

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Chaisson to Re-Reengrossed House Bill No. 1 by Representative Tucker

AMENDMENT NO. 1

On page line 2, change "1124.1" to "1124.1(A)(1)"

AMENDMENT NO. 2

On page 1, line 3, change "and 1124.3" to "1124.3, and 1124.4"

AMENDMENT NO. 3

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

"B. Failure to file the financial statement required in Subsection A of this Section, failure to timely file such statement, omitting required information from such statement or inaccurately disclosing required information in such statement shall be penalized as provided in R.S. 42:1124.4."

AMENDMENT NO. 4

On page 3, line 10, change "1124.1" to "1124.1(A)(1)"

AMENDMENT NO. 5

On page 3, line 11, change "and 1124.3" to "1124.3, and 1124.4"

AMENDMENT NO. 6

On page 9, delete lines 7 through 14

AMENDMENT NO. 7

On page 9, line 16, after "Part" insert ", except for statements required by R.S. 42: 1124, 1124.2, and 1124.3,"

AMENDMENT NO. 8

On page 9, delete lines 21 through 29 and one page 10, delete lines 1 through 21 and insert the following:

"* * *

AMENDMENT NO. 9

On page 16, delete lines 6 through 13

AMENDMENT NO. 10

On page 16, line 14, change "J." to "I."

AMENDMENT NO. 11

On page 17, between lines 19 and 20, insert the following:

1 "§1124.4. Penalties

2 A.(1) If a person fails to timely file a financial statement as required by R.S.
 3 42:1124, 1124.2, or 1124.3, or a candidate fails to timely file a financial statement
 4 as required by R.S. 18:1495.7, or such person or candidate omits any required
 5 information, or the board has reason to believe information provided is inaccurate,
 6 the board shall notify him of such failure, omission, or inaccuracy by sending him
 7 by certified mail a notice of delinquency immediately upon discovery of the failure,
 8 omission, or inaccuracy.

9 (2) Such notice shall inform him that the financial statement must be filed or
 10 that the information must be disclosed or accurately disclosed, or that a written
 11 answer contesting the allegation in the notice of such a failure, omission or an
 12 inaccuracy must be deposited in the mail no later than fourteen business days after
 13 receipt of the notice of delinquency.

14 (3)The person or candidate shall be informed that further failure to file the
 15 statement, disclose the information, correct the inaccuracy, or contest the allegation
 16 in writing in the time required shall result in the imposition of penalties as provided
 17 for in Subsection (B) of this Section.

18 B.(1) A person who fails to file a financial statement shall be assessed the
 19 penalty provided for in Subsection C of this Section until the statement is filed unless
 20 waived by the board as authorized in R.S. 42:1157.2.

21 (2) If the person provides the omitted information or corrects the inaccurate
 22 information prior to the deadline contained in the notice of delinquency, no penalties
 23 shall be assessed against the person. Further, no penalties shall be assessed if an
 24 answer contesting the allegations is filed until a determination is made by the board
 25 in response to the contest that results in the imposition of penalties.

26 (3) A failure to provide the omitted information, correct the inaccurate
 27 information, or file a written answer prior to the deadline contained in the notice of
 28 delinquency, or a finding by the board after a written answer that the information is
 29 still omitted or inaccurate, shall subject the person to the assessment of the penalty
 30 provided for in Subsection C of this Section for each day until such omitted
 31 information, corrected information, or written answer is filed.

32 C. Penalties shall be assessed as follows:

33 (1) Five hundred dollars per day for persons whose financial statements are
 34 required by R.S. 42:1124.

35 (2) One hundred dollars per day for persons whose financial statements are
 36 required by R.S. 42:1124.2.

37 (3) Fifty dollars per day for persons whose statements are required by R.S.
 38 42:1124.3.

39 (4) The penalties to be assessed candidates shall be assessed according to
 40 which financial statement the candidate is required to file as provided in R.S.
 41 18:1495.7.

42 D.(1)(a) A finding by the board after the notice provided for in Paragraph
 43 (A)(1) of this Section that a person or candidate has willfully or knowingly failed to
 44 file a statement, willfully and knowingly failed to timely file a statement, willfully
 45 or knowingly omitted information from a statement, or has willfully and knowingly
 46 provided inaccurate information in a statement, shall subject such person or
 47 candidate to prosecution for a misdemeanor.

48 (b)(i) Upon first conviction thereof, such person or candidate shall be fined
 49 not less than one thousand dollars nor more than five thousand dollars.

50 (ii) Upon a second or subsequent convictions thereof, the person or candidate
 51 shall be fined not less than one thousand dollars nor more than ten thousand dollars
 52 or imprisoned in parish prison for not more than six months, or both.

53 (2) Any person prosecuted under this Subsection shall have a right to be tried
 54 before a jury of six persons, all of whom shall concur to render a verdict.

55 (3) To make such a finding, the board shall provide the person or candidate
 56 an opportunity for a hearing.

57 (4)Upon the making of such a finding the board shall forward its findings to
 58 the district attorney in the parish in which the violation occurred for action.

59 E.(1) The Board of Ethics shall post on its web site on the Internet a list of
 60 all persons or candidates who have failed to file, or failed to timely file, or who have

1 failed to provide omitted information or failed to provide accurate information as
2 required by this Section.

3 (2)(a) No person or candidate shall be included on the list unless he fails to
4 file, provide omitted information, or provide accurate information by the deadline
5 included in the notice of delinquency.

6 (b) A person shall be removed from the list within two business days after
7 filing or accurately disclosing the required information."

8 AMENDMENT NO. 12

9 On page 17, lines 27, change "1124.1(B)" to "1124.4"

10 AMENDMENT NO. 13

11 Delete Senate Committee Amendments No. 2, 15, 16 and 17 proposed by the Senate
12 Committee on Senate and Governmental Affairs and adopted by the Senate on February 20,
13 2008

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