
The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Alden A. Clement, Jr.

DIGEST

Kostelka (SB 310)

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 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))