file personal financial disclosure reports under Tier 2.	ASSIGNED TO HOUSE & GOVERNMENTAL AFFAIRS
HB 933	Perry	Creates an exception to allow a member of a hospital service district to enter into transactions with his agency provided the amount of the transaction does not exceed \$1,500 a month.	ASSIGNED TO HOUSE & GOVERNMENTAL AFFAIRS
HB 1038	Greene	Requires elected officials who hold district or major level office to file additional campaign finance disclosure reports each April, July and October unless the official notifies the Board that he has a report due in connection with an election within 30 days of the due date of the report.	ASSIGNED TO HOUSE & GOVERNMENTAL AFFAIRS
HB 1059	Abramson	Amends the election code to provide that if a public servant uses public funds that in any manner urges an elector to vote for or against a candidate or proposition, the public servant will reimburse the public entity.	ASSIGNED TO HOUSE & GOVERNMENTAL AFFAIRS

Bill No.	Author	Summary	Position/Status
HB 1143	Gallot	Repeals the requirement that the Board of Ethics adopt the decisions of the EAB. Provides that a person may request a review of a decision of a panel of the EAB by the full EAB and that the Ethics Board may request a review on a question of law; changes references to a defendant to respondent; provides for members of the EAB to serve 3 year terms and for an alternate judge to fill any vacancy on the EAB. Provides that the Ethics Board must file charges within 1 year of the receipt by the Ethics Board of a complaint or if no complaint was received within 1 year of the date the Ethics Board voted to consider the matter or within 4 years of the alleged violation. Repeals 1163 and 1141C(3)(c).	ASSIGNED TO HOUSE & GOVERNMENTAL AFFAIRS
HB 1178	Connick, et al.	Provides for members of the EAB to serve 3 year terms; requires the EAB to consider prior decisions and actions of the EAB and its predecessors; Provides that a person may request a review of a decision of a panel of the EAB by the full EAB.	ASSIGNED TO HOUSE & GOVERNMENTAL AFFAIRS
HB 1179	Ligi, et al.	Provides that the Ethics Board may appeal a decision of the EAB on questions of law and confined to the record created at the hearing and that if the Ethics Board does not prevail in the appeal, the court may award reasonable attorney fees and court costs to the other party. Clarifies that an appeal of the decision of the Ethics Board must be made by application to the Ethics Board within 30 days after the mailing of the notice of the decision.	ASSIGNED TO HOUSE & GOVERNMENTAL AFFAIRS
HB 1202	Gallot	Provides that the Ethics Board may appeal a decision of the EAB on questions of law and that if the Ethics Board does not prevail in the appeal, the Ethics Board shall be responsible for the payment of the reasonable attorney fees and court costs of the other party. Clarifies that an appeal of the decision of the Ethics Board must be made by application to the Ethics Board within 30 days after the mailing of the notice of the decision.	ASSIGNED TO HOUSE & GOVERNMENTAL AFFAIRS

Bill No.	Author	Summary	Position/Status
HB 1203	Gallot	Provides that the Ethics Board must file charges within 1 year of the receipt by the Ethics Board of a complaint or if no complaint was received within 1 year of the date the Ethics Board voted to consider the matter or within 4 years of the alleged violation. "Receipt by the Board" means receipt by a member of the board, a member of the staff of the board, or any person employed or acting on behalf of the board. Repeals 1163 and 1141C(3)(c).	ASSIGNED TO HOUSE & GOVERNMENTAL AFFAIRS
HCR 51	Gallot	Requests the Board of Ethics to work with the Office of Facility Planning and Control to determine the cost of installing AV equipment in the Board's meeting room.	PENDING HOUSE FINAL PASSAGE
SB72	Appel	Requires appointed and elected judges to file a Tier 2 disclosure report and receive training on the provisions of the Ethics Code and the Campaign Finance Disclosure Act.	ASSIGNED TO SENATE & GOVERNMENTAL AFFAIRS
SB 126	Adley	Extends the prohibition against contracting with state government to immediate family members of certain public servants, allows the spouse of the public servant to enter into competitively bid contracts and extends the prohibition to such contracts to the spouse and immediate family members of undersecretaries.	ASSIGNED TO SENATE & GOVERNMENTAL AFFAIRS
SB 277	Martiny	Provides for the disclosure by higher education institutions of gifts of \$100,000 or more made by foreign governments or persons.	ASSIGNED TO SENATE & GOVERNMENTAL AFFAIRS
SB 310	Kostelka	Provides for a two-year term for members of the EAB, for the filling of vacancies on the EAB, for the appeal of decisions of the EAB, and removes the necessity of the Board approving the EAB's decisions.	ASSIGNED TO SENATE & GOVERNMENTAL AFFAIRS

Bill No.	Author	Summary	Position/Status
SB 418	Kostelka	Provides that the Ethics Board issue charges by sending a letter by certified mail to the person accused of the violation. Provides that a matter shall be dismissed if the Ethics Board does not issue charges within 1 year of the receipt of a sworn complaint by the Ethics Board or its staff. Provides that if no sworn complaint is received, a matter shall be dismissed if the Ethics Board does not issue charges within 2 years from the date the Ethics Board or its staff discovers the alleged violation, within 1 year from the date the Ethics Board voted to consider the matter or within 4 years of the alleged violation. Provides that the 4 year period is preemptive and may not be interrupted.	ASSIGNED TO SENATE & GOVERNMENTAL AFFAIRS
SB 470	Long	Creates an exception for a child, who is a licensed physician, of a member of a board of commissioners for a hospital service district in a parish that has a population of 50,000 or less or that is specified as rural from entering into a contract, individually or through a legal entity, with the hospital, or a subcontract under the jurisdiction of the hospital. Further provides that the board member must recuse himself in connection with transactions relating to such contracts.	ASSIGNED TO SENATE & GOVERNMENTAL AFFAIRS
SB 622	Walsworth	Extends the exception allowing persons with a contract for advertising services with Dept. Of Culture, Recreation and Tourism to contract with other persons who have contracts with the Department to include the Dept. of Wildlife and Fisheries and the Department of Agriculture.	ASSIGNED TO SENATE & GOVERNMENTAL AFFAIRS
SCR 2	Murray	Requests the Law Institute to study changes to the Code enacted in the 2008 extraordinary and regular sessions and to make recommendations regarding those changes.	ASSIGNED TO SENATE & GOVERNMENTAL AFFAIRS

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ORIGINAL

Regular Session, 2010

HOUSE BILL NO. 1216

BY REPRESENTATIVE GALLOT

LEGISLATION: Makes technical corrections in various provisions of the Louisiana Revised Statutes

1 AN ACT

2 To amend and reenact various provisions of the Code of Civil Procedure and the Code of

3 Criminal Procedure and provisions of the Louisiana Revised Statutes of 1950,

4 relative to the Louisiana Revised Statutes of 1950 and certain codal provisions of

5 law; to provide for technical corrections to certain Revised Statutes and codal

6 provisions; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Code of Civil Procedure Article 2593 is hereby amended and reenacted

9 to read as follows:

10 Art. 2593. Pleadings

11 A summary proceeding may be commenced by the filing of a contradictory

12 motion or by a rule to show cause, except as otherwise provided by law.

13 Exceptions to a contradictory motion, rule to show cause, opposition, or

14 petition in a summary proceeding shall be filed prior to the time assigned for, and

15 shall be disposed of ~~on~~ at the trial. An answer is not required, except as otherwise

16 provided by law.

17 No responsive pleadings to an exception are permitted.

18 Section 2. Code of Criminal Procedure Articles 512 and 513 are hereby amended

19 and reenacted to read as follows:

20 Art. 512. Assignment of counsel in capital cases

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1 (5) The salary of each legislative assistant shall be paid from the funds of the
 2 respective ~~houses~~ house, withdrawn from the state treasury and deposited in the
 3 manner provided in R.S. 24:31.1, and shall be paid to each individual legislative
 4 assistant whose employment and salary have been certified by a member to his
 5 respective presiding officer. Payment shall be by check signed by the speaker of the
 6 House of Representatives as to the salary of legislative assistants to House members
 7 and by the president of the Senate as to the salary of legislative assistants to Senate
 8 members. Facsimile signatures may be used.

9 * * *

10 C.(1)(a) ~~When~~ If a legislator employs only one legislative assistant, ~~such~~ the
 11 assistant may participate in the state's group life, health, and hospitalization
 12 insurance program and the state employees' retirement system ~~provided~~ such if the
 13 assistant receives at least sixty percent of the total compensation available to employ
 14 the legislative assistant.

15 * * *

16 §52. Persons to whom applicable; exceptions

17 Unless the context clearly indicates otherwise, the provisions of this Part shall
 18 apply only to persons who are lobbyists as defined in R.S. 24:51. The provisions of
 19 this Part shall not apply to an elected official or any ~~designees~~ designee of the an
 20 elected official; when such designee is a public employee and when such elected
 21 official or public employee is acting in the performance of his or her official public
 22 duties.

23 * * *

24 §55. Lobbyist expenditure reports

25 * * *

26 D.

27 * * *

28 (2) For the purposes of this Section, the aggregate amount or any per
 29 occasion amount attributable to a legislator or the spouse or minor child of a

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1 legislator or public servant, other than a legislator, in the legislative branch of state
2 government shall not include any expenditure which is required to be reported in
3 Paragraph (E)(1) or (2) of this Section or which is exempt under Paragraph (E)(3) of
4 this Section.

5 E.

6 * * *

7 (2)(a) Any expenditure; as defined in this Part; for any reception or social
8 gathering sponsored in whole or in part by a lobbyist, individually or on behalf of a
9 principal he represents, held in conjunction with a meeting of a national or regional
10 organization of legislators or legislative staff shall be reported by including the name
11 of the national or regional organization, the date and location of the reception or
12 social gathering, a general description of persons associated with the organization
13 invited to attend the reception or social gathering, and the amount of the expenditure.

14 * * *

15 §101. Purpose and findings

16 A. The state of Louisiana faces a severe decline in revenues through fiscal
17 year 2012 which, if no corrective action is taken, will leave a significant funding gap
18 in state government expenditures and will create serious sustainability issues in the
19 financing of state obligations.

20 B. It is essential that the state act now to reduce the cost of state government,
21 through all means available, including efficiencies, economies, greater effectiveness,
22 and other means to streamline government in order to overcome the projected severe
23 revenue reductions occurring through 2012 and to ensure that available state tax
24 dollars are being spent efficiently and effectively. Many state agencies were created
25 over thirty years ago and a review of ~~all agencies~~ each agency and its activities,
26 functions, programs, and services is needed to determine whether the purpose served
27 by the agency or activity, function, program, or service continues to be relevant.

28 * * *

29 §107. Finances