

Regular Session, 2009

HOUSE BILL NO. 695

BY REPRESENTATIVE GREENE

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

ETHICS: Provides relative to gubernatorial transition and inauguration including the contribution limit and contribution and expenditure reports

1 AN ACT

2 To amend and reenact R.S. 42:1125(A), (C)(introductory paragraph), (D), and (E) and to
3 enact R.S. 42:1125(F), relative to gubernatorial transition and inauguration; to
4 provide relative to contribution limits; to provide relative to reporting; to provide
5 relative to the duties of the Board of Ethics; to provide relative to certain records; to
6 provide for effectiveness and applicability; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 42:1125(A), (C)(introductory paragraph), (D), and (E) are hereby
9 amended and reenacted and R.S. 42:1125(F) is hereby enacted to read as follows:

10 §1125. Gubernatorial transition and inauguration; contribution limits; reports

11 A.(1) Any contribution received and accepted by the ~~governor-elect~~ person
12 elected governor, or ~~anyone~~ any person on his behalf, following the date of his
13 election and ~~prior to the thirtieth day after his inauguration~~, expenditures made from
14 such contributions shall be reported by the governor to the Board of Ethics as
15 provided for in this Section. ~~The report shall be accompanied by an affidavit by the~~
16 ~~governor certifying that the information contained in the report is true and correct to~~
17 ~~the best of his knowledge, information, and belief.~~

18 (2) The ~~governor-elect~~ person elected governor and ~~anyone~~ any person
19 accepting contributions on his behalf shall not accept contributions totaling more
20 than ~~ten~~ five thousand dollars from any person.

21 * * *

1 C. On or before the sixtieth day after the gubernatorial inauguration and by
2 February fifteenth annually thereafter until all contributions have been expended or
3 used, the governor shall file an all-inclusive report with the Board of Ethics ~~for~~
4 ~~which reporting is required by Subsection A~~ which shall state:

5 * * *

6 D. All reports required by this Section shall be:

7 (1) Filed electronically through the Board of Ethics Computerized Data
8 Management System as provided in R.S. 42:1158.

9 (2) Filed on forms prepared for this purpose by the Board of Ethics. Such
10 forms shall be substantially similar to forms used for filings of campaign finance
11 reports for candidates for statewide office prepared by the board acting as the
12 Supervisory Committee on Campaign Finance Disclosure.

13 (3) Accompanied by an affidavit by the governor certifying that the
14 information contained in the report is true and correct to the best of his knowledge,
15 information, and belief.

16 ~~D. E.~~ E. The governor shall be immune from civil liability as a result of any
17 disclosure made pursuant to this Section.

18 ~~E. F.~~ F. Notwithstanding any other provision of law to the contrary, all
19 information required to be reported pursuant to this Section shall be public record,
20 and all records of the transition and inauguration, including those of any legal entity
21 that accepts contributions or makes expenditures for the transition or inauguration,
22 shall be considered public records subject to the provisions of R.S. 44:1 et seq.

23 Section 2. The Board of Ethics shall publish and make available forms for filing the
24 reports required by this Act within sixty days of the effective date of this Act. The board
25 shall notify the governor when such forms are complete and available.

26 Section 3. This Act shall become effective upon signature by the governor or, if not
27 signed by the governor, upon expiration of the time for bills to become law without signature
28 by the governor, as provided in Article III, Section 18 of the Constitution of Louisiana. If

- 1 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 2 effective on the day following such approval.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Greene

HB No. 695

Abstract: Changes contribution limit for transition and inauguration from \$10,000 to \$5,000. Provides relative to reporting.

Present law (R.S. 42:1125) provides relative to contributions made to a governor-elect to support his transition and inauguration. Provides that no governor-elect may accept more than \$10,000 in contributions from any person. Requires reporting concerning every contribution received and accepted by the governor-elect, or anyone on his behalf, following the date of his election and prior to the 30th day after his inauguration. Proposed law changes the maximum amount that may be accepted from \$10,000 to \$5,000. Changes "governor-elect" to "person elected governor". Removes the 30-day after inauguration limitation. Adds reference to requirement to report expenditures made from contributions.

Present law requires the governor, on or before the 60th day after the gubernatorial inauguration and by Feb. 15 annually thereafter until all contributions have been expended or used, to file an all-inclusive report, accompanied by an affidavit certifying the truth of the information, with the Board of Ethics which shall state:

- (1) The full name and address of each person, natural or legal, who has made a contribution.
- (2) The date and amount of each contribution and a brief description and valuation of each in-kind contribution.
- (3) The full name and address of each person to whom an expenditure was made and the amount, date, and purpose of each expenditure and a description of the use of each in-kind contribution.

Proposed law retains present law. Provides additionally that all reports shall be:

- (1) Filed electronically through the Board of Ethics Computerized Data Management System.
- (2) Filed on forms prepared for this purpose by the Board of Ethics. Such forms shall be substantially similar to forms used for filings of campaign finance reports for candidates for statewide office prepared by the board acting as the Supervisory Committee on Campaign Finance Disclosure.
- (3) Accompanied by an affidavit by the governor certifying that the information contained in the report is true and correct to the best of his knowledge, information, and belief.

Present law provides that all information required to be reported pursuant to present law shall be public record. Proposed law retains present law and additionally provides that all records of the transition and inauguration, including those of any legal entity which accepts

contributions or makes expenditures for the transition or the inauguration, shall be public records subject to present law provisions relative to public records (R.S. 44:1 et seq.).

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 42:1125(A), (C)(intro. para.), (D), and (E); Adds R.S. 42:1125(F))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on House and Governmental Affairs to the original bill.

1. Provides that records of the transition and inauguration are public records subject to present law provisions relative to public records instead of providing that such records are records of the office of the governor.
2. Removes provisions specifically requiring the governor in office on the effective date of proposed law to file a report covering the period between the date of his election in 2007 and December 31, 2008.