



STATE OF LOUISIANA
DEPARTMENT OF STATE CIVIL SERVICE
LOUISIANA BOARD OF ETHICS
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April 21, 2023

The Honorable Senator Sharon Hewitt
Chairperson, Senate and Governmental Affairs
apa.s-s&g@legis.la.gov
P.O. Box 94183
Baton Rouge, Louisiana 70804

The Honorable Representative John Stefanski
Chairperson, House and Governmental Affairs
apa.h-hg@legis.la.gov
P. O. Box 94062
Baton Rouge, Louisiana 70804

Re: Promulgation of Amended Rules Regarding the exemption disclosure statement pursuant to R.S. 42:1123(34) (LAC 52: I. Chapter 20, *Louisiana Register*, Volume 49, No. 3, March 20, 2023, Pages 528-529)

Dear Senator Hewitt and Representative Stefanski:

Pursuant to R.S. 49:968(D)(1)(b), the Louisiana Board of Ethics reports that no public hearing has been or will be held regarding the proposed amended regulations to the exemption disclosure statement pursuant to R.S. 42:1123(34). The deadline to submit comments or request a public hearing for the proposed rules was April 10, 2023. No one submitted comments or requested a public hearing; therefore, no public hearing was scheduled.

If you would like to schedule a hearing before the oversight committee to consider these suggested rules, please contact Kristy Gary, Deputy Ethics Administrator or myself to provide such assistance as is necessary under these circumstances. Upon receiving a favorable recommendation, the Louisiana Board of Ethics anticipates the final rule will be published on June 20, 2023 with the effective date being upon rule promulgation.

Sincerely,

LOUISIANA BOARD OF ETHICS

Kathleen M. Allen
For the Board

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**Title 52
ETHICS**

Part I. Board of Ethics

**Chapter 20. Exemption Pursuant to the Provisions of
Section 1123(34)**

§2001. Application

A. A member of a municipal or parish governing authority, an appointed member of a planning or zoning or appeals board or commission of a parish or municipality, or a member of such public official's immediate family or a legal entity they have an interest may make an application which is under the supervision or jurisdiction of his agency for the approval of the subdivision or resubdivision of property, and for the zoning of such property or for a building permit and any inspections performed pursuant thereto, provided the public servant recuses himself from acting in his official governmental capacity in matters concerning such application, and provides the written notice as required in §2003 is filed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 30:2686 (December 2004), LR 49:

§2003. Reporting Requirements

A. Written notices filed pursuant to R.S. 42:1123(34) of the Code shall:

1. be filed with the board and with the public servant's governing authority or board or commission no later than 10 days prior to any hearing pertaining to such application or if no hearing is held at least 10 days prior to final action on such application; and

2. be in writing, on a form provided by the board or a form which is substantially similar to the form provided by the board, and shall contain the following;

a. name, address, and the office held by the public servant;

b. name and address, and relation to public servant, if the applicant is a member of the public servant's immediate family;

c. name and business address of the legal entity, if applicable;

d. name of municipality or parish;

e. description of the application being made;

f. date of hearing or final action regarding such application;

g. statement that:

i. the zoning of such subdivided property will not be less restrictive than the zoning of the original parcel;

ii. the property will be used for residential purposes only;

iii. application for the subdivision, resubdivision, or zoning of no more than 12 lots per calendar year and the construction of no more than 12 residential units per calendar year by the elected official, his immediate family members and any legal entity in which they own a controlling interest has been submitted; and

iv. no public funds will be used to construct any infrastructure for the use or benefit of such property;

NOTICE OF INTENT

**Department of Civil Service
Board of Ethics**

Exemption Disclosure Statement (LAC 52:I.Chapter 20)

In accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., notice is hereby given that the Department of Civil Service, Board of Ethics, has initiated rulemaking procedures and is proposing to amend its Rules regarding the exemption disclosure statement pursuant to R.S. 42:1123(34).

h. signed certificate of accuracy that the information in the form is true and correct to the best of the public servant's knowledge, information, and belief and that no information required by R.S. 42:1123(34) has been deliberately omitted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 42:1134(A).

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, LR 30:2686 (December 2004), LR 49:.

Family Impact Statement

The proposed Rule changes have no known impact on family formation, stability or autonomy, as described in R.S. 49:972.

Poverty Impact Statement

The proposed Rule changes have no known impact on poverty, as described in R.S. 49:973.

Small Business Analysis

The proposed Rule should not have any known or adverse impact on small business as described in R.S. 49:978.5.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session.

Public Comments

Interested persons may direct their comments to Kathleen M. Allen, Louisiana Board of Ethics, P.O. Box 4368, Baton Rouge, Louisiana 70821, telephone (225) 219-5600, until 4:45 p.m. on April 10, 2023.

Kathleen M. Allen
Ethics Administrator

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Exemption Disclosure Statement

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule provides amendments to codify the Board of Ethics rules to recent changes in statute, Act 340 of the 2021 Regular Session amended R.S. 42:1123(34), which requires amending the administrative rules. The proposed rule provides the changes to comply with the amended disclosure requirements. The only estimated cost to implement the proposed rule is \$320 in FY 22-23, which includes the cost to publish the Notice of Intent and the proposed rule in the State Register.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule will have no anticipated effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS (Summary)

The proposed rule will require directly affected persons to file a disclosure form with the Board of Ethics.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule will have no anticipated effect on competition and employment.

Kristy Gary
Deputy Administrator
2303#042

Evan Brasseaux
Interim Deputy Fiscal Officer
Legislative Fiscal Office