

FOR OFFICE USE ONLY	

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Tucker to Engrossed House Bill No. 1 by Representative Tucker

1 AMENDMENT NO. 1

2 On page 1, line 3, change "R.S. 42:1124.2," to " R.S. 42:1124.2 and 1124.3,"

3 AMENDMENT NO. 2

4 On page 1, line 15, change "R.S. 42:1124 or 1124.2" to "R.S. 42:1124, 1124.2, or 1124.3"

5 AMENDMENT NO. 3

6 On page 2, line 1, change "R.S. 42:1124 or 1124.2" to "R.S. 42:1124, 1124.2, or 1124.3"

7 AMENDMENT NO. 4

8 On page 2, delete lines 3 through 29 and on page 3, delete lines 1 through 5 and insert the
9 following:

10 "B.(1) Whoever fails to file a financial statement required by this
11 Section, or knowingly and willfully fails to timely file any such statement,
12 or knowingly and willfully fails to disclose or to accurately disclose any
13 information required by this Section shall be assessed a civil penalty pursuant
14 to R.S. 42:1157 for each day until such statement or the required accurate
15 information is filed.

16 (2) The amount of such penalty shall be:

17 (a) Five hundred dollars per day for statements required for
18 candidates for governor.

19 (b) One hundred dollars per day for statements required for
20 candidates for any other public office other than those offices covered by
21 R.S. 42:1124.3.

22 (c) Fifty dollars per day for statements required for candidates for
23 offices covered by R.S. 42:1124.3.

24 C.(1) If the supervisory committee discovers that a candidate has
25 failed to disclose or accurately disclose information required by R.S.
26 42:1124, 1124.2, or 1124.3, the supervisory committee shall mail by certified
27 mail a notice of delinquency informing the person that the information must
28 be disclosed or accurately disclosed no later than fourteen days after receipt
29 of the notice of delinquency. The notice of delinquency shall include the
30 deadline for disclosing or accurately disclosing the information. If the
31 candidate discloses or accurately discloses the information prior to the
32 deadline contained in the notice of delinquency, no penalties shall be
33 assessed against the candidate.

1 (2) Whoever fails to disclose or accurately disclose the information
 2 by the deadline included in the notice of delinquency shall be guilty of a
 3 misdemeanor and upon conviction thereof shall be fined not less than one
 4 thousand dollars nor more than ten thousand dollars or imprisoned in parish
 5 prison for not more than six months, or both. Any prosecution under this
 6 Subsection shall be tried before a jury of six persons, all of whom must
 7 concur to render a verdict.

8 AMENDMENT NO. 5

9 On page 3, line 7, change "R.S. 42:1124.2 is" to " R.S. 42:1124.2 and 1124.3 are"

10 AMENDMENT NO. 6

11 On page 3, line 8, after "disclosure;" insert "governor;"

12 AMENDMENT NO. 7

13 On page 3, line 15, after "(1)" delete the remainder of the line and delete line 16, and insert
 14 "The governor and each person holding statewide elected office."

15 AMENDMENT NO. 8

16 On page 3, delete line 17 in its entirety

17 AMENDMENT NO. 9

18 On page 3, at the beginning of line 18, change "(3)" to "(2)"

19 AMENDMENT NO. 10

20 On page 4, at the beginning of line 2, change "(4)" to "(3)"

21 AMENDMENT NO. 11

22 On page 4, at the beginning of line 3, change "(5)" to "(4)"

23 AMENDMENT NO. 12

24 On page 4, at the beginning of line 5, change "(6)" to "(5)"

25 AMENDMENT NO. 13

26 On page 4, at the beginning of line 7, change "(7)" to "(6)"

27 AMENDMENT NO. 14

28 On page 4, at the beginning of line 9, change "(8)" to "(7)"

29 AMENDMENT NO. 15

30 On page 4, at the beginning of line 10, change "(9)" to "(8)"

31 AMENDMENT NO. 16

32 On page 8, delete lines 16 and 17 in their entirety

33 AMENDMENT NO. 17

1 On page 8, at the beginning of line 18, change "(4)" to "(3)"

2 AMENDMENT NO. 18

3 On page 8, delete lines 19 through 21 in their entirety

4 AMENDMENT NO. 19

5 On page 8, at the beginning of line 22, change "L" to "H."

6 AMENDMENT NO. 20

7 On page 8, delete lines 26 through 29 and delete page 9 and on page 10, delete lines 1
8 through 11 and insert the following:

9 "§1124.1. Penalties; required reports; failure to file; timely and accurate
10 filing

11 A.(1) Whoever fails to file a financial statement required by this Part,
12 or knowingly and willfully fails to timely file any such statement, or
13 knowingly and willfully fails to disclose or to accurately disclose any
14 information required by this Part shall be assessed a civil penalty pursuant
15 to R.S. 42:1157 for each day until such statement or the required accurate
16 information is filed.

17 (2) The amount of such penalty shall be:

18 (a) Five hundred dollars per day for statements required by R.S.
19 42:1124 to be filed by the governor.

20 (b) One hundred dollars per day for statements required by R.S.
21 42:1114, or 1114.1 for statements required by R.S. 42:1124 to be filed by
22 persons other than the governor, and for statements required by R.S.
23 42:1124.2.

24 (c) Fifty dollars per day for statements required by R.S. 42:1124.3.

25 B.(1) If the board discovers that a person has failed to disclose or
26 accurately disclose information required by R.S. 42:1124, 1124.2, or 1124.3,
27 the board shall mail by certified mail a notice of delinquency informing the
28 person that the information must be disclosed or accurately disclosed no later
29 than fourteen days after receipt of the notice of delinquency. The notice of
30 delinquency shall include the deadline for disclosing or accurately disclosing
31 the information. If the person discloses or accurately discloses the
32 information prior to the deadline contained in the notice of delinquency, no
33 penalties shall be assessed against the person.

34 (2) Whoever fails to disclose or accurately disclose the information
35 by the deadline included in the notice of delinquency shall be guilty of a
36 misdemeanor and upon conviction thereof shall be fined not less than one
37 thousand dollars nor more than ten thousand dollars or imprisoned in parish
38 prison for not more than six months, or both. Any prosecution under this
39 Subsection shall be tried before a jury of six persons, all of whom must
40 concur to render a verdict.

41 C. Whoever knowingly and willfully files a false report required by
42 this Part, except for statements required by R.S. 42:1124, 1124.2, or 1124.3,
43 shall be guilty of a misdemeanor and upon conviction thereof shall be fined
44 not less than one thousand dollars nor more than ten thousand or imprisoned

1 in parish prison for not more than six months, or both. Any prosecution
 2 under this Subsection shall be tried before a jury of six persons, all of whom
 3 must concur to render a verdict. ~~€.~~ "Knowingly and willfully" for purposes
 4 of this ~~Section~~ Subsection means conduct which could have been avoided
 5 through the exercise of due diligence.

6 §1124.2. Financial disclosure; certain elected officials; voting districts of
 7 five thousand or more

8 A. Each member of the state legislature, judges, and each person
 9 holding a public office who represents a voting district having a population
 10 of five thousand or more persons, except any person who is required to file
 11 a financial statement pursuant to R.S. 42:1124, shall annually file a financial
 12 statement as provided in this Section.

13 B.(1) The financial statement required by this Section shall be filed
 14 by May 15 of each year during which the person holds an office or position
 15 included in Subsection A of this Section and by May 15 of the year following
 16 the termination of the holding of such office or position.

17 (2) Notwithstanding the provisions of Paragraph (1) of this
 18 Subsection, the financial statement required by this Section may be filed
 19 within thirty days after the individual files his federal tax return for the year
 20 on which he is reporting, provided that he notifies the Board of Ethics that
 21 he intends to do so within five days after the deadline provided in Paragraph
 22 (1) of this Subsection.

23 C. The financial statement required by this Section shall be filed on
 24 a form prescribed by the Board of Ethics and shall include the following
 25 information for the preceding calendar year:

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

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

30 (3) The name of the employer, job title, and a brief job description
 31 of each full-time or part-time employment position held by the individual or
 32 spouse.

33 (4) The name, address, brief description of, and nature of association
 34 with and the amount of interest in each business in which the individual or
 35 spouse is a director, officer, owner, partner, member, or trustee, or in which
 36 the individual or spouse, either individually or collectively, owns an interest
 37 which exceeds ten percent of that business.

38 (5)(a) The name, address, type, and amount of each source of income
 39 received during the immediately preceding calendar year by the individual
 40 or spouse, or by any business in which the individual or spouse, either
 41 individually or collectively, owns an interest which exceeds ten percent of
 42 that business, which is received from any of the following:

43 (i) The state or any political subdivision as defined in Article VI of
 44 the Constitution of Louisiana.

45 (ii) Services performed for or in connection with a gaming interest
 46 as defined in R.S. 18:1505.2(L)(3)(a).

1 (b) The name and address of any employer which provides income
2 to the individual or spouse pursuant to the full-time or part-time employment
3 of the individual or spouse, including a brief description of the nature of the
4 services rendered pursuant to such employment and the amount of such
5 income, excluding information required to be reported pursuant to
6 Subparagraph (5)(a) of this Subsection.

7 (c) The name and address of all businesses which provide income to
8 the individual or spouse, including a brief description of the nature of
9 services rendered for each business or of the reason such income was
10 received, and the aggregate amount of such income reported by category in
11 accordance with Paragraph (D)(1) of this Section, excluding information
12 required to be reported pursuant to Subparagraph (5)(a) or (b) of this
13 Subsection.

14 (d) A description of the type of any other income exceeding one
15 thousand dollars received by the individual or spouse, including a brief
16 description of the nature of the services rendered for the income or the reason
17 such income was received, and the amount of income reported by category
18 pursuant to Paragraph (D)(1) of this Section, excluding information required
19 to be reported pursuant to Subparagraph (5)(a), (b), or (c) of this Subsection.

20 (6) A brief description, value assessed for property taxes, location,
21 and address of each parcel of immovable property in which the individual or
22 spouse, either individually or collectively, has an interest, provided that the
23 value assessed for property taxes for such parcel of immovable property
24 exceeds two thousand dollars. However, no judge or law enforcement
25 officer, including a district attorney, shall be required to disclose the address
26 of his primary personal residence.

27 (7) The name and a brief description of each investment security
28 having a value exceeding five thousand dollars held by the individual or
29 spouse, excluding mutual funds, education investment accounts, retirement
30 investment accounts, government bonds, and cash or cash equivalent
31 investments.

32 (8) A brief description, amount, and date of any purchase or sale, in
33 excess of five thousand dollars, of any immovable property and of any
34 personally owned stocks, bonds, or commodities futures, including any
35 option to acquire or dispose of any immovable property or of any personally
36 owned stocks, bonds, or commodities futures.

37 (9) The name and address of each creditor, and name of each
38 guarantor, if any, to whom the individual or spouse owes any liability which
39 exceeds ten thousand dollars, excluding:

40 (a) Any loan secured by movable property, if such loan does not
41 exceed the purchase price of the movable property which secures it.

42 (b) Any liability, secured or unsecured, which is guaranteed by the
43 individual or spouse for a business in which the individual or spouse owns
44 any interest, provided that the liability is in the name of the business and, if
45 the liability is a loan, that the individual or spouse does not use proceeds
46 from the loan for personal use unrelated to the business.

47 (10) A certification that such individual has filed his federal and state
48 income tax returns, or has filed for an extension of time for filing such tax
49 returns.

1 D.(1) When an amount is authorized to be disclosed by category
 2 pursuant to this Section, it shall be sufficient to report the amount by the
 3 following categories:

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

5 (b) Category II, \$5,000-\$24,999.

6 (c) Category III, \$25,000-\$49,999.

7 (d) Category IV, \$50,000-\$100,000.

8 (e) Category V, more than \$100,000.

9 (2) Amounts required to be disclosed shall be valued at actual or fair
 10 market value, whichever is greater.

11 E. The financial statement shall be filed with the Board of Ethics and
 12 shall be accompanied by the affidavit of the individual filing it certifying that
 13 the information contained in the financial statement is true and correct to the
 14 best of his knowledge, information, and belief. The financial statement shall
 15 be a public record, subject to the provisions of Chapter 1 of Title 44 of the
 16 Louisiana Revised Statutes of 1950.

17 F. For purposes of this Section, an individual or spouse shall not
 18 transfer any asset, interest, or liability required to be disclosed pursuant to
 19 this Section to any person or business for the purpose of avoiding disclosure,
 20 unless such transfer is irrevocable. A transfer shall not be irrevocable if there
 21 exists any contract, letter, counter letter, note, or any other legally
 22 enforceable agreement or authority which if exercised or enforced would
 23 require or authorize any asset, interest, or liability transferred by an
 24 individual or spouse to a person or business to revert back to such individual
 25 or spouse.

26 G. For purposes of this Section, the following words shall have the
 27 following meanings:

28 (1) "Business" and "income" shall have the same meanings as
 29 provided in R.S. 42:1124, except that "income" for purposes of Subparagraph
 30 (5)(a) shall not include expenses paid to third parties.

31 (2) "Judge" shall have the same meaning as provided in the Code of
 32 Judicial Conduct.

33 (3) "Public office" shall have the same meaning as provided in R.S.
 34 18:1483.

35 H. Relative to members of the legislature, the Board of Ethics shall
 36 promptly notify the clerical officer of the house of the legislature to which
 37 a member is elected of all violations of the provisions of this Section.

38 I. The Board of Ethics shall post on its web site on the World Wide
 39 Web a list of all persons who have failed to file or failed to timely file, or
 40 who have failed to disclose or accurately disclose any information required
 41 by this Section. A person shall be removed from the list upon filing or
 42 accurately disclosing the required information."

43 AMENDMENT NO. 21

1 On page 10, at the beginning of line 12, change "§1124.2." to "§1124.3."

2 AMENDMENT NO. 22

3 On page 10, line 15, change "R.S. 42:1124." to "R.S. 42:1124 or 1124.2."

4 AMENDMENT NO. 23

5 On page 11, line 26, change "R.S. 42:1124 or 1124.2" to "R.S. 42:1124, 1124.2, or 1124.3"

6 AMENDMENT NO. 24

7 On page 12, line 5, delete "42:1124, 1124.1." and insert "42:1124.1."

8 AMENDMENT NO. 25

9 On page 12, line 6, delete "42:1124, 1124.1." and insert "42:1124.1."

10 AMENDMENT NO. 26

11 On page 12, line 12, change "42:1124.2" to "42:1124.3"

12 AMENDMENT NO. 27

13 On page 12, line 13, after "to" and before "as enacted" change "R.S. 42:1124.2" to "R.S.
14 42:1124.3" and after "until" and before "becomes" change "R.S. 42:1124.2" to "R.S.
15 42:1124.3"