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DIGEST

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Kostelka

SB No. 310

Present law (Code of Governmental Ethics) provides for the Board of Ethics (BOE) and the Ethics Adjudicatory Board (EAB). Provides for the composition and the powers and duties of each board.

Present law provides that the director of the division of administrative law randomly selects seven administrative law judges from among those who meet the qualifications to comprise the EAB. 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 EAB are selected at a public meeting of the BOE from among the names of all administrative law judges who meet the qualifications. Provides that the initial EAB will serve until January 1, 2009, and thereafter that the adjudicatory board members shall be selected annually to serve a one year term from January first through December thirty-first. Provides that the adjudicatory board members are selected at a BOE meeting in Dec. of the preceding year. Provides that there is no limitation on the number of times a qualified member may be selected to serve on the EAB.

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 three-year term, which begins on January first. Provides that EAB members are selected at a BOE meeting in Dec. of the year preceding the year in which the terms are to begin.

Proposed law further provides that a vacancy on either three-judge panel is filled by the alternate judge, and a vacancy on the EAB is filled for the unexpired term at the next public meeting of the BOE 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 BOE must issue a decision adopting the determination of the adjudicatory panel within 45 days of the issuance of the determination by the ethics adjudicatory panel.

Proposed law repeals present law. Provides further that if the 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 EAB 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 instead that a decision of the EAB 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.

Present law provides that any public servant or other person who is aggrieved by any action taken by a panel of the BOE may request a review of the panel's decision by the board within

30 days of the panel's decision. Requires the BOE to determine whether or not to review the panel's action within 30 days of the request for review.

Proposed law specifies that review by the BOE is by the full board. Otherwise retains present law.

Effective upon signature of 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))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on House and Governmental Affairs to the engrossed bill.

1. Changes the length of the terms of members of the Ethics Adjudicatory Board in proposed law from two years to three years.