

CONFERENCE COMMITTEE REPORT
House Bill No. 1 By Representative Tucker

February 25, 2008

To the Honorable Speaker and Members of the House of Representatives and the Honorable President and Members of the Senate.

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning House Bill No. 1 by Representative Tucker, recommend the following concerning the Re-Reengrossed bill:

1. That Senate Committee Amendments Nos. 1, 3, 4, 9, 10, 11, 14, 18, 21, 22, 23, 24, 25, 26, and 30 proposed by the Senate Committee on Senate and Governmental Affairs and adopted by the Senate on February 20, 2008 be adopted.
2. That Senate Committee Amendments Nos. 2, 5, 6, 7, 8, 12, 13, 15, 16, 17, 19, 20, 27, 28, and 29 proposed by the Senate Committee on Senate and Governmental Affairs and adopted by the Senate on February 20, 2008 be rejected.
3. That Senate Floor Amendments Nos. 6, 7, 9, and 12 in the set designated as 694 proposed by Senator Chaisson and adopted by the Senate on February 22, 2008 be adopted.
4. That Senate Floor Amendments Nos. 1, 2, 3, 4, 5, 8, 10, 11, and 13 in the set designated as 694 proposed by Senator Chaisson and adopted by the Senate on February 22, 2008 be rejected.
5. That Senate Floor Amendments Nos. 3, 4, 6, 8, 9, 10, 12, 13, 14, 15, 16, and 17 in the set designated as 716 proposed by Senator Adley and adopted by the Senate on February 22, 2008 be adopted.
6. That Senate Floor Amendments Nos. 1, 2, 5, 7, 11, 18, 19, and 20 in the set designated as 716 proposed by Senator Adley and adopted by the Senate on February 22, 2008 be rejected.
7. That Senate Floor Amendment No. 1 in the set designated as 606 proposed by Senator Chaisson and adopted by the Senate on February 22, 2008 be rejected.
8. That Senate Floor Amendments Nos. 1 and 2 in the set designated as 667 proposed by Senator Chaisson and adopted by the Senate on February 22, 2008 be rejected.
9. That Senate Floor Amendments Nos. 1 and 2 in the set designated as 669 proposed by Senator Chaisson and adopted by the Senate on February 22, 2008 be rejected.
10. That Senate Floor Amendment No. 1 in the set designated as 601 proposed by Senator Murray and adopted by the Senate on February 22, 2008 be adopted.
11. That Senate Floor Amendment No. 2 in the set designated as 601 proposed by Senator Murray and adopted by the Senate on February 22, 2008 be rejected.
12. That Senate Floor Amendment No. 1 in the set designated as 636 proposed by Senator Nevers and adopted by the Senate on February 22, 2008 be adopted.
13. That Senate Floor Amendments Nos. 1 and 2 in the set designated as 721 proposed by Senator Heitmeier and adopted by the Senate on February 22, 2008 be rejected.

14. That Senate Floor Amendments Nos. 1 and 2 in the set designated as 681 proposed by Senator Alario and adopted by the Senate on February 22, 2008 be adopted.
15. That Senate Floor Amendment No. 1 in the set designated as 697 proposed by Senator Mount and adopted by the Senate on February 22, 2008 be rejected.
16. That Senate Floor Amendment No. 1 in the set designated as 712 proposed by Senator Nevers and adopted by the Senate on February 22, 2008 be adopted.
17. That Senate Floor Amendment No. 1 in the set designated as 738 proposed by Senator Murray and adopted by the Senate on February 22, 2008 be rejected.
18. That Senate Floor Amendment No. 1 in the set designated as 710 proposed by Senator Donahue and adopted by the Senate on February 22, 2008 be rejected.
19. That Senate Floor Amendments Nos. 1 and 2 in the set designated as 705 proposed by Senator Jackson and adopted by the Senate on February 22, 2008 be rejected.
20. That Senate Floor Amendments Nos. 1 through 7 in the set designated as 715 proposed by Senator Adley and adopted by the Senate on February 22, 2008 be adopted.
21. That Senate Floor Amendments Nos. 8 and 9 in the set designated as 715 proposed by Senator Adley and adopted by the Senate on February 22, 2008 be rejected.
22. That Senate Floor Amendment No. 1 in the set designated as 720 proposed by Senator Martiny and adopted by the Senate on February 22, 2008 be rejected.
23. That Senate Floor Amendments Nos. 1 through 3 in the set designated as 684 proposed by Senator Mount and adopted by the Senate on February 22, 2008 be rejected.
24. That Senate Floor Amendment No. 1 in the set designated as 724 proposed by Senator McPherson and adopted by the Senate on February 22, 2008 be rejected.
25. That Senate Floor Amendment No. 1 in the set designated as 718 proposed by Senator Cassidy and adopted by the Senate on February 22, 2008 be rejected.
26. That Senate Floor Amendment No. 1 in the set designated as 746 proposed by Senator Mount and adopted by the Senate on February 22, 2008 be adopted.
27. That Senate Floor Amendment No. 2 in the set designated as 746 proposed by Senator Mount and adopted by the Senate on February 22, 2008 be rejected.
28. That the following amendments to the Re-Reengrossed bill be adopted:

AMENDMENT NO. 1

On page 1, line 3, after "R.S. 42:1124.2" delete "and 1124.3," and insert a comma "," and insert "1124.3, 1124.4, and 1124.5,"

AMENDMENT NO. 2

On page 2, line 5, change "R.S. 42:1124." to "R.S. 42:1124.2."

AMENDMENT NO. 3

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

"B. Any person who fails to file or fails to timely file the financial statement required by Subsection A of this Section, or who fails to disclose or fails to accurately disclose information required to be included in the financial statement required by Subsection A of this Section shall be subject to penalties as provided in R.S. 42:1124.4."

AMENDMENT NO. 4

On page 3, line 11, after "R.S. 42:1124.2" delete "and 1124.3" and insert a comma "," and "1124.3, 1124.4, and 1124.5"

AMENDMENT NO. 5

On page 4, delete line 12 and insert "(7) The policy director in the office of the governor."

AMENDMENT NO. 6

On page 4, between lines 14 and 15, insert the following:

"(10) The deputy chief of staff of the office of the governor.
(11) The legislative director in the office of the governor."

AMENDMENT NO. 7

On page 5, line 4, change "(5)" to "(5)(a)"

AMENDMENT NO. 8

On page 5, at the end of line 7, insert "any of the following:"

AMENDMENT NO. 9

On page 5, at the beginning of line 8, delete "the" and insert "(i) The"

AMENDMENT NO. 10

On page 5, between lines 9 and 10, insert the following:

"(ii) Services performed for or in connection with a gaming interest as defined in R.S. 18:1505.2(L)(3)(a).
(b) Notwithstanding the provisions of Subsection D of this Section, amounts reported pursuant to this Paragraph shall be reported by specific amount rather than by category of value."

AMENDMENT NO. 11

On page 7, delete lines 1 through 7 and insert the following:

"(6) (8) A brief description, amount, and date of any purchase or sale, exchange, donation, gift, or other acquisition or disposition, in excess of one thousand dollars, of any real immovable property, and of any personally owned tax credit certificates, stocks, bonds, or commodities futures, or other forms of securities, including but not limited to any option to acquire and/or or dispose of any immovable property or of any personally owned tax credit certificates, stocks, bonds, or commodities futures, other forms of securities, negotiable instruments, movable or immovable property, or any other interest Nothing in this Paragraph shall require the reporting of information

concerning variable annuities, variable life insurance, or variable life insurance.

(9) The name, brief description, and amount of each investment security having a value exceeding one thousand dollars held by the individual or spouse, excluding variable annuities, variable life insurance, variable universal life insurance, whole life insurance, any other life insurance product, mutual funds, education investment accounts, retirement investment accounts, government bonds, and cash or cash equivalent investments. This Paragraph shall not be deemed to require disclosure of information concerning any property held and administered for any person other than the individual or spouse under a trust, tutorship, curatorship, or other custodial instrument."

AMENDMENT NO. 12

On page 9, between lines 14 and 15, insert the following:

"I. Nothing in this Section shall require the disclosure or reporting of income derived from child support and alimony payments contained in a court order or from disability payments from any source."

AMENDMENT NO. 13

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

"(2) The amount of such penalty shall be:
~~(a) Five hundred dollars per day for statements required by R.S. 42:1124.~~
~~(b) One one hundred dollars per day for statements required by R.S. 42:1114, or 1114.1.~~
 B. Whoever knowingly and willfully files a false report required by this Part, except for statements required by R.S. 42:1124, 1124.2, or 1124.3, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than one thousand dollars nor more than ten thousand or imprisoned in parish prison for not more than six months, or both. Any prosecution under this Subsection shall be tried before a jury of six persons, all of whom must concur to render a verdict.
 C. "Knowingly and willfully" for purposes of this Section means conduct which could have been avoided through the exercise of due diligence."

AMENDMENT NO. 14

On page 10, line 26, after "persons," insert "each member of the Board of Ethics and the ethics administrator,"

AMENDMENT NO. 15

On page 10, line 27, after "or invest" delete "more than ten thousand dollars" and insert "one million dollars or more"

AMENDMENT NO. 16

On page 11, at the beginning of line 26, change "(5)(a)" to "(5)(a)(i)"

AMENDMENT NO. 17

On page 12, at the beginning of line 1, change "(i)" to "(aa)"

AMENDMENT NO. 18

On page 12, at the beginning of line 3, change "(ii)" to "(bb)"

AMENDMENT NO. 19

On page 12, between lines 4 and 5, insert the following:

"(ii) Notwithstanding the provisions of Subsection D of this Section, amounts reported pursuant to this Subparagraph shall be reported by specific amount rather than by category of value."

AMENDMENT NO. 20

On page 12, line 22, after "ad valorem taxes, and" delete the remainder of the line

AMENDMENT NO. 21

On page 12, line 23, after "county" delete the comma ","

AMENDMENT NO. 22

On page 12, line 27, after "dollars." delete the remainder of the line and delete line 28

AMENDMENT NO. 23

On page 13, line 3, after "variable universal life insurance," insert "whole life insurance, any other life insurance product,"

AMENDMENT NO. 24

On page 13, line 13 after "futures." delete the remainder of the line and delete lines 14 and 15 and insert the following:

"This Paragraph shall not be deemed to require disclosure of information concerning variable annuities, variable life insurance, variable universal life insurance, whole life insurance, any other life insurance product, mutual funds, education investment accounts, retirement investment accounts, government bonds, cash or cash equivalent investments."

AMENDMENT NO. 25

On page 16, between lines 18 and 19 insert the following:

"I. Nothing in this Section shall require the disclosure or reporting of income derived from child support and alimony payments contained in a court order or from the reporting or disclosure of income derived from disability payments from any source."

AMENDMENT NO. 26

On page 16, line 22, after "thousand" delete the comma "," and insert "and each member of a state board or commission which has the authority to expend, disburse, or invest more than ten thousand but less than one million dollars,"

AMENDMENT NO. 27

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

"§1124.4. Penalties

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

(2) The notice of delinquency shall inform the person that the financial statement must be filed, or that the information must be disclosed or accurately disclosed, or that a written answer contesting the allegation of such a failure, omission, or inaccuracy must be filed no later than fourteen business days after receipt of the notice of delinquency. The notice shall include the deadline for filing the statement, filing the answer, or disclosing or accurately disclosing the information.

(3) The board shall inform the person in the notice of delinquency that failure to file the statement, to disclose or accurately disclose the information, or to file an answer contesting the allegation by the deadline shall result in the imposition of penalties as provided in Subsection C of this Section.

B.(1) If the person files the statement, provides the omitted information, or corrects the inaccurate information prior to the deadline contained in the notice of delinquency, no penalties shall be assessed against the person. If the person files a written answer contesting the allegations prior to the deadline contained in the notice of delinquency, no penalties shall be assessed until a determination is made by the board that a violation occurred.

(2) If the person fails to file the statement, fails to provide the omitted information, fails to correct the inaccurate information, or fails to file a written answer prior to the deadline contained in the notice of delinquency, he shall be subject to assessment of the penalties provided in Subsection C of this Section for each day until the statement, omitted information, corrected information, or written answer is filed.

(3) Upon a finding by the board in connection with a written answer that no violation has occurred, no penalties shall be assessed against the person. If the board finds in connection with a written answer that the person has failed to file the statement or failed to disclose or accurately disclose the required information, he shall be subject to assessment of the penalties provided in Subsection C of this Section for each day until the statement is filed, until the omitted information is filed, or until the inaccurate information is corrected.

C. Penalties shall be assessed as follows:

(1) Five hundred dollars per day for financial statements required by R.S. 42:1124.

(2) One hundred dollars per day for statements required by R.S. 42:1124.2.

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

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

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

(b)(i) Upon first conviction thereof, the person shall be fined not less than one thousand dollars nor more than five thousand dollars.

(ii) Upon a second or subsequent conviction for violation of the same reporting requirement, the person shall be fined not less than one thousand dollars nor more than ten thousand dollars.

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

(3) Findings pursuant to this Section shall be made by the board at a public hearing conducted for that purpose.

(4) Upon finding at a public hearing a possible violation of Subsection D of this Section, the board shall forward its findings to the district attorney in the parish which is the domicile of the person who filed the report for appropriate action.

E.(1) The Board of Ethics shall post on its web site on the Internet a list of all persons who have failed to file, or failed to timely file, or who have failed to provide omitted information or failed to provide accurate information as required by this Section.

(2)(a) No person shall be included on the list unless he fails to file, to provide omitted information, or to provide accurate information by the deadline included in a notice of delinquency, nor shall he be included on the list if he has filed an answer contesting the allegations included in the notice of delinquency.

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

F. If a person, who is required to disclose information required by R.S. 42:1124, 1124.2 or 1124.3 discovers an error or inaccuracy in the information he disclosed and files an amendment to such disclosure correcting such error or inaccuracy prior to the receipt of a notice of delinquency, no penalties shall be assessed against the person, and the board shall replace the initial disclosure with the amendment thereto in the official records of the board.

§1124.5 Disclosure; Board of Ethics; ethics administrator

Each member of the Board of Ethics and the ethics administrator shall include on the statement required by R.S. 42:1124.2 the following information for the preceding calendar year unless the information is already included in the statement:

(1) The name, address, brief description of, and nature of association with and the amount of interest in each business in which the individual or spouse is a director, officer, owner, partner, member, or trustee, or in which the individual or spouse owns any interest, excluding a publicly traded corporation.

(2) The name, address, type, and amount of each source of income received by the individual or spouse, or by any business in which the individual or spouse owns an interest, excluding a publicly

traded corporation, which is received from the state or any political subdivision as defined in Article VI of the Constitution of Louisiana.

(3) The name of each governmental entity from whom the individual or his spouse derives any thing of economic value through any contract or subcontract involving a governmental entity, including the Louisiana Insurance Guaranty Association, the Louisiana Health Insurance Guaranty Association, Louisiana Citizens Property Insurance Corporation, the Property Insurance Association of Louisiana, and any other quasi public entity; the nature of the contract or subcontract; and the value of thing of economic value derived."

AMENDMENT NO. 28

On page 18, between lines 10 and 11, insert the following:

"Section 5. The first reports due pursuant to R.S. 42:1124 as amended and reenacted by this Act and due pursuant to R.S. 42:1124.2 as enacted by this Act shall be complete for the calendar year 2008. The first reports due pursuant to R.S. 42:1124.3 as enacted by this Act shall be complete for the calendar year 2009."

AMENDMENT NO. 29

On page 18, at the beginning of line 11, change "Section 5." to "Section 6."

Respectfully submitted,

Representative Jim Tucker

Senator Joel T. Chaisson II

Representative Richard "Rick" Gallot, Jr.

Senator Robert W. "Bob" Kostelka

Representative Karen Carter Peterson

Senator Sharon Weston Broome