

SENATE BILL NO. 310

BY SENATOR KOSTELKA

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AN ACT

To amend and reenact R.S. 42:1141(C)(4)(a) and (c) and (5) and (E)(10) and 1142(E), relative to enforcement of laws within the jurisdiction of the Board of Ethics; to provide relative to the powers, functions, and duties of the Ethics Adjudicatory Board; to provide relative to appeals of board decisions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 42:1141(C)(4)(a) and (c) and (5) and (E)(10) and 1142(E) are hereby amended and reenacted to read as follows:

§1141. Procedure; adjudicatory board

\* \* \*

C. Investigation and hearing.

\* \* \*

(4)(a) The director of the division of administrative law shall randomly select seven administrative law judges from among those who meet the qualifications to comprise the Ethics Adjudicatory Board. **The last selected judge shall serve as the alternate.** Members of the adjudicatory board shall have not less than two years of experience as an administrative law judge or not less than ten years experience in the practice of law.

\* \* \*

(c) **Selection. (i)** The members of the Ethics Adjudicatory Board shall 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. ~~The members of the first Ethics Adjudicatory Board shall be selected by August 15, 2008. The initial~~ **current** Ethics Adjudicatory Board shall serve ~~until January 1, 2009.~~ **through December 31, 2010.** Thereafter, the adjudicatory board members shall be selected annually to **each** serve a ~~one-year term from January first through December thirty-~~

1 first: three-year term, which term shall begin on January first. The adjudicatory  
2 board members ~~for the years 2009 and beyond~~ shall be randomly selected at a public  
3 meeting held by the Board of Ethics in December of the ~~preceding~~ year preceding  
4 the year in which the terms are to begin. There shall be no limitation on the  
5 number of times a qualified member may be selected to serve.

6 (ii) A vacancy on either three-judge panel shall be filled by the alternate  
7 judge.

8 (iii) A vacancy on the Ethics Adjudicatory Board shall be filled for the  
9 unexpired term at the next public meeting of the Board of Ethics and in the  
10 same manner as for the original selection. The last selected judge shall serve as  
11 the alternate.

12 \* \* \*

13 (5) If the ethics adjudicatory panel determines that a violation has occurred  
14 and prescribes authorized penalties or other sanctions, the public servant or person  
15 may appeal as set forth in R.S. 42:1142 ~~the Board of Ethics shall, within forty-five~~  
16 ~~days of the issuance of the determination by the ethics adjudicatory panel, issue a~~  
17 ~~decision adopting the determination of the ethics adjudicatory panel.~~

18 \* \* \*

19 E. Procedure. \* \* \*

20 (10) Any public servant or other person who is aggrieved by any action taken  
21 by a panel of the Board of Ethics may request a review of the panel's decision by  
22 the ~~board~~ full Board of Ethics within thirty days of the panel's decision. The board  
23 shall determine whether or not to review the panel's action within thirty days of the  
24 request for review.

25 \* \* \*

26 §1142. Appeals

27 \* \* \*

28 E. A decision of the Ethics Adjudicatory Board or a panel thereof is a final  
29 decision that may be appealed under this Section in the same manner as a decision  
30 of the Board of Ethics within thirty days after the mailing of the notice of the

1            **decision, or if a rehearing is requested, within thirty days after mailing of the**  
2            **decision on the rehearing.**

3            Section 2. This Act shall become effective upon signature by the governor or, if not  
4 signed by the governor, upon expiration of the time for bills to become law without signature  
5 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
6 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
7 effective on the day following such approval.

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_