



STATE OF LOUISIANA
DEPARTMENT OF STATE CIVIL SERVICE
LOUISIANA BOARD OF ETHICS
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March 13, 2025

Via email:

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

The Honorable Representative Gerald "Beau"
Beaulieu, IV
Chair, House and Governmental Affairs
apa.h-hg@legis.la.gov
P. O. Box 94062
Baton Rouge, Louisiana 70804

Re: 2024 Annual Rulemaking Report

Dear Senator Kleinpeter and Representative Beaulieu:

Pursuant to R.S. 49:966(K), the Louisiana Board of Ethics is submitting its annual summary report on all rulemaking actions taken in the past year. Please see the following attachment for the rulemaking actions taken during the 2024 calendar year. Additionally, the Board and its staff reviewed a portion (Chapters 1-7) of its total rules per Act 192 of the 2024 Regular Session. A list of these reviewed rules is included here and amounts to approximately 23% of the Louisiana Board of Ethics rules (and 30% of all the chapters of the rules).

If you need additional information, please do not hesitate to contact me or Kristy Gary, Deputy Ethics Administrator.

Sincerely,

LOUISIANA BOARD OF ETHICS

David M. Bordelon
For the Board

DMB/kfg

Department of Civil Service
Board of Ethics

Rulemaking Summary
Annual Legislative Oversight Report
Calendar Year 2024

March 13, 2025

2024 Rulemaking Summary Report - R.S. 49:966(K)
Board of Ethics
LAC Title 52

<u>Adoption, Amendment, or Repeal</u>	<u>Rule</u>	<u>Chapter</u>	<u>Action</u>
Amend	Food and Drink limit	17	NOI published 5/20/2024. Summary Report submitted 6/20/2024. Amended rule was published for final adoption in the Louisiana Register, 8/20/2024.
Proposed for Adoption	Contributions received by a political committee	16	NOI published 6/20/2024. A public hearing was not held nor was a summary report submitted.

The following actions commenced in 2024, with the final rules being published in 2025.

Adoption	Reporting for a Tie Vote	16	NOI published 9/20/2024. Summary Report submitted 12/30/2024. Adopted rule published in the Louisiana Register, 2/20/2025.
Adoption	Campaign finance receiving contributions	16	NOI published 9/20/2024. Summary Report submitted 12/30/2024. Adopted rule published in the Louisiana Register, 2/20/2025.
Amend	Political committees filing fees via electronic payments	16	NOI published 9/20/2024. Summary Report submitted 12/30/2024. Adopted rule published in the Louisiana Register, 2/20/2025.

Pursuant to R.S. 49:966(K), the Board of Ethics submits a yearly report regarding the adoption, amendment, or repeal of any rule or the adoption, increase, or decrease of any fee during the calendar year to appropriate legislative oversight committees.

State of Louisiana



REVIEW OF AGENCY RULES
March 7, 2025

LOUISIANA BOARD OF ETHICS

1. Mission of the Louisiana Board of Ethics

The mission of the Louisiana Board of Ethics (the “Board”) is to administer and enforce Louisiana’s conflicts of interest legislation, campaign finance registration and reporting requirements, lobbyist registration and reporting requirements, and public disclosure laws to achieve disclosure compliance by governmental officials, public employees, candidates, and lobbyists and to provide public access to the disclosed information.

2. Statutes Administered and Enforced by the Louisiana Board of Ethics

- LSA-R.S. 42:1101, *et seq.*, establishes the **Code of Governmental Ethics** (the “Ethics Code”) and creates the Board of Ethics. The Ethics Code regulates conflict of interests for state, parish, and local elected officials and public employees. The Ethics Code also imposes restrictions on a public servant’s immediate family members and their legal entities, as well as other persons who interact with public servants and various governmental entities.
- LSA-R.S. 18:1481, *et seq.*, establishes the **Campaign Finance Disclosure Act** and designates the Board of Ethics to administer the provisions thereof. This body of law sets forth the filing requirements and regulatory requirements for candidates, political committees, and other persons who participate in the election of candidates in primary and general elections, as well as in proposition and recall elections.
- LSA-R.S. 24:50, *et seq.* establishes the **Legislative Lobbyist Registration and Disclosure Act** and provides for the enforcement thereof by the Board of Ethics. This body of law sets forth the registration and filing requirements for individuals who lobby officials in the legislative branch of state government.
- LSA-R.S. 49:71, *et seq.*, establishes the **Executive Branch Lobbyist Registration and Disclosure Act** and provides for the enforcement thereof by the Board of Ethics. This body of law sets forth the registration and filing requirements for individuals who lobby officials in the executive branch of state government.
- LSA-R.S. 33:9661, *et seq.* establishes the **Local Lobbyist Registration and Disclosure Act** and provides for the enforcement thereof by the Board of Ethics. This body of law sets forth the registration and filing requirements for individuals who lobby officials in parish and municipal governmental entities.
- LSA-R.S. 18:41, *et seq.*, establishes the **Louisiana Elections Integrity Act** and provides for the enforcement thereof by the Board of Ethics. This body of law provides for enforcement action regarding violations of law, irregularities, errors, or fraud in the conduct of an election for offices set forth in LSA-R.S. 18:45A.
- Conflict of interest provisions in the **Gaming Control Laws** in Title 27 of the Revised Statutes.

2024 Review of Agency Rules

3. Act 192 of the 2024 Regular Legislative Session

Pursuant to Act 192 of the 2024 Regular Legislative Session, effective August 1, 2024, the Board conducted a review of Chapters 1-7 of the Rules for the Louisiana Board of Ethics (LAC 52:I.101, *et seq.*). In the first year of review, the Board reviewed 23% of its rules, which consisted of a review of 30% of the chapters of the Rules of the Board of Ethics.

4. Rules Reviewed in Calendar Year 2024

Section 101. Definitions

Necessity of Rule: Defines terms used throughout LAC 52:I. The benefits of the rule outweigh the burdens and costs on persons regulated by the rule.

Proposed Action:

1. Amend “Adversarial Public Hearing” to remove reference to public hearings conducted by the Board based on charges filed and the failure to pay late fees, since the Board does not have the authority to conduct public hearings for those purposes as of 2008 and 2014, respectively.
2. Repeal the following definitions that refer to random drug testing of elected officials, since that law was declared unconstitutional:
 - a. Collection Agency;
 - b. Designated Representative;
 - c. Person Authorized by an Elected Official;
 - d. Random Number;
 - e. Random Number Selector; and,
 - f. Random Process.
3. Amend “Fact-Finding” to remove the reference to verbal reports since the Board does not take action based on verbal reports.
4. Amend “Respondent” to clarify that this definition includes any individual who has been referred to investigation by the Board or is subject to charges issued by the Board.
5. Repeal “Trial Attorney” since the Board no longer conducts adversarial hearings based on charges filed.

Section 201. Election of the Chairman and Vice-Chairman

Necessity of Rule: Provides for the election of the Board’s chairman and vice-chairman and the duties of the chairman. The benefits of the rule outweigh the burdens and costs on persons regulated by the rule.

Proposed Action: Amend §201C(2) to reference the fact that not all investigations are assigned to a panel as this is a discretionary action.

Section 202. Powers of the Board

Necessity of Rule: Provides for the Board's powers that are consistent with the statutory authority granted to the Board. The benefits of the rule outweigh the burdens and costs on persons regulated by the rule.

Proposed Action: No action required.

Section 203. Panels of the Board

Necessity of Rule: Provides for the rules if the Board elects to conduct its operations through the use of panels. The benefits of the rule outweigh the burdens and costs on persons regulated by the rule.

Proposed Action: No action required.

Section 204. Meetings

Necessity of Rule: Sets guidelines for Board meetings. The benefits of the rule outweigh the burdens and costs on persons regulated by the rule.

Proposed Action: Current law refers to outdated statutory reference to Open Meetings Law. In case changes are made to renumber statutes, amend 204.C. to simply refer to the name of the statute.

Section 205. Quorum and Voting

Necessity of Rule: Sets guidelines for votes to be taken by the Board. The benefits of the rule outweigh the burdens and costs on persons regulated by the rule.

Proposed Action: Recommend deleting subsections A, B, and C as repetitive, as the number of necessary votes is now contained in statute.

Section 206. Executive Secretary to the Board

Necessity of Rule: Provides for the appointment of the Board's Executive Secretary. The benefits of the rule outweigh the burdens and costs on persons regulated by the rule.

Proposed Action: No action required.

Section 207. Minutes of Proceedings

Necessity of Rule: Sets guidelines for minutes of the Board meetings. The benefits of the rule outweigh the burdens and costs on persons regulated by the rule.

Proposed Action: No action required.

Section 209. Submission of a Rulemaking Petition [NEW]

Necessity of Rule: LSA R.S. 49:964A requires the Board to promulgate rules with respect to petitions by interested persons for the Board to adopt, amend, or repeal a rule.

Proposed Action: Adopt the proposed rule.

Section 301. Duties of the Executive Secretary

Necessity of Rule: Provides for the duties of the Board’s Executive Secretary. The benefits of the rule outweigh the burdens and costs on persons regulated by the rule.

Proposed Action: Amend Section 301.8. and repeal Section 301.10 to provide that the Executive Secretary is responsible for receiving all reports filed with the Board. This alleviates future amendments to the Rules if the Legislature adds or removes a report to be filed with the Board. Amend Section 301.9 to provide that the Executive Secretary is responsible for receiving all correspondence addressed to the Board.

Section 302. Oaths and Affirmations

Necessity of Rule: Provides that the Executive Secretary can issue oaths if they are a notary. The benefits of the rule outweigh the burdens and costs on persons regulated by the rule.

Proposed Action: No action required.

Section 401. Duties of the Ethics Administrator

Necessity of Rule: Provides for the duties of the Board’s Ethics Administrator. The benefits of the rule outweigh the burdens and costs on persons regulated by the rule.

Proposed Action:

1. Repeal Section 401.A.4 that the Ethics Administrator is responsible for providing information and material; however, it is not required that staff provide this responsibility. Staff provides that information in candidate packets and on its website.
2. Amend Section 401.A.5 to remove “newsletter,” which is no longer a document produced since information in the newsletter is included on the Board’s website.

Section 402. Oaths and Affirmations

Necessity of Rule: Provides that the Ethics Administrator can issue oaths if they are a notary.

Proposed Action: Amend to remove the words “if necessary” since the Ethics Administrator must be an attorney.

Chapter 5. Designated Duties of the Trial Attorney

Necessity of Rule: Prior to 2008, the Board conducted public hearings on charges issued by the Board for violations of the Code of Governmental Ethics. Therefore, it was necessary for the Board to have rules to provide that the trial attorneys who were responsible for defending the charges, would not be involved in assisting the Board during the hearing or drafting the judgment to be rendered after the hearing.

Proposed Action:

1. Repeal Sections 502 and 504.
2. Amend Section 501 to move to Chapter 10 on Declaratory Hearings and to refer only to the responsibility of the trial attorney at a declaratory hearing.

3. Amend Section 503 to move to Chapter 10, to provide that there will be no *ex parte* communications between the trial attorney and the drafting attorney, and to reference the amended section of the Administrative Procedures Act.

Section 601. General Requirements

Necessity of Rule: The Board is statutorily empowered to render advisory opinions on the laws administered by the Board. This section provides for the general requirements of an advisory opinion request.

Proposed Action: No action required.

Section 602. Dating and Docketing

Necessity of Rule: Provides the Board’s procedure for receiving requests for advisory opinions.

Proposed Action: Amend Section 602 to provide that it is the responsibility of the Executive Secretary, not the Ethics Administrator, to date the documents addressed to the Board.

Section 603. Placement on Agenda

Necessity of Rule: Provides for the placement of requests for advisory opinions on the Board’s general or consent agenda.

Proposed Action: No action required.

Section 604. Consent Agenda

Necessity of Rule: Provides for a consent agenda that includes advisory opinion requests on issues previously addressed by the Board.

Proposed Action: Amend the word “with” to “that” to make a grammatical change.

Section 605. Emergency Opinions

Necessity of Rule: Provides guidelines and procedures for rendering an advisory opinion between board meetings in exigent circumstances.

Proposed Action: No action required.

Section 605.1. Fact-Finding

Necessity of Rule: Provides for a procedure whereby the Board directs the staff to obtain factual information in connection with a request for an advisory opinion.

Proposed Action: Promulgate a rule to provide that the Board’s staff conduct the fact-finding and return the matter to the Board’s agency within 90 days.

Section 604. Presentation of Requests

Necessity of Rule: Provides that advisory opinion requests shall be submitted to the Board for consideration at one of its monthly meetings.

Proposed Action: No action required.

Section 607. Withdrawal

Necessity of Rule: This rule allows the Board to consider a person's request that their advisory opinion not be considered.

Proposed Action: No action required.

Section 608. Notification

Necessity of Rule: Provides that the Board's staff shall send to the person who requested the advisory opinion a notification within 30 days as to the action taken by the Board.

Proposed Action: No action required.

Section 609. Reconsideration

Necessity of Rule: Provides the Board's procedure whereby a person can ask the Board to reconsider an advisory opinion rendered by the Board.

Proposed Action: No action required.

Section 610. Finality

Necessity of Rule: Provides that an advisory opinion is final on the date it is mailed.

Proposed Action: No action required.

Section 611. Persons to be Heard

Necessity of Rule: Allows persons the opportunity to appear before the Board to comment on an item on the Board's general agenda; Provides that the Board Chairman shall regulate the limits placed on any comment periods, including the order of appearance.

Proposed Action: No action required.

Section 701. General Requirements

Necessity of Rule: The Board is statutorily empowered to consider complaints about potential violations of the laws it administers. This section provides for the general requirements for a complaint to be considered by the Board.

Proposed Action: Amend Section 701.A to remove the word "elector" and insert "citizen of the State of Louisiana" to clarify who may submit a complaint.

Section 702. Dating and Docketing

Necessity of Rule: Provides the Board's procedure for receiving and docketing complaints.

Proposed Action:

1. Amend to insert the word "executive" to clarify that complaints are considered during the Board's executive meeting given the confidential and privileged nature of the complaint pursuant to La. R.S. 42:1141.4K & L.

2. Amend to insert language that a complaint is initially considered when at least 2/3 of the members of the Board are present, since La. R.S. 42:1141B provides that action to refer a matter to investigation can only happen if 2/3 of the Board's members vote to refer the matter to investigation.

Section 703. Consideration of Other Information Concerning Possible Violations

Necessity of Rule: La. R.S. 42:1141B provides that the Board may consider information that is brought to its attention by other sources. This rule provides the Board's procedure by which the Board can refer a matter to investigation based on the information and adopts the same standard used for complaints – 2/3 vote of its members.

Proposed Action: Amend Section 703.A & B to clarify that the Board may refer the matter to investigation only after a 2/3 vote of the members of its Board during executive session.

Section 704. Notification of Investigation

Necessity of Rule: Provides for notices that are sent out when a matter is referred to investigation.

Proposed Action:

1. Amend 704.A to provide technical changes.
2. Amend 704.B to provide that when a sworn complaint is received that alleges a violation under the Board's jurisdiction, the notice is mailed to the respondent via certified mail and to the complainant via regular mail.

Section 705. Fact-finding

Necessity of Rule: Provides the procedure by which the Board may refer information in a media report to fact-finding.

Proposed Action: Amend to remove reference to "verbal reports" and to change the number of days in which the staff must return its findings back to the Board for its consideration from 60 to 90 days.

Section 706. Withdrawal

Necessity of Rule: Provides for the Board's procedure if the complainant wishes to withdraw their complaint before the Board refers the matter to investigation.

Proposed Action: No action required.

Section 707. Elections Integrity

Necessity of Rule: Provides that the process for filing a complaint pursuant to the Louisiana Elections Integrity laws pursuant to La. R.S. 18:41, et seq., shall be the same as the process used for other complaints.

Proposed Action:

1. Repeal 705.B as it does not provide substantive value and reiterates what is in statute in La. R.S. 18:44 & 45.

2024 Review of Agency Rules

2. Amend 705.A to provide that complaints regarding a violation of the Louisiana Elections Integrity laws must be made as a sworn complaint.