



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 Rules Regarding Disclosure Forms Filed Pursuant to R.S. 42:1111(C)(5)(LAC 52: I. Chapter 12, *Louisiana Register*, Volume 49, No. 3, March 20, 2023, Pages 530-531)

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 rules for disclosure forms filed pursuant to R.S. 42:1111(C)(5). 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

KMA:kfg

2. contain the following:
 - a. name and mailing address of public servant and their spouse;
 - b. position held by the public servant and the name of the public servant's agency;
 - c. name and mailing address of public servant's spouse's employer;
 - d. date of public servant's spouse's employment;
 - e. date public servant began public service;
 - f. brief description of the nature of the contractual, business, or financial relationship between the public servant's spouse's employer and with the public servant's agency;
 - g. start date of relationship between public servant's spouse's employer and public servant's agency; and,
 - h. certification that:
 - i. the public servant's spouse is a salaried or wage earning employee;
 - ii. the public servant's spouse's compensation is substantially unaffected by a contractual or other business or financial relationship with the public servant's agency;
 - iii. neither the public servant nor the public servant's spouse are an owner, officer, director, trustee, or partner in the legal entity that has or is seeking to have the relationship with the public servant's agency;
 - iv. the public servant will recuse or disqualify themselves from participating in the transaction in accordance with R.S. 42:1112; and,
 - v. the public servant's spouse will comply with the disclosure requirements in La. R.S. 42:1114.
 - i. signature by the public servant and the public servant's spouse certifying that the information contained in the form is true and correct to the best of their knowledge, information and belief.
 - j. date of signature.

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

HISTORICAL NOTE: Promulgated by the Department of Civil Service, Board of Ethics, 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

NOTICE OF INTENT

**Department of Civil Service
Board of Ethics**

**Spousal Income Disclosure Statement
(LAC 52:I.1319)**

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 adopt a Rule regarding disclosure forms filed pursuant to R.S. 42:1111(C)(5).

**Title 52
ETHICS**

Part I. Board of Ethics

Chapter 13. Records and Reports

§1319. Disclosures Filed Pursuant to R.S. 42:1111(C)(5)

A. Disclosures filed pursuant to R.S. 42:1111(C)(5) shall:

1. be in writing and on a form provided by the board or a form which is substantially similar to the form provided by the board;

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES
RULE TITLE: Spousal Income Disclosure Statement**

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

The proposed rule facilitates disclosure requirements and codifies the Board of Ethics rules to recent changes in statute. Act 272 of the 2021 Regular Session added R.S. 42:1111(C)(5), which allows a public servant's spouse to maintain their employment with a person that has a contractual, business or financial relationship with the public servant's agency provided certain stipulations are met. The proposed rule enables these provisions and filing requirements to comply with statute. 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#043

Evan Brasseaux
Interim Deputy Fiscal Officer
Legislative Fiscal Officer