

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

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 urges and requests  
24 that the chairs of the Senate Committee on Senate and Governmental Affairs and the House  
25 Committee on House and Governmental Affairs, or their designees, be made members of the  
26 committee of the Louisiana State Law Institute designated by the institute to study and make  
27 recommendations relative to the enumerated issues.

28 BE IT FURTHER RESOLVED that the Legislature of Louisiana hereby urges and  
29 requests that the Louisiana State Law Institute report the results of its study findings and its  
30 recommendations to the legislature prior to March 1, 2011.

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The original instrument was prepared by Alden A. Clement, Jr. The following digest, which does not constitute a part of the legislative instrument, was prepared by Linda Nugent.

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## DIGEST

Murray

SCR No. 2

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 that the chairs of the Senate Committee on Senate and Governmental Affairs and the House Committee on House and Governmental Affairs, or their designees, be made members of the committee to study and make recommendations on the issues.

Requests report to the legislature prior to March 1, 2011.

Summary of Amendments Adopted by SenateSenate Floor Amendments to original bill.

1. Requests that the chairs of the Senate Committee on Senate and Governmental Affairs and the House Committee on House and Governmental Affairs, or their designees, be made members of the committee.