

HOUSE COMMITTEE AMENDMENTS

2025 Regular Session

Amendments proposed by House Committee on House and Governmental Affairs to
Original House Bill No. 397 by Representative Beaulieu

AMENDMENT NO. 1

On page 1, delete line 2 and insert "To amend and reenact R.S. 42:1102(22), 1113(D)(2)(d),
1123(16) and (26), 1124(C)(1) and (2) and (E), 1124.2(D) and (E),"

AMENDMENT NO. 2

On page 1, delete line 4 and insert "1134(I), 1141(B)(1) and (C), and 1141.4(B)(2), (C), and
(E) through (H), to"

AMENDMENT NO. 3

On page 1, line 5, delete "R.S. 42:1102(24), 1111(A)(7) and (8)," and insert "R.S.
42:1102(24) and (25), 1111(A)(7),(8), and (9),"

AMENDMENT NO. 4

On page 1, at the end of line 5, delete "1123(48) and" and delete line 6 and at the beginning
of line 7, delete "(M), and (N)," and insert "1123(48), 1134(N)(3), 1141(D) through (G),
1141.2(A), and 1141.4(B)(3),"

AMENDMENT NO. 5

On page 1, line 17, after "Board of" delete the remainder of the line and insert "Ethics and
the Ethics Adjudicatory Board; to provide for the contents of reports by the Board"

AMENDMENT NO. 6

On page 1, line 19, after "seminars;" delete the remainder of the line and delete line 20 and
on page 2, delete line 1 and insert "to provide for procedures related to the receipt of
complaints and the conduct of investigations and hearings; to provide for required notices;
to provide for the issuance of subpoenas; and to"

AMENDMENT NO. 7

On page 2, delete line 4 and insert "Section 1. R.S. 42:1102(22), 1113(D)(2)(d), 1123(16)
and (26), 1124(C)(1) and (2) and (E), 1124.2(D) and (E),"

AMENDMENT NO. 8

On page 2, line 6, delete "1141.4(B)(2), (C), (E), (F), (G), (H), and (I)" and insert
"1141.4(B)(2), (C), and (E) through (H)"

AMENDMENT NO. 9

On page 2, line 7, delete "R.S. 42:1102(24), 1111(A)(7) and (8)," and insert "R.S.
42:1102(24) and (25), 1111(A)(7),(8), and (9),"

AMENDMENT NO. 10

On page 2, at the of line 7, insert a comma "," and delete line 8, and at the beginning of line 9, delete "(M), and (N)" and insert "1134(N)(3), 1141(D) through (G), 1141.2(A), and 1141.4(B)(3)"

AMENDMENT NO. 11

On page 2, delete lines 10 through 28 and on page 3 delete lines 1 through 11 and insert the following:

"§1102. Definitions

Unless the context clearly indicates otherwise, the following words and terms, when used in this Chapter, shall have the following meanings:

* * *

(22)(a) "Thing of economic value" means money or any other thing having economic value, ~~except promotional items having no substantial resale value; pharmaceutical samples, medical devices, medical foods, and infant formulas in compliance with the Food, Drug, and Cosmetic Act, 21 U.S.C. 301 et seq., provided to a physician, health care professional, or appropriate public employee for the administration or dispensation to a patient at no cost to the patient; food, drink, or refreshments consumed by a public servant, including reasonable transportation and entertainment incidental thereto, while the personal guest of some person, and, with reference to legislators and employees in the legislative branch of state government only, reasonable transportation when organized primarily for educational or informational purposes, including food and drink incidental thereto, and includes but is not limited to:~~

(i) Any loan, except a bona fide loan made by a duly licensed lending institution at the normal rate of interest, any property interest, interest in a contract, merchandise, service, and any employment or other arrangement involving a right to compensation.

(ii) Any option to obtain a thing of economic value, irrespective of the conditions to the exercise of such option.

(iii) Any promise or undertaking for the present or future delivery or procurement of a thing of economic value.

(b) In the case of an option, promise, or undertaking, the time of receipt of the thing of economic value shall be deemed to be, respectively, the time the right to the option becomes fixed, regardless of the conditions to its exercise, and the time when the promise or undertaking is made, regardless of the conditions to its performance.

(c) Things of economic value shall not include any of the following:

(i) salary Salary and related benefits of the public employee due to his public employment or salary and other emoluments of the office held by the elected official. Salary and related benefits of public employees of higher education institutions, boards, or systems shall include any supplementary compensation, use of property, or other benefits provided to such employees from funds or property accruing to the benefit of the institution, board, or system, as approved by the appropriate policy or management board, from an alumni organization recognized by the management board of a college or university within the state or from a foundation organized by the alumni or other supportive individuals of a college or university within the state the charter of which specifically provides that the purpose of the foundation is to aid said college or university in a philanthropic manner.

(ii) Promotional items having no substantial resale value.

(iii) Pharmaceutical samples, medical devices, medical foods, and infant formulas in compliance with the Food, Drug, and Cosmetic Act, 21 U.S.C. 301 et seq., provided to a physician, health care professional, or appropriate public employee for the administration or dispensation to a patient at no cost to the patient.

(iv) Food, drink, or refreshments consumed by a public servant, including reasonable transportation and entertainment incidental thereto, while the personal guest of some person.

(v) With reference to legislators and employees in the legislative branch of state government only, reasonable transportation when organized primarily for educational or informational purposes, including food and drink incidental thereto.

(vi) With reference to legislators only, reasonable transportation organized primarily for making a public speech.

~~(d)(i) With reference to legislators and employees in the legislative branch of state government only, and for purposes of this Section, "reasonable transportation", when organized primarily for educational or for informational purposes, including on-site inspections, shall include transportation to any point within the boundaries of this state, including the territorial waters thereof, and to any offshore structure located on the outer continental shelf seaward of such territorial waters and offshore of Louisiana. With reference to employees in the legislative branch of state government, such transportation shall only be for official legislative purposes and shall have prior approval from the presiding officer of the respective house wherein such legislative employee is employed.~~

~~(ii) With references to legislators only, "reasonable transportation", when organized primarily for entertainment purposes incidental to food, drink, or refreshments, shall include transportation to any point within this state that is within a fifty-mile radius of the perimeter of the legislator's district, or within a fifty-mile radius of the perimeter of the parish wherein the state capitol is located if the legislator is conducting official business in said parish."~~

AMENDMENT NO. 12

On page 3, line 13, change "shall mean" to "means"

AMENDMENT NO. 13

On page 3, between lines 16 and 17 insert the following:

"(25)(a) With reference to employees in the legislative branch of state government only "reasonable transportation" means transportation organized primarily for educational or for informational purposes, including on-site inspections, to any point within the boundaries of this state, including the territorial waters thereof, and to any offshore structure located on the outer continental shelf seaward of such territorial waters and offshore of Louisiana, if such transportation receives prior approval from the presiding officer of the respective house wherein such legislative employee is employed.

(b) With reference to legislators only, "reasonable transportation" means transportation:

(i) Organized primarily for educational or for informational purposes, including on-site inspections, to any point within the boundaries of this state, including the territorial waters thereof, and to any offshore structure located on the outer continental shelf seaward of such territorial waters and offshore of Louisiana.

(ii) Organized primarily for entertainment purposes incidental to food, drink, or refreshments to any point within this state that is within a fifty-mile radius of the perimeter of the legislator's district, or within a fifty-mile radius of the perimeter of the parish wherein the state capitol is located.

(iii) Organized primarily for making a public speech from the legislator's home or the capitol, to and from the site of the public speech from the sponsoring group or organization, provided that the public speech is given in any state of the United States or any country in North America."

AMENDMENT NO. 14

On page 3, line 26, change "must" to "shall"

1 AMENDMENT NO. 15

2 On page 4, line 4, change "non-profit" to "nonprofit"

3 AMENDMENT NO. 16

4 On page 4, between lines 8 and 9 insert the following:

5 "(9) Any stipend provided to any public school athletic trainer for services
6 performed for the benefit of his governmental entity paid for by a private entity that
7 provides for the health and safety of student athletes and that does not receive third
8 party reimbursements."

9 AMENDMENT NO. 17

10 On page 4, line 20, delete "the state" and insert "state government"

11 AMENDMENT NO. 18

12 On page 4, line 22, after "is at" and before "state" delete "the"

13 AMENDMENT NO. 19

14 On page 4, delete lines 23 and 24 and insert the following:

15 "(ii) The contract renewal does not change the initial terms of the contract,
16 including the services provided and the price."

17 AMENDMENT NO. 20

18 On page 4, line 25, after "(iii)" delete "The state" and insert "State"

19 AMENDMENT NO. 21

20 On page 5, delete lines 4 through 6 and insert "organization qualified for an exemption from
21 federal income tax under Section 501 of the Internal Revenue Code held for the purpose of"

22 AMENDMENT NO. 22

23 On page 5, delete line 19, and insert "first class or business class commercial airline service."

24 AMENDMENT NO. 23

25 On page 5, line 22, after "scheduled" and before "or business" change "first-class" to "first
26 class"

27 AMENDMENT NO. 24

28 On page 5, line 25, after "travelers" and before "security" change "and" to "including"

29 AMENDMENT NO. 25

30 On page 6, line 12, after "transportation" delete the remainder of the line and on line 13,
31 delete "speaking engagement from the sponsoring group or organization,"

32 AMENDMENT NO. 26

33 On page 6, line 15, after "America," and before "the territorial" delete "the Carribean,"

AMENDMENT NO. 27

On page 7, delete line 8 and at the beginning of line 9, delete "501(c)(3)" and insert "organization qualified for an exemption from federal income tax under Section 501 of the Internal Revenue Code"

AMENDMENT NO. 28

On page 7, line 13, after "holiday" delete the remainder of the line and delete line 14 and insert "if the value of such foods and beverages does not exceed two hundred dollars per event or two hundred dollars in a calendar year."

AMENDMENT NO. 29

On page 8, delete lines 1 through 10 in their entirety and insert the following:

* * *

§1124. Financial disclosure; statewide elected officials; certain public servants

* * *

C. The financial statement required by this Section shall be filed on a form prescribed by the Board of Ethics and shall include the following information:

(1) The full name and ~~residence~~ mailing address of the individual who is required to file.

(2) The full name of the individual's spouse, if any, and the spouse's occupation ~~and principal business address.~~

* * *

E. The financial statement shall be filed electronically with the Board of Ethics through the Board of Ethics Computerized Data Management System and shall be accompanied by the certification of the individual filing it certifying that the information contained in the financial statement is true and correct to the best of his knowledge, information, and belief. The financial statement shall be a public record, subject to the provisions of Chapter 1 of Title 44 of the Louisiana Revised Statutes of 1950."

AMENDMENT NO. 30

On page 8, line 18, change "\$50,000" to "\$49,999"

AMENDMENT NO. 31

On page 8, between lines 20 and 21 insert the following:

"E. The financial statement shall be filed electronically with the Board of Ethics through the Board of Ethics Computerized Data Management System and shall be accompanied by the certification of the individual filing it certifying that the information contained in the financial statement is true and correct to the best of his knowledge, information, and belief. The financial statement shall be a public record, subject to the provisions of Chapter 1 of Title 44 of the Louisiana Revised Statutes of 1950."

AMENDMENT NO. 32

On page 9, line 17, after "provisions of" delete "the Code of Governmental Ethics" and insert "this Chapter"

AMENDMENT NO. 33

On page 9, line 20, after "person that" and before "may exercise" change "the person" to "he"

1 AMENDMENT NO. 34

2 On page 9, line 23, after "hearing" and before "receive" insert a comma ","

3 AMENDMENT NO. 35

4 On page 9, at the beginning of line 25, delete "subject to the hearing," and insert a comma
5 " , "

6 AMENDMENT NO. 36

7 On page 9, line 27, after "hearing" and before "shall" delete the comma "," and delete "or his
8 counsel,"

9 AMENDMENT NO. 37

10 On page 9, line 29, delete "papers, public and private." and insert "papers."

11 AMENDMENT NO. 38

12 On page 10, line 2, after "hearing" and before "an opportunity" delete the comma "," and
13 delete "or his counsel,"

14 AMENDMENT NO. 39

15 On page 10, between lines 3 and 4 insert the following:

16 "(f) The board shall, at the election of the person subject to the hearing,
17 permit the person to appear for the hearing or to address the board in person, by
18 telephone, or by videoconference."

19 AMENDMENT NO. 40

20 On page 10, at the beginning of line 4, change "(f)" to "(g)"

21 AMENDMENT NO. 41

22 On page 10, at the end of line 4, delete the comma "," and at the beginning of line 5, delete
23 "or his counsel,"

24 AMENDMENT NO. 42

25 On page 10, delete lines 8 through 10

26 AMENDMENT NO. 43

27 On page 11, line 5, change "Aggregate" to "Aggregated"

28 AMENDMENT NO. 44

29 On page 11, line 6, after "regarding" and before "number" insert "the"

30 AMENDMENT NO. 45

31 On page 11, line 7, after "regarding" and before "number" insert "the"

32 AMENDMENT NO. 46

1 On page 11, line 8, after "regarding" delete the remainder of the line and insert "the number
2 and value of penalties and fees."

3 AMENDMENT NO. 47

4 On page 11, line 9, after "regarding" delete the remainder of the line and insert "the number
5 and value of penalty and fee waivers."

6 AMENDMENT NO. 48

7 On page 11, line 10, after "regarding" delete the remainder of the line and insert "the number
8 and nature of court and Ethics Adjudicatory Board proceedings"

9 AMENDMENT NO. 49

10 On page 11, line 14, after "charges" delete the comma "," and insert "issued."

11 AMENDMENT NO. 50

12 On page 11, line 15, after "Aggregated" delete the remainder of the line and insert "data
13 regarding the number of charges."

14 AMENDMENT NO. 51

15 On page 11, line 16, after "regarding" and before "length" insert "the"

16 AMENDMENT NO. 52

17 On page 11, line 20, after "opinions by" and before "state" insert "the Ethics Adjudicatory
18 Board and by"

19 AMENDMENT NO. 53

20 On page 11, line 25, after "seminars" delete the remainder of the line and insert "specifically
21 designed to educate persons involved in filing campaign finance disclosures."

22 AMENDMENT NO. 54

23 On page 12, line 14, after "determine" and before "whether" insert "by a two-thirds majority
24 vote of its membership"

25 AMENDMENT NO. 55

26 On page 12, at the end of line 15, after "warranting an" delete the remainder of the line and
27 delete lines 16 through 29 and on page 13, delete lines 1 through 9 and insert the following:

- 28 "investigation in consideration of the following:
29 (i) Whether the respondent has cured any potential violation of this Chapter
30 and whether the respondent committed the violation intentionally or recklessly.
31 (ii) Whether, based on the information available the board, the board will
32 more likely than not find a significant violation of this Chapter.
33 (iii) Whether investigating the potential violation of this Chapter would
34 support the purposes of this Chapter.
35 (iv) Whether the information available to the board is sufficient to support
36 any further investigation.
37 (v) The expense likely to be incurred by both the respondent and the board
38 as a result of the investigation, weighed against the severity of the potential violation.
39 (b)(i) If the board"

1 AMENDMENT NO. 56

2 On page 13, line 10, after "vote" delete the comma "," and insert a semicolon ";"

3 AMENDMENT NO. 57

4 On page 13, line 12, after "investigate" and before "and a copy" delete the comma "," and
5 insert a semicolon ";"

6 AMENDMENT NO. 58

7 On page 13, line 13, after "board" insert a comma ","

8 AMENDMENT NO. 59

9 On page 13, at the end of line 13, insert a comma ","

10 AMENDMENT NO. 60

11 On page 13, line 17, after "that" and before "may" change "the respondent" to "he"

12 AMENDMENT NO. 61

13 On page 13, line 19, change "(d)" to "(c)"

14 AMENDMENT NO. 62

15 On page 13, line 24, change "(e)" to "(d)"

16 AMENDMENT NO. 63

17 On page 14, delete lines 5 through 27 and insert the following:

18 "(b)(i) For purposes of an investigation, the Board of Ethics or the ethics
19 administrator may require the submission under oath of written reports or answers
20 to questions, or subpoena or compel the production of any books, records, and papers
21 which the board or the ethics administrator deems relevant or material to the
22 investigation or hearing. The board or ethics administrator shall require the
23 submission under oath of written reports or answers to questions, or subpoena or
24 compel the production of any books, records, and papers only upon a finding that the
25 importance of the information sought outweighs the burden of producing the
26 information.

27 (ii) The ethics administrator shall provide to the Board of Ethics a monthly
28 report of the number of subpoenas issued by the board and the ethics administrator
29 in the prior month."

30 AMENDMENT NO. 64

31 On page 15, line 1, change "(d)" to "(c)"

32 AMENDMENT NO. 65

33 On page 15, delete line 2 and insert "propounded shall serve a copy of the written answers
34 and"

35 AMENDMENT NO. 66

36 On page 15, line 4, change "(e)" to "(d)"

1 AMENDMENT NO. 67

2 On page 15, line 7, change "f" to "e"

3 AMENDMENT NO. 68

4 On page 15, line 10, change "g" to "f"

5 AMENDMENT NO. 69

6 On page 15, line 14, change "h" to "g"

7 AMENDMENT NO. 70

8 On page 15, line 16, after "that" and before "may" delete "the respondent or witness" and
9 insert "he"

10 AMENDMENT NO. 71

11 On page 15, delete line 18 and at the beginning of line 19, delete "oath" and insert the
12 following:

13 "(h) An oral examination under oath shall be conducted"

14 AMENDMENT NO. 72

15 On page 15, delete line 24 and insert "(i) The Board of Ethics shall adopt rules"

16 AMENDMENT NO. 73

17 On page 15, line 28, after "(2)" insert the following:

18 "(a) The Board of Ethics shall, after the investigation and prior to
19 determining whether a hearing should be conducted, grant the person subject to the
20 investigation an opportunity to address, orally or in writing, the final report of the
21 staff, the information presented at the hearing, and any factual or legal issues
22 relevant to the alleged violation by the person subject to the investigation.

23 "(b) The Board of Ethics shall, at the election of the person subject to the
24 investigation, permit the person to address the board in person, by telephone, or by
25 videoconference."

26 AMENDMENT NO. 74

27 On page 16, line 4, change "(a)" to "(3)(a)"

28 AMENDMENT NO. 75

29 On page 16, line 18, after "that" and before "may" change "the respondent" to "he"

30 AMENDMENT NO. 76

31 On page 16, line 24, after "of Ethics" and before "shall" delete "or the Ethics Adjudicatory
32 Board"

33 AMENDMENT NO. 77

34 On page 17, line 2, after "information." delete the remainder of the line and delete lines 3
35 through 13

1 AMENDMENT NO. 78

2 On page 17, line 14, change "Ethics Adjudicatory Board" to "Board of Ethics"

3 AMENDMENT NO. 79

4 On page 17, line 16, change "Ethics Adjudicatory Board" to "Board of Ethics"

5 AMENDMENT NO. 80

6 On page 17, at the end of line 20, insert a comma "," and delete lines 21 and 22 and insert
7 "may order the Board of Ethics to pay the court costs and attorney's fees of the affected
8 party."

9 AMENDMENT NO. 81

10 On page 18, delete line 4 and insert "(b) Provide the respondent with an"

11 AMENDMENT NO. 82

12 On page 18, delete line 6 and insert "(c)(i) Provide the respondent with an"

13 AMENDMENT NO. 83

14 On page 18, delete lines 10 through 17 and insert the following:

15 "(ii) Statements by the respondent may be presented in person, by telephone,
16 or by videoconference.

(iii) Statements by the respondent shall, unless the respondent requests otherwise, be made during executive session of the Board of Ethics.

19 (iv) Statements by the respondent before the Board of Ethics in executive
20 session shall not be recorded."

21 AMENDMENT NO. 84

22 On page 18, line 21, after "one-year period" and before "prescriptive" delete "shall be" and
23 insert "is"

24 AMENDMENT NO. 85

25 On page 19, between lines 11 and 12 insert the following:

26 "§1141.2. Ethics Adjudicatory Board

A. The director of the division of administrative law shall, at a public meeting of the Board of Ethics in December of the year preceding the year in which the terms are to begin, 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 with the division of administrative law and not less than ten years experience in the practice of law.

* * *

36 AMENDMENT NO. 86

37 On page 19, line 21, delete "summarizing and analyzng" and insert "regarding"

38 AMENDMENT NO. 87

39 On page 19, delete lines 24 through 27 and insert the following:

1 "(3) Before a hearing, the Ethics Adjudicatory Board shall grant the person
2 subject to the hearing an opportunity to submit a brief response to the final report of
3 the staff."

4 AMENDMENT NO. 88

5 On page 20, line 1, after "jurisdiction" delete "of which"

6 AMENDMENT NO. 89

7 On page 20, at the end of line 12, delete "public" and at the beginning of line 13, delete "and
8 private,"

9 AMENDMENT NO. 90

10 On page 20, delete line 24 and insert "H. A hearing transcript shall be provided to the
11 subject of an investigation or hearing upon his request at the expense"

12 AMENDMENT NO. 91

13 On page 21, delete lines 3 through 29 and delete page 22 and insert the following:

14 " * *

15 Section 2. R.S. 42:1141.4(D)(2) is hereby repealed in its entirety.

Section 3. The Louisiana State Law Institute is authorized and directed to arrange in alphabetical order and renumber the definitions contained in R.S. 42:1102 and to correct any cross-references to the renumbered paragraphs if necessary, consistent with the provisions of this Act.

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