

2025 Regular Session

ACT No. 301

HOUSE BILL NO. 674 (Substitute for House Bill No. 397 by Representative Beaulieu)

BY REPRESENTATIVE BEAULLIEU

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AN ACT

To amend and reenact R.S. 42:1102(22), 1113(D)(2)(d), 1115.2(B)(1)(c), 1123(16) and (26), 1124(C)(1) and (2) and (E), 1124.2(D) and (E), 1124.3(C)(1)(a)(introductory paragraph) and (b), 1124.4(D)(3), 1124.6(A)(2), 1134(I), 1141(B)(1) and (C), 1141.2(A), and 1141.4(B)(2), (C), and (E) through (H), to enact R.S. 42:1102(24) and (25), 1111(A)(7), (8), and (9), 1113(A)(1)(c), 1115.2(C), 1121(J), 1123(48) through (50), 1134(N)(3), 1141(D) through (H), and 1141.4(B)(3), and to repeal R.S. 42:1141.4(D)(2), relative to the revision of the system of laws providing for governmental ethics; to make revisions to the Code of Governmental Ethics; to provide for definitions; to provide for payments made to certain public servants from nonpublic sources; to provide for prohibited contractual arrangements; to provide for limitations on food and drink; to provide for admission to events, lodging, and travel; to provide for the calculation of the value of air travel; to provide for exceptions to restrictions provided for in the Code of Governmental Ethics; to provide for financial disclosure statements and the contents thereof; to provide for the procedure and requirements for the assessment of penalties for the failure to file or timely file or omit information from a required report; to provide for the duties of the Board of Ethics and the Ethics Adjudicatory Board; to provide for eligibility to serve on the Ethics Adjudicatory Board; to provide for the contents of reports by the Board of Ethics regarding the administration of the Code of Governmental Ethics; to provide for the conduct of educational seminars; to provide for procedures related to the receipt of complaints and the conduct of investigations and hearings; to provide for

1 required notices; to provide for the issuance of subpoenas; and to provide for related
2 matters.

3 Be it enacted by the Legislature of Louisiana:

4 Section 1. R.S. 42:1102(22), 1113(D)(2)(d), 1115.2(B)(1)(c), 1123(16) and (26),
5 1124(C)(1) and (2) and (E), 1124.2(D) and (E), 1124.3(C)(1)(a)(introductory paragraph) and
6 (b), 1124.4(D)(3), 1124.6(A)(2), 1134(I), 1141(B)(1) and (C), 1141.2(A), and 1141.4(B)(2),
7 (C), and (E) through (H) are hereby amended and reenacted and R.S. 42:1102(24) and (25),
8 1111(A)(7), (8), and (9), 1113(A)(1)(c), 1115.2(C), 1121(J), 1123(48) through (50),
9 1134(N)(3), 1141(D) through (H), and 1141.4(B)(3) are hereby enacted to read as follows:

10 §1102. Definitions

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

13 * * *

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

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

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

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

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

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

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

22 (ii) Promotional items having no substantial resale value.

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

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

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

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

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

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

23 * * *

24 (24) "Public speech" means a speech, or other oral presentation, including
25 a panel discussion, or radio or television appearance before the public at large, or
26 before any civic, political, religious, or educational group or organization or an
27 organization qualified for an exemption from federal income tax under Section 501
28 of the Internal Revenue Code by a member of the legislature in his capacity as a
29 legislator.

1 (25)(a) With reference to employees in the legislative branch of state
2 government only, "reasonable transportation" means transportation organized
3 primarily for educational or for informational purposes, including on-site
4 inspections, to any state, territory, or commonwealth of the United States, to the
5 territorial waters of Louisiana, and to any offshore structure located on the outer
6 continental shelf seaward of such territorial waters and offshore of Louisiana, if such
7 transportation is for official legislative purposes and receives prior approval from the
8 presiding officer of the respective house by which such legislative employee is
9 employed.

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

12 (i) Organized primarily for educational or for informational purposes,
13 including on-site inspections, to any state, territory, or commonwealth of the United
14 States, to the territorial waters of Louisiana, and to any offshore structure located on
15 the outer continental shelf seaward of such territorial waters and offshore of
16 Louisiana.

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

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

25 * * *

26 §1111. Payment from nonpublic sources

27 A. Payments for services to the governmental entity.

28 * * *

29 (7) Any compensation paid to any public school teacher, administrator, or
30 supervisor, including kindergarten through the twelfth grade and postsecondary

education instructional faculty and administrators from any agency participating in a state or statewide public retirement system shall be deemed for purposes of this Part as compensation from his governmental entity to which he is duly entitled. Such services shall be deemed for purposes of this Part to be performed for the benefit of his governmental entity, although the time spent in such matters shall not be deemed as hours worked for his governmental entity.

(8) Any award or stipend provided to any public school teacher or administrator for his participation with any nonprofit provider of teacher or public-school administrator certification, shall be deemed for purposes of this Part as compensation from his governmental entity to which he is duly entitled. For the purposes of this Part, the services for which the award or stipend is received shall be deemed to be performed for the benefit of the public school.

(9) Any stipend provided to any public school athletic trainer for services performed for the benefit of his governmental entity paid for by a private entity that provides for the health and safety of student athletes and that does not receive third party reimbursements shall be deemed for purposes of this Part as compensation from his governmental entity to which he is duly entitled.

* * *

§1113. Prohibited contractual arrangements; exceptions; reports

A.(1)

* * *

(c)(i) This Paragraph shall not prohibit a public servant, any member of the public servant's immediate family, or a legal entity in which the public servant has an interest from obtaining basic governmental services from his agency, or entering into transactions arising from the administration or enforcement of basic governmental regulations by his agency, which services or regulations are applicable to members of the general public.

(ii) For purposes of this Section, "basic governmental services" shall include water, sewer, solid waste disposal, police protection, fire protection, public education, recreation, and other similar services afforded to the general public.

(iii) For purposes of this Section, "basic governmental regulations" include taxation, permitting, licensing, inspections, code enforcement, law enforcement, and other similar regulations applicable to the general public.

* * *

D.

* * *

(2) The provisions of this Subsection shall not prohibit the following:

* * *

(d) Except as otherwise specifically provided for in this Paragraph, completion ~~Completion~~ of any contract which, at the time it was entered into, was not prohibited by the provisions of this Subsection; however, no such contract shall be renewed except ~~as specifically provided for in this Paragraph~~ that a contract containing an option by state government to extend the contract may be renewed if all of the following apply:

(i) The option is at state government's discretion.

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

(iii) State government is not otherwise prohibited from exercising the option to extend the term of the contract.

* * *

§1115.2. Admission to events; lodging; travel

* * *

B.(1) Any public servant who accepts complimentary admission, lodging, or transportation, or reimbursement for such expenses, shall file with the Board of Ethics, within sixty days after such acceptance, a certification, on a form designed by the board, disclosing all of the following:

* * *

(c) The amount expended on his behalf or reimbursed by the person for admission, lodging, and transportation. The amount expended on air transportation by private aircraft shall calculated as provided in Subsection C of this Section.

* * *

1 C. The amount expended on air transportation by private aircraft shall be
2 calculated by any of the following methods:

3 (1) The cost of any of the following:

4 (a) The lower unrestricted and nondiscounted commercial, first class or
5 business class, airfare for a flight comparable in departure location, destination, and
6 time of travel, in the case of travel between locations served by regularly scheduled
7 first class or business class commercial airline service.

8 (b) The lowest unrestricted and nondiscounted commercial, coach airfare for
9 a flight comparable in departure location, destination, and time of travel, in the case
10 of travel between locations not served by regularly scheduled first class or business
11 class commercial airline service.

12 (c) The normal and usual charter fare or rental charge for a comparable
13 aircraft of sufficient size to accommodate all travelers including security personnel,
14 if applicable, in the case of travel to or from a city not regularly served by regularly
15 scheduled commercial airline service.

16 (2) The actual cost of the private flight divided by the number of passengers.

17 (3) Any methodology accepted under generally accepted accounting
18 principles or generally accepted auditing standards.

19 (4) Any methodology consistent with any provisions of the Code of Federal
20 Regulations that values air transportation by private or non-commercial aircraft.

21 * * *

22 §1121. Assistance to certain persons after termination of public service

23 * * *

24 J. The provisions of this Section shall not prohibit a former commissioner
25 of the Ernest N. Morial - New Orleans Exhibition Hall Authority with at least thirty
26 years of work experience in hospitality or hotel management serving as a
27 commissioner on January 1, 2025, from being employed by the authority regardless
28 of when his public service terminated upon a finding by the board of commissioners

of the authority that circumstances require such action. The provisions of this Subsection shall terminate on December 31, 2025.

* * *

§1123. Exceptions

This Part shall not preclude:

* * *

(16)(a) ~~Notwithstanding the provisions of R.S. 42:1102(22), when~~ When making a public speech, the acceptance by a member of the legislature of food, refreshments, and lodging reasonably related to making such speech, as well as reasonable transportation ~~from his home, or the capitol, to and from the site of the speaking engagement from the sponsoring group or organization,~~ provided the public speech is given in any state, territory, or commonwealth of the United States, ~~or Canada~~ any country in North America, the territorial waters of Louisiana, or any offshore structure located on the outer continental shelf seaward of such territorial waters and offshore of Louisiana, and provided such member of the legislature, if making the speech outside this state, including the territorial waters thereof, and any offshore structure located on the outer continental shelf seaward of such territorial waters and offshore of Louisiana, files a statement with the Board of Ethics, within sixty days of making such public speech, disclosing the name of the sponsoring group or organization and the amount expended on his behalf by the sponsoring group or organization on food and refreshments, lodging, and transportation. The statement shall include a certification by the member of the legislature filing it that the information contained in the statement is true and correct to the best of his knowledge, information, and belief.

(b) For the purposes of this Paragraph, the phrase "public speech" shall mean a speech, or other oral presentation, including a panel discussion, or radio or television appearance before the public at large, or before any civic, political, religious, educational, or eleemosynary group or organization by a member of the legislature in his capacity as a legislator.

* * *

(26)(a) The acceptance by a public servant of anything of economic value as a gift or gratuity from any person when the value of such gift or gratuity does not exceed ~~one~~ two hundred dollars per event, for flowers or a donation to an organization qualified for an exemption from federal income tax under Section 501 of the Internal Revenue Code ~~in connection with~~ in sympathy of the death of a member of the immediate family of a public servant.

(b)(i) The acceptance by a public servant of seasonal or holiday foods or non-alcoholic beverages that commemorate a religious or state holiday from any person if the value of such foods and beverages does not exceed the value provided for in R.S. 42:1115.1(C) per holiday.

(ii) If the food or drink is given to more than one public servant, the value of the food or drink provided to a public servant shall be determined by dividing the total cost of the food or drink provided by the total number of public servants to whom the food or drink is given.

(b) (c) The acceptance by a public servant employed by a prekindergarten, kindergarten, elementary, or secondary school of anything of economic value as a gift from or on behalf of a student or former student when the value of the gift does not exceed twenty-five dollars and the aggregate value of all gifts from or on behalf of any one person pursuant to this Subparagraph does not exceed seventy-five dollars in a calendar year.

* * *

(48) A member of the Louisiana Racing Commission or the Executive Director of the Louisiana Racing Commission from being an owner of a racehorse which participates in any race meeting licensed by the Louisiana Racing Commission or from being an owner of a horse that sired or bred a racehorse that participates in a race meeting licensed by the Louisiana Racing Commission, or from participating in a breeder or stallion award.

(49) A peace officer, as defined in R.S. 40:2402, or fireman, as defined in R.S. 40:1665, or his immediate family member may receive any thing of economic value from an organization qualified for an exemption from federal income tax under

Section 501 of the Internal Revenue Code or a fund administered by such an organization as a member of a charitable class for the purpose of offsetting economic losses suffered by the peace officer or fireman or his immediate family member.

(50) A member or former member of the State Mineral and Energy Board from posting a bond or other security required by law or by the Department of Energy and Natural Resources.

* * *

§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.

* * *

§1124.2. Financial disclosure; certain elected officials; members of certain boards and commissions; ethics administrator

* * *

D. When an amount is required to be disclosed pursuant to this Section, it shall be sufficient to report the amount by the following categories:

(a) Category I, less than ~~\$5,000~~ \$10,000.

(b) Category II, ~~\$5,000-\$24,999~~ \$10,000 to \$49,999.

(c) Category III, ~~\$25,000-\$100,000~~ \$50,000 to \$100,000.

(d) Category IV, more than \$100,000.

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.

* * *

§1124.3. Financial disclosure; certain elected officials, voting districts of under five thousand

* * *

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)(a) Any and all income exceeding ~~two hundred fifty~~ five hundred dollars received during the immediately preceding calendar year by the individual who is required to file or the spouse of such individual which is received from any of the following:

* * *

(b) Any and all income exceeding ~~two hundred fifty~~ five hundred dollars received during the immediately preceding calendar year by any business in which the individual required to file or his spouse, individually or collectively, owns at least ten percent, which is received for services performed for or in connection with a gaming interest as defined in R.S. 18:1505.2(L)(3)(a).

* * *

§1124.4. Penalties

* * *

D.

* * *

(3)(a) Findings pursuant to this Section shall be made by the board at a

1 public hearing conducted for that purpose.

2 (b) Any public hearing conducted pursuant to this Section shall be conducted
3 in accordance with the provisions of this Chapter no earlier than thirty days after the
4 person who is the subject of the hearing has received notice by certified mail
5 advising the person of the hearing date, time, and location, and advising the person
6 that he may exercise his constitutional right to counsel and may exercise his
7 constitutional right not to incriminate himself.

8 (c) The board shall provide the person who is the subject of the hearing, no
9 later than fifteen days before the hearing, with a copy of the report of the staff to the
10 board regarding the person's alleged failure to file or failure to timely file, a copy of
11 all information gathered by the board related to the alleged failure to file or failure
12 to timely file, and a copy of all potential exhibits to be introduced at the hearing.

13 (d) The person who is the subject of the hearing shall have the power and
14 authority to subpoena witnesses and compel the production of books, records, and
15 papers.

16 (e) The board shall, before the hearing, grant the person subject to the
17 hearing an opportunity to submit a brief statement in response to the report of the
18 staff.

19 (f) The board shall, at the election of the person subject to the hearing,
20 permit the person to appear for the hearing or to address the board in person, by
21 telephone, or by videoconference.

22 (g) The board shall, after the hearing, grant the person subject to the hearing
23 an opportunity to address, orally or in writing, the final report of the staff, the
24 evidence presented at the hearing, and any factual or legal issues relevant to the
25 alleged violation by the person subject to the hearing.

26 (h) The hearing shall be recorded at the expense of the board.

27 * * *

§1124.6. Disclosure statements; certain agency heads and appointees to state boards
and commissions

A.

* * *

(2) Each person who is appointed to a state board or commission, who is subject to annual financial statements as required by R.S. 42:1124.2.1, and who made a contribution or loan in excess of ~~one~~ two thousand dollars to a campaign of the official who appointed him shall disclose to the board his date of appointment, the amount of any compensation provided for such position, the name of the candidate to whom a contribution or loan was made, and the amount of any such contribution or loan. Each such person shall include the information required by this Subsection on the annual financial statement that is required by this Part.

* * *

§1134. Powers, duties, and responsibilities of the board

* * *

I. The board shall provide semi-annual reports and information to the governor, the legislature, and to governing authorities concerning the administration of this Chapter within its jurisdiction and conflict of interest matters generally. The board shall include in its reports all of the following:

(1) Aggregated data regarding investigations, including:

(a) Aggregated data regarding the number of complaints received.

(b) Aggregated data regarding the number of investigations.

(c) Aggregated data regarding the number and value of penalties and fees.

(d) Aggregated data regarding the number and value of penalty and fee waivers.

(e) Aggregated data regarding the number and nature of court and Ethics Adjudicatory Board proceedings regarding investigations.

(f) Aggregated data regarding categories of alleged violations yielding investigations.

(2) Aggregated data regarding charges issued, including:

(a) Aggregated data regarding the number of charges.

(b) Aggregated data regarding the length of proceedings resulting from charges.

(c) Aggregated data regarding categories of alleged violations yielding charges.

(3) Advisory opinions issued by the board.

(4) Judgments and opinions by the Ethics Adjudicatory Board and by state and federal courts interpreting this Chapter.

* * *

N.

* * *

(3) The board shall conduct educational seminars specifically designed to educate persons involved in filing campaign finance disclosures, including committee chairmen and treasurers, professional campaign managers, public relations firms and advertising agencies, attorneys, and certified professional accountants, regarding the Campaign Financial Disclosure Act. The board shall make reasonable efforts to assure that the seminars qualify for continuing legal education credits and continuing education credits for certified public accountants.

* * *

§1141. Complaints and investigations

* * *

B.(1)(a) The Board of Ethics shall consider any signed sworn complaint from any elector, hereinafter referred to as complainant, concerning a violation of this Chapter which is within its jurisdiction or the regulations or orders issued by the Board of Ethics, or may, by a two-thirds majority vote of its membership, consider any matter which it has reason to believe may be a violation of this Chapter. Additionally, the board may consider any matter which it has reason to believe may be a violation of any other provision of law within its jurisdiction as provided in this Subsection or as may be otherwise provided by law. However, the board shall not use information contained in a request for an advisory opinion as the basis to initiate

1 an investigation.

2 **(b)** The board, after considering the matter, shall determine by a two-thirds
3 majority vote of its membership whether there is probable cause to believe that a
4 violation of this Chapter or other law within the board's jurisdiction has occurred. In
5 determining probable cause, the board shall consider whether the totality of known
6 circumstances is sufficient to justify the belief that the respondent has committed a
7 violation.

8 **(c)(i)** If the board determines that there is probable cause to believe that a
9 violation has occurred, ~~a~~ a certified copy of the vote; a detailed explanation of the
10 matter; including the specific factual allegations upon which the board based its
11 decision to investigate; and a copy of any complaint received by the board, from
12 which the name of the complainant has been redacted, shall be sent by certified mail
13 to the accused and the complainant within ten days after the vote occurs or after
14 receipt of a signed sworn complaint.

15 **(ii)** The detailed explanation of the matter shall be prefaced by advising the
16 respondent that he may exercise his constitutional right to counsel and may exercise
17 his constitutional right not to incriminate himself.

18 **(d)** The chairman of the Board of Ethics may assign a matter to the
19 appropriate panel for investigation, in which case the panel shall conduct a private
20 investigation to elicit evidence upon which the panel shall determine whether to
21 recommend to the board that a public hearing be conducted or that a violation has not
22 occurred.

23 ~~(b)~~ **(e)** The board shall provide a person who has filed a non-sworn
24 complaint with only a notification stating the final disposition of the complaint.

25 * * *

26 C.(1)~~(a)~~ Upon ~~receiving a sworn complaint or voting to consider a matter~~
27 determining that an investigation is warranted as provided in Subsection B of this
28 Section, a private investigation shall be conducted to elicit evidence upon which the
29 Board of Ethics shall determine whether a public hearing should be conducted or that
30 a violation has not occurred. The accused and the complainant shall be given written

1 notification of the commencement of the investigation not less than ten days prior
2 to the date set for the commencement of the investigation.

3 (b)(i) For purposes of an investigation, the Board of Ethics or the ethics
4 administrator may require the submission under oath of written reports or answers
5 to questions, or subpoena or compel the production of any books, records, and papers
6 which the board or the ethics administrator deems relevant or material to the
7 investigation or hearing. The board or ethics administrator shall require the
8 submission under oath of written reports or answers to questions, or subpoena or
9 compel the production of any books, records, and papers only upon a finding that the
10 importance of the information sought outweighs the burden of producing the
11 information.

12 (ii) The ethics administrator shall provide to the Board of Ethics a monthly
13 report of the number of subpoenas issued by the board and the ethics administrator
14 in the prior month.

15 (c) The subject of the investigation or any witness upon whom written
16 questions have been propounded shall serve a copy of the written answers and
17 objections, if any, within thirty days after the service of the questions.

18 (d) The subject of the investigation or any witness upon whom a subpoena
19 has been served to compel the production of books, records, or papers shall serve a
20 copy of the responses and objections, if any, within thirty days after the service of
21 the subpoena.

22 (e) The subject of the investigation or any witness upon whom a subpoena
23 has been served requiring the submission under oath of written reports shall produce
24 the written reports within thirty days after the service of the subpoena.

25 (f) The Board of Ethics shall promptly provide the subject of the
26 investigation with a copy of questions propounded or subpoenas served upon any
27 witness, as well as any answers, objections, books, records, or papers, or written
28 reports produced, or transcripts or recordings of answers to questions produced under
29 oath.

30 (g) Any demand, request, or subpoena propounded upon the subject of the

1 investigation or witness, orally or in writing, shall be prefaced by advising the
2 subject of the investigation or witness that he may exercise his constitutional right
3 to counsel and may exercise his constitutional right not to incriminate himself.

4 (h) An oral examination under oath shall be conducted under conditions
5 agreed upon by the subject of the investigation or witness, including that the
6 examination occur in a certain place, at a certain time, or by phone or
7 videoconference, and with counsel present, that the examination be transcribed or
8 audio recorded, and that the subject of the investigation or witness promptly receive
9 a copy of the transcript or audio recording.

10 (i) The Board of Ethics shall adopt rules providing for discovery consistent
11 with Chapter 3 of Title III of Book II of the Code of Civil Procedure and as
12 constrained by this Subsection, to the extent and in the manner appropriate to its
13 proceedings.

14 ~~(2) After the investigation has been completed, the Board of Ethics shall~~
15 ~~determine whether a public hearing should be conducted to receive evidence and to~~
16 ~~determine whether any violation of any provision of law within its jurisdiction has~~
17 ~~occurred. If a violation has not occurred, the defendant and the complainant shall be~~
18 ~~notified within ten days of the ruling. (a) The Board of Ethics shall, after the~~
19 ~~investigation and prior to determining whether a hearing should be conducted, grant~~
20 ~~the person subject to the investigation an opportunity to address, orally or in writing,~~
21 ~~the final report of the staff, the information gathered during the investigation, and~~
22 ~~any factual or legal issues relevant to the alleged violation by the person subject to~~
23 ~~the investigation.~~

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

27 D.(1)(a) In case of contumacy or refusal to obey a subpoena issued to any
28 public servant or other person, any district court of this state within the jurisdiction
29 of which the public servant or other person resides, upon application by the Board
30 of Ethics shall have jurisdiction to issue to such public servant or other person an

1 order requiring him to produce books, records, or papers, or to require the
2 submission under oath of written reports or answers to questions concerning the
3 matter under consideration.

4 (b) The district court shall subpoena or compel the production of books,
5 records, or papers, or require the submission under oath of written reports or answers
6 to questions, only upon a finding that the importance of the information sought
7 outweighs the burden of producing the information.

8 (2) Upon motion by the subject of the investigation, a prospective witness,
9 or any person whose books, records, papers, or other documents are the subject of
10 any subpoena, and for good cause shown, any district court within the jurisdiction
11 of which the movant resides may make any order which justice requires to protect
12 such person from undue burden or expense, including one or more of the following:

13 (a) That the inquiry not be had.

14 (b) That the inquiry may be had only upon specified terms and conditions
15 including a designation of the time and place.

16 (c) That the inquiry shall be conducted by a method other than selected by
17 the Board of Ethics.

18 (d) That certain matters not be inquired into or that the scope of the inquiry
19 be limited to certain matters.

20 (e) That the inquiry be conducted with no one present except persons
21 designated by the court.

22 (3) The Board of Ethics shall waive, upon written request by the affected
23 party, any right to be served by any means other than email transmission, and shall
24 provide an email address at which the Board of Ethics shall accept service.

25 (4) Any failure to obey such order of the court may be deemed by the district
26 court to be contempt of court.

27 (5) The district court, upon denying any application made pursuant to this
28 Subsection, may order the movant to pay the court costs and attorney's fees of the
29 prevailing party.

30 E.(1) After the investigation has been completed, the Board of Ethics shall,

1 by vote of two-thirds of its members, determine whether a public hearing before the
2 Ethics Adjudicatory Board should be conducted to receive evidence and to determine
3 whether any violation of any provision of law within its jurisdiction has occurred.

4 (2) Before the board determines whether a public hearing should be
5 conducted to receive evidence, the board shall:

6 (a) Provide the subject of the investigation with the final report of the staff
7 of the board to the board regarding the investigation of the alleged violation by
8 subject of the investigation.

9 (b) Provide the subject of the investigation with an opportunity to submit a
10 brief response to the final report of the staff.

11 (c) Provide the subject of the investigation with an opportunity to briefly
12 make a statement before the Board of Ethics to address the final report of the staff
13 and any factual or legal issues relevant to the alleged violation by the subject of the
14 investigation. Such statements may be presented in person, by telephone, or by
15 videoconference during executive session of the Board of Ethics, unless the subject
16 of the investigation requests that his comments be made in open session. Statements
17 by the subject of the investigation before the Board of Ethics in executive session
18 shall not be recorded.

19 (3) If the Board of Ethics determines a violation has not occurred, the subject
20 of the investigation and the complainant shall be notified within ten days of the
21 board's determination.

22 ~~(3)(a)~~ F.(1) If the board determines following an investigation that a public
23 hearing should be conducted, the board shall issue charges. A public hearing shall
24 be conducted to receive evidence relative to the facts alleged in the charges and to
25 determine whether any violation of any provision of law within the jurisdiction of
26 the board has occurred. The public hearing on such charges shall be conducted by
27 the Ethics Adjudicatory Board in accordance with the Administrative Procedure Act
28 and this Part.

29 ~~(b)~~ (2) The charges issued by the board shall contain each of the following:

30 ~~(i)~~ (a) A plain, concise, and definite written statement of the essential facts

1 constituting the alleged violation.

2 ~~(ii)~~ (b) The official or customary citation of the statute which is alleged to
3 have been violated.

4 ~~(iii)~~ (c) The date of the meeting at which the board voted to issue charges.

5 ~~(iv)~~ (d) The name of the trial attorney, if designated.

6 (e) A written statement advising the respondent that he may exercise his
7 constitutional right to counsel and may exercise his constitutional right not to
8 incriminate himself.

9 ~~(e)~~ G. If the Board of Ethics does not issue charges within one year from the
10 date upon which a sworn complaint is received or, if no sworn complaint was
11 received, within one year from the date the board voted to consider the matter, the
12 matter shall be dismissed. The one-year period ~~shall be~~ is prescriptive. The
13 prescriptive period may be suspended, interrupted, or renounced. The prescriptive
14 period shall be suspended by any of the following:

15 ~~(i)~~ (1) The person who is the subject of the investigation or complaint files
16 any pleading or proceeding in a state or federal court or with the Ethics Adjudicatory
17 Board related to the matter under investigation that has the effect of delaying or
18 impeding the proceeding.

19 ~~(ii)~~ (2) The person who is the subject of the investigation or complaint fails
20 to comply with a subpoena or other request from the Board of Ethics for information
21 related to or in connection with the investigation of the Board of Ethics.

22 ~~(d)~~ (3) The person who is the subject of the investigation or complaint may
23 consent in writing to the suspension of the prescriptive period.

24 ~~(e)~~ (4) Determinations concerning the prescriptive period provided for in
25 ~~Subparagraph (c) of this Paragraph~~ this Subsection shall be made by the Ethics
26 Adjudicatory Board.

27 ~~(f)~~ H. The Board of Ethics shall consider offering a consent opinion to each
28 person who is the subject of an investigation.

29 * * *

§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.

* * *

§1141.4. Notice and procedure

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B.

* * *

(2) ~~The Board of Ethics and the Ethics Adjudicatory Board shall adopt rules providing for discovery consistent with Chapter 3 of Title III of Book II of the Code of Civil Procedure, to the extent and in the manner appropriate to its proceedings.~~ The person who is the subject of the hearing shall, no less than fifteen days before the hearing, receive a copy of the final report of the staff of the Board of Ethics regarding the investigation of the alleged violation by the person subject to the hearing, a copy of all evidence gathered by the board, and a copy of all potential exhibits to be introduced at the hearing.

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

C. In case of contumacy or refusal to obey a subpoena to appear at a hearing issued to any public servant or other person, any district court of this state within the jurisdiction ~~of which the inquiry is carried on, or within which said public servant or other person is found, resides, or~~ or if the other person does not reside in this state, within the jurisdiction of which the person transacts business, upon application by

1 the Board of Ethics or the Ethics Adjudicatory Board shall have jurisdiction to issue
2 to such public servant or other person an order requiring him to appear before the
3 board or its staff and to produce evidence, if so ordered, or to give testimony
4 concerning the matter under consideration. Any failure to obey such order of the
5 court may be deemed by the court as to be contempt of the court.

6 * * *

7 E. Any public servant or other person who is the subject of any hearing may
8 have legal counsel, cross-examine witnesses, call witnesses, subpoena and compel
9 witnesses, subpoena and compel the production of books, records, and papers, and
10 present evidence in his own behalf. If a person receives an advisory opinion from
11 the Board of Ethics and he acts based upon such advisory opinion, the advisory
12 opinion shall be admissible as evidence at the hearing.

13 F. Any public servant or other person ~~who is the subject of any investigation~~
14 who is not represented by counsel shall be advised of his right to have an attorney
15 present before any hearing commences.

16 G. Any witness may be accompanied by counsel at investigations or
17 hearings, which counsel may advise the witness of his rights, ~~subject to reasonable~~
18 ~~limitations to prevent obstruction of or interference with the orderly conduct of the~~
19 ~~investigation or hearing.~~ His counsel may also submit proposed questions to be
20 asked for his client.

21 H. A hearing transcript shall be provided to the subject of an investigation
22 or hearing upon his request at the expense of the Board of Ethics. Any witness at
23 any investigation or hearing, subject to rules and regulations promulgated by the
24 Board of Ethics or Ethics Adjudicatory Board, shall be entitled to a copy of his
25 testimony promptly upon written demand, ~~when it becomes important and relevant~~
26 ~~in a criminal proceeding or subsequent investigation or hearing, provided that the~~
27 ~~furnishing of such copy will not prejudice the public safety or security.~~

28 * * *

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

30 Section 3. The Louisiana State Law Institute is authorized and directed to arrange

1 in alphabetical order and renumber the definitions contained in R.S. 42:1102 and to correct
2 any cross-references to the renumbered paragraphs if necessary, consistent with the
3 provisions of this Act.

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____