

Regular Session, 2012

HOUSE BILL NO. 950

BY REPRESENTATIVE TIM BURNS

1 AN ACT

2 To amend and reenact R.S. 42:1132(A), (B)(introductory paragraph), (C), and (D),
3 1134(A)(1) and (K), 1135, 1141(A), (B)(1)(a), (C)(1), (2), and (3)(c) and (d), and
4 1151 through 1157, to enact R.S. 42:1141(B)(3) and (C)(3)(e) and (f) and 1141.2
5 through 1141.6, and to repeal R.S. 42:1141(C)(4), (5), (6), (7), and (8), (D), (E), and
6 (F), 1141.1, and 1157.2, relative to enforcement of the laws under the jurisdiction of
7 the Board of Ethics; to clarify the powers and duties of the Board of Ethics and the
8 Ethics Adjudicatory Board relative to such enforcement; to provide relative to certain
9 time limitations; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 42:1132(A), (B)(introductory paragraph), (C), and (D), 1134(A)(1)
12 and (K), 1135, 1141(A), (B)(1)(a), (C)(1), (2), and (3)(c) and (d), and 1151 through 1157 are
13 hereby amended and reenacted and R.S. 42:1141(B)(3) and (C)(3)(e) and (f) and 1141.2
14 through 1141.6 are hereby enacted to read as follows:

15 §1132. Board of Ethics

16 A. Board of Ethics established. There is hereby established in the
17 Department of State Civil Service the Board of Ethics to be domiciled in the city of
18 Baton Rouge.

19 B. Membership; terms; vacancies; qualifications. (1) The ~~board~~ Board of
20 Ethics shall consist of eleven members to be selected as follows:

21 * * *

22 C. Jurisdiction. The ~~board~~ Board of Ethics shall administer and enforce the
23 provisions of this Chapter and the rules, regulations, and orders issued hereunder
24 with respect to public employees and elected officials, including final decisions of

1 a valid final decision or final order of ~~the board~~ into a court order, upon receipt from
2 the ~~board~~ Board of Ethics of a rule to show cause for that purpose.

3 §1141. ~~Procedure; adjudicatory board~~ Complaints and investigations

4 A. ~~Panels:~~ (1) The ~~board~~ Board of Ethics members ~~shall~~ may sit en banc and
5 or in panels in such order and at such times as the board directs.

6 (2) The ~~board~~ Board of Ethics may authorize the hearing and
7 determination of matters by separate panels, each consisting of not less than three
8 members. Such panels shall sit at the times and places to hear matters assigned as
9 the chairman directs. Such hearings shall be public except those provided for in
10 Subsection C of this Section. All determinations of a panel shall be by a majority
11 vote. However, if a panel consists of three members, all determinations of the panel
12 shall require a unanimous vote of the members of the panel. Each panel shall be
13 vested with specific subject matter jurisdiction. The ~~board~~ Board of Ethics may
14 determine by rule a procedure to rotate members among different subject matter
15 panels to encourage the participation of each member of the board in, and the
16 knowledge of each member of the board of, matters concerning the different
17 provisions of law under the jurisdiction of the board.

18 (3) ~~Matters shall be heard and determined by the board or panel of not less~~
19 ~~than three members, unless a hearing before the board en banc is ordered by a~~
20 ~~majority of the members of the board. The presence of the three members of the~~
21 ~~panel shall be required to conduct the business of the panel.~~

22 (4) Notwithstanding any other provision of this Chapter, the presence of nine
23 members shall be required to conduct the business of the ~~board~~ Board of Ethics
24 sitting en banc.

25 (5) (4) The ~~board~~ Board of Ethics shall promulgate procedural and
26 jurisdictional rules relative to the establishment of the several panels. The rules shall
27 specify procedures wherein the chairman may refer matters to the appropriate panel
28 with proper subject matter jurisdiction.

29 (6) (5) The ~~board~~, Board of Ethics by a majority vote of its membership, may
30 review any opinion, decision, finding, or ruling of any panel.

1 ~~members, all determinations of such a panel shall require a unanimous vote of the~~
2 ~~members of the panel.~~

3 (2) After the investigation has been completed, the ~~board~~ Board of Ethics
4 shall determine whether a public hearing should be conducted to receive evidence
5 and to determine whether any violation of any provision of law within its jurisdiction
6 has occurred. If a violation has not occurred, the defendant and the complainant
7 shall be notified within ten days of the ruling.

8 (3)

9 * * *

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

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

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

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

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

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

1 §1141.2. Ethics Adjudicatory Board

2 A. The director of the division of administrative law shall, at a public
3 meeting of the Board of Ethics in December of the year preceding the year in which
4 the terms are to begin, randomly select seven administrative law judges from among
5 those who meet the qualifications to comprise the Ethics Adjudicatory Board. The
6 last selected judge shall serve as the alternate. Members of the adjudicatory board
7 shall have not less than two years of experience as an administrative law judge or not
8 less than ten years experience in the practice of law.

9 B.(1) The members shall each serve a three-year term, which term shall
10 begin on January first. There shall be no limitation on the number of times a
11 qualified member may be selected to serve.

12 (2) A vacancy on either three-judge panel shall be filled by the alternate
13 judge.

14 (3) A vacancy on the Ethics Adjudicatory Board shall be filled for the
15 unexpired term at the next public meeting of the Board of Ethics and in the same
16 manner as for the original selection. The last selected judge shall serve as the
17 alternate.

18 C. Members of the Ethics Adjudicatory Board shall be subject to the same
19 financial disclosure requirements as are provided by law for members of the Board
20 of Ethics. Such members shall also be subject to the same limitations regarding
21 contracting as are applicable to the members of the Board of Ethics as provided by
22 law.

23 D. If an administrative law judge who is a member of the Ethics
24 Adjudicatory Board begins work on a matter prior to the end of his term, he shall not
25 be prohibited from completing work on the matter following the end of his term. He
26 shall be considered a member of the Ethics Adjudicatory Board until such work is
27 complete, and such status shall not affect the selection of members for the Ethics
28 Adjudicatory Board.

1 E. Any member of the Ethics Adjudicatory Board who has a personal interest
2 in or who becomes the subject of a hearing pursuant to this Part shall recuse himself
3 from participation in such hearing.

4 §1141.3. Location of hearings

5 The Board of Ethics, a panel thereof, or the Ethics Adjudicatory Board may
6 conduct any hearing provided in this Chapter in the parish wherein the public servant
7 or person alleged to have violated any provision of law within the jurisdiction of the
8 Board of Ethics resides, or in the parish of the official domicile of any office or
9 employment held by the person who is the subject of the investigation or complaint,
10 or in the parish of domicile of the Board of Ethics or the Ethics Adjudicatory Board.

11 §1141.4. Notice and procedure

12 A.(1) Any public servant or other person who is to be the subject of a public
13 or private hearing and the complainant shall be given written notification of the
14 pending charges and of the time and place such hearing is to be held. Such
15 notification shall not be less than sixty days prior to the date set for the hearing.
16 Upon the request of a public servant or other person charged, the hearing may be
17 held sooner.

18 (2) The Ethics Adjudicatory Board shall give public notice of its hearings
19 that are conducted pursuant to R.S. 42:1141.5.

20 B.(1) For purposes of an investigation or a hearing, the Board of Ethics, any
21 panel thereof, or its staff, or the Ethics Adjudicatory Board, or any panel thereof,
22 may administer oaths and affirmations, subpoena witnesses, compel their attendance,
23 take evidence, and require the production of any records which a board or panel
24 deems relevant or material to the investigation or hearing. Such attendance of
25 witnesses and the production of any such records may be required at any place
26 designated by a board or panel at no cost to the public servant or other person
27 charged as permitted by the rules of the board requiring such attendance or
28 production or the board of the panel requiring such attendance or production.

1 (2) The Board of Ethics and the Ethics Adjudicatory Board shall adopt rules
2 providing for discovery consistent with Chapter 3 of Title III of Book II of the Code
3 of Civil Procedure, to the extent and in the manner appropriate to its proceedings.

4 C. In case of contumacy or refusal to obey a subpoena issued to any public
5 servant or other person, any district court of this state within the jurisdiction of which
6 the inquiry is carried on, or within which said public servant or other person is found,
7 resides, or transacts business, upon application by the Board of Ethics or the Ethics
8 Adjudicatory Board shall have jurisdiction to issue to such public servant or other
9 person an order requiring him to appear before the board or its staff and to produce
10 evidence, if so ordered, or to give testimony concerning the matter under
11 consideration. Any failure to obey such order of the court may be deemed by the
12 court as to be contempt of the court.

13 D.(1) If any public employee willfully refuses or fails to appear before the
14 Board of Ethics or the Ethics Adjudicatory Board or any court authorized to conduct
15 any hearing or inquiry pertaining to the provisions of this Chapter, or having
16 appeared refuses to testify or answer any question specifically, directly, and narrowly
17 relating to the performance of his official duties on the ground that his testimony or
18 answers would tend to incriminate him, or refuses to accept immunity from
19 prosecution on account of any matter about which he may be asked to testify at any
20 such hearing or inquiry, such action shall be grounds for dismissal or forfeiture of
21 his office or position, and if dismissed, he shall not be eligible thereafter for
22 employment by the governmental entity for a period of five years, unless such
23 reemployment is authorized by a majority vote of the membership of the Board of
24 Ethics.

25 (2) If any elected official willfully refuses or fails to appear before the Board
26 of Ethics or the Ethics Adjudicatory Board or any court authorized to conduct any
27 hearing or inquiry pertaining to the provisions of this Chapter or having appeared
28 refuses to testify or answer any question specifically, directly, and narrowly relating
29 to the performance of his official duties on the ground that his testimony or answers
30 would tend to incriminate him, or refuses to accept immunity from prosecution on

1 account of any matter about which he may be asked to testify at such hearing or
2 inquiry, such action shall be grounds for the imposition of penalties as provided in
3 R.S. 42:1153.

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

9 F. Any public servant or other person who is the subject of any investigation
10 shall be advised of his right to have an attorney present.

11 G. Any witness may be accompanied by counsel at investigations or
12 hearings, which counsel may advise the witness of his rights, subject to reasonable
13 limitations to prevent obstruction of or interference with the orderly conduct of the
14 investigation or hearing. His counsel may also submit proposed questions to be asked
15 for his client.

16 H. Any witness at any investigation or hearing, subject to rules and
17 regulations promulgated by the Board of Ethics or Ethics Adjudicatory Board, shall
18 be entitled to a copy of his testimony when it becomes important and relevant in a
19 criminal proceeding or subsequent investigation or hearing, provided that the
20 furnishing of such copy will not prejudice the public safety or security.

21 I. In making any official determination of whether any provision of law
22 within the jurisdiction of the Board of Ethics has been violated, the Ethics
23 Adjudicatory Board may consider testimony pursuant to the Louisiana Code of
24 Evidence.

25 J. Any public servant or other person who is aggrieved by any action taken
26 by a panel of the Board of Ethics may request a review of the panel's decision by the
27 full Board of Ethics within thirty days of the panel's decision. The Board of Ethics
28 shall determine whether or not to review the panel's action within thirty days of the
29 request for review.

1 K. The records of the Board of Ethics prepared or obtained in connection
2 with investigations and private hearings conducted by the Board of Ethics, including
3 all extracts of minutes and votes to take any matter under consideration in connection
4 therewith, shall be deemed confidential and privileged, except that such records shall
5 be available to each member of the Board of Ethics upon request. Except as
6 provided in this Section and in R.S. 42:1111(E)(2)(c), all records, including the
7 results and conclusions reached in connection with any investigation or hearing, shall
8 be public.

9 L.(1) It shall be a misdemeanor, punishable by a fine of not more than two
10 thousand dollars or imprisonment for not more than one year, or both, for any
11 member of the Board of Ethics, its executive secretary, other employee, or any other
12 person, other than the person who is subject to the investigation or complaint, to
13 make public the testimony taken at a private investigation or private hearing of the
14 Board of Ethics or to make any public statement or give out any information
15 concerning a private investigation or private hearing of the Board of Ethics without
16 the written request of the public servant or other person investigated.

17 (2) Upon receipt of a written request by the public servant or person charged,
18 the Board of Ethics shall furnish the requestor with a certified copy of the entire
19 proceedings of a private hearing, including a verbatim transcript of all testimony
20 considered at such hearing, and make public the findings of any private investigation
21 or hearing in connection with the charges.

22 M. The provisions of the Open Meetings Law shall not apply to
23 investigations and private hearings conducted by the Board of Ethics.

24 §1141.5. Adjudicatory hearings

25 A. The Ethics Adjudicatory Board shall sit in rotating panels composed of
26 three administrative law judges randomly selected from among the members of the
27 Ethics Adjudicatory Board. The panel shall select the administrative law judge who
28 will preside over the hearing. The determination of the majority of the panel in a
29 particular case shall be the determination of the Ethics Adjudicatory Board. After

1 the hearing, the presiding administrative law judge shall assign authorship
2 responsibility for the determination.

3 B. After the hearing, the adjudicatory panel shall determine whether a
4 violation of any provision of law within the jurisdiction of the Board of Ethics has
5 occurred. If the adjudicatory panel determines that a violation has occurred, it shall
6 determine what authorized penalties or other sanctions, if any, should be imposed
7 and shall issue a final decision.

8 C. If the public hearing of the adjudicatory panel fails to disclose clear and
9 convincing evidence to support the charges, the adjudicatory panel shall make an
10 official determination of its findings and shall issue a final decision. The person
11 charged and the complainant shall be notified in writing within ten days of the
12 adjudicatory panel's rendition of a final decision. The person charged may require
13 the adjudicatory panel to make an official determination of the validity of the charges
14 against him.

15 D. If the adjudicatory panel determines that a violation has occurred and
16 prescribes authorized penalties or other sanctions, the public servant or person may
17 appeal as set forth in R.S. 42:1142.

18 §1141.6. Declaratory opinions

19 A. Upon application of a public servant, other person, or agency, the Board
20 of Ethics may declare rights, status, and other legal relations established by the
21 provisions of this Chapter or by any other law within its jurisdiction or under
22 opinions issued by the board, either before or after there has been a breach thereof.
23 The applicant may seek to have the Board of Ethics determine any question of
24 construction or validity arising under the provisions of this Chapter or by any other
25 law within its jurisdiction.

26 B. The Board of Ethics' power to declare rights, status, or legal relations
27 established by the provisions of this Chapter or by any other law within its
28 jurisdiction or under opinions issued by the board, or the construction of such laws
29 or opinions, is not limited or restricted to any proceeding where a declaratory opinion
30 is sought in order to terminate a controversy or remove an uncertainty.

1 respect to any public employee within his agency or any such appointee, upon a
 2 ~~finding by the board or panel~~ determination that such employee or appointee has
 3 violated any provision of law within the jurisdiction of the ~~board~~ Board of Ethics or
 4 any order, rule, or regulation promulgated thereunder. Such action may include the
 5 imposition of the conditions described in Subsection B of this Section.

6 B. Enforcement as to former public servants and other persons. Upon a
 7 ~~finding~~ determination by the ~~board or panel~~ Ethics Adjudicatory Board or a court
 8 of competent jurisdiction, that a former public servant or other person has violated
 9 any provision of law within the jurisdiction of the ~~board~~ Board of Ethics or any
 10 order, rule, or regulation promulgated hereunder, the agency head or the ~~board or~~
 11 ~~panel~~ Ethics Adjudicatory Board shall bar or impose reasonable conditions upon:

12 (1) The appearance before such agency of such former public servant or
 13 other person.

14 (2) The conduct of, or negotiation or competition for, business with such
 15 agency by such former public servant or other person, for such period of time as may
 16 be necessary or appropriate to effectuate the purposes of this Chapter.

17 §1152. Rescission of action of a governmental entity

18 A. Subject to the limitations ~~hereinafter~~ set forth in this Section, the ~~board~~
 19 ~~or panel~~ Ethics Adjudicatory Board may cancel or rescind any contract of or permit
 20 or license issued by a governmental entity without liability to the governmental
 21 entity when:

22 (1) The ~~board or panel~~ Ethics Adjudicatory Board has found that a violation
 23 of law within the jurisdiction of the ~~board~~ Board of Ethics has influenced the issuing
 24 of the permit or license or the making of such contract.

25 (2) The ~~board or panel~~ Ethics Adjudicatory Board finds under all of the
 26 circumstances that the interests of the governmental entity so require; however, such
 27 rescission is to be limited so as to not adversely affect the interests of innocent third
 28 parties.

29 B. The ~~finding~~ determination referred to in Subsection A of this Section shall
 30 be made in accordance with the procedures set forth in ~~R.S. 42:1141~~ this Part and

1 shall be subject to judicial review in accordance with the provisions of R.S. 42:1142,
 2 provided that the ~~board or panel~~ Ethics Adjudicatory Board may suspend the
 3 contract, permit, or license of the governmental entity subject to the limitations in
 4 Paragraph ~~A~~ (A)(2) of this Section pending the determination of the merits of the
 5 controversy.

6 §1153. Penalties

7 A. Upon ~~finding a determination~~ finding a determination that any elected official or other person has
 8 violated any provision of any law within the jurisdiction of the ~~board~~ Board of Ethics
 9 except violations of the Campaign Finance Disclosure Act which shall be governed
 10 by Chapter 11 of Title 18 of the Louisiana Revised Statutes of 1950, the ~~board by a~~
 11 ~~majority vote of the membership~~, Ethics Adjudicatory Board may censure the elected
 12 official or person, or impose a fine of not more than ten thousand dollars, or both.

13 B. Upon ~~finding a determination~~ finding a determination that any public employee or other person
 14 has violated any provision of any law within the jurisdiction of the ~~board~~ Board of
 15 Ethics except violations of the Campaign Finance Disclosure Act which shall be
 16 governed by Chapter 11 of Title 18 of the Louisiana Revised Statutes of 1950, the
 17 ~~board by a majority vote of the membership~~, Ethics Adjudicatory Board may
 18 remove, suspend, or order a reduction in pay, or demotion of the public employee or
 19 other person, or impose a fine of not more than ten thousand dollars, or both.

20 §1154. Civil penalties for illegal payments

21 When the results of a ~~board~~ an investigation conducted pursuant to ~~R.S.~~
 22 ~~42:1141~~ this Part indicates that a violation of R.S. 42:1117 has occurred, ~~the board~~
 23 and after an adjudicatory hearing on the matter, the Ethics Adjudicatory Board may
 24 order the payment of a penalty by any person who violates R.S. 42:1117. The
 25 penalty shall be limited to an amount not in excess of ten thousand dollars. Any
 26 appeal of such ~~order by the board~~ final decision by the Ethics Adjudicatory Board
 27 shall be to the Court of Appeal, First Circuit, pursuant to R.S. 42:1142.

28 §1155. Penalties for illegal gain; forfeiture of gifts, payments

29 A. If an investigation conducted pursuant to ~~R.S. 42:1141~~ this Part reveals
 30 that any public servant or other person has violated any law within the jurisdiction

1 of the ~~board~~ Board of Ethics to his economic advantage, ~~the board~~ and after an
 2 adjudicatory hearing on the matter, the Ethics Adjudicatory Board may order the
 3 payment of penalties. Recovery may include, in addition to an amount equal to such
 4 economic advantage, penalties not to exceed one half of the amount of the economic
 5 advantage. Any appeal of such ~~order~~ final decision by the Ethics Adjudicatory
 6 Board shall be to the Court of Appeal, First Circuit, pursuant to R.S. 42:1142.

7 B. The ~~board~~ Ethics Adjudicatory Board is authorized to order the forfeiture
 8 of any gifts or payments made in violation of this Chapter.

9 §1156. Finding of possible criminal violation

10 Upon finding at a public hearing that there is probable cause to believe that
 11 any public servant or other person has violated any criminal law of this state, the
 12 ~~board or panel~~ Board of Ethics or the Ethics Adjudicatory Board shall forward a
 13 copy of its findings to the district attorney of the parish in which the violation
 14 occurred, for appropriate action. Thereafter, notwithstanding any other provision of
 15 this Chapter, such district attorney shall have access to all records of the board
 16 relative to such charges.

17 §1157. Late filing fees

18 A.(1)(a) The staff of the ~~board~~ Board of Ethics may ~~automatically~~ assess and
 19 issue a final order for the payment of late filing fees, in accordance with rules
 20 adopted by the ~~board~~ Board of Ethics, for any failure to timely file any report or
 21 statement due under any law under its jurisdiction as provided in R.S. 42:1132(C),
 22 R.S. 24:50 et seq., R.S. 49:71 et seq., or R.S. 33:9661 et seq. A final order issued
 23 pursuant to this Subparagraph shall be appealable to the Ethics Adjudicatory Board
 24 for an adjudicatory hearing conducted in accordance with R.S. 42:1141.5.

25 (b) The Board of Ethics may waive all or any part of late filing fees assessed
 26 pursuant to Subparagraph (a) of this Paragraph. Any request for waiver of late filing
 27 fees assessed in a final order of the staff of the Board of Ethics shall be made to the
 28 Board of Ethics, which shall promulgate rules governing the procedure to request a
 29 waiver as well as to provide for waiver for "good cause" shown. "Good cause" shall
 30 be defined as any action or circumstance which, in the considered judgment of the

1 Board of Ethics, were not within the control of the late filer and which were the
 2 direct cause of the late filing or any applicable provision in R.S. 18:1511.5(B). The
 3 final disposition of the Board of Ethics on a request for waiver shall not be
 4 appealable to the Ethics Adjudicatory Board.

5 (c) The board Board of Ethics shall promulgate rules to facilitate the carrying
 6 out of the provisions of this Chapter regarding order for, and payment of, and waiver
 7 of late filing fees. Any appeal of such order for the payment of late fees shall be to
 8 the board, which shall promulgate rules governing the procedure for appeals of late
 9 filing fees.

10 ~~(2) The late filing fees for election campaign finance reports shall be as~~
 11 ~~provided in R.S. 18:1505.4.~~

12 ~~(3)~~ (2) The late filing fees for any lobbyist required to register and file
 13 reports under the provisions of R.S. 24:50 et seq., shall be as provided in R.S.
 14 24:58(D). The late filing fees for any lobbyist required to register and file reports
 15 under the provisions of R.S. 49:71 et seq., shall be as provided in R.S. 49:78(D);
 16 however, the late filing fees applicable to a lobbyist for a lobbyist expenditure report
 17 filed pursuant to R.S. 24:55(G) or R.S. 49:76(G) which contains all of the
 18 information required by Part IV of Chapter 1 of Title 49 of the Louisiana Revised
 19 Statutes of 1950 and all of the information required by Part III of Chapter 1 of Title
 20 24 of the Louisiana Revised Statutes of 1950 shall be fifty dollars per day. The late
 21 filing fees for any lobbyist required to register and file reports under the provisions
 22 of R.S. 33:9661 et seq., shall be as provided in R.S. 33:9668(D).

23 ~~(4)(a)(i)~~ (3)(a)(i) The late filing fees for any violation of R.S. 42:1114 shall
 24 be as provided in R.S. 42:1124.1(A).

25 (ii) The late penalties for any violation of R.S. 42:1124, 1124.2, 1124.2.1,
 26 or 1124.3 shall be as provided in R.S. 42:1124.4.

27 (b) The late filing fees for any violation of R.S. 42:1114.2 shall be as
 28 provided in R.S. 42:1114.2(G).

1 ~~(5)~~ (4) Any late filing fees assessed by the ~~board~~ Board of Ethics or ~~the its~~
 2 staff ~~of the board~~, for any failure to timely file any report or statement due, shall not
 3 exceed the following:

4 (a) If the fee is forty dollars per day, the maximum shall be one thousand
 5 dollars.

6 (b) If the fee is fifty dollars per day, the maximum shall be one thousand five
 7 hundred dollars.

8 (c) If the fee is sixty dollars per day, the maximum shall be two thousand
 9 dollars.

10 (d) If the fee is one hundred dollars per day, the maximum shall be two
 11 thousand five hundred dollars.

12 (e) If the fee is two hundred dollars per day, the maximum shall be three
 13 thousand dollars.

14 B. The staff of the ~~board~~ Board of Ethics shall mail by certified mail a notice
 15 of delinquency within four days after the due date of which the staff knows or has
 16 reason to know, for any report or statement due under the laws within its jurisdiction
 17 which has not been timely filed.

18 C. All funds collected by the staff of the ~~board~~ Board of Ethics as provided
 19 in Subsection A of this Section shall be deposited upon receipt in the state treasury.

20 Section 2. R.S. 42:1141(C)(4), (5), (6), (7), and (8), (D), (E), and (F), 1141.1, and
 21 1157.2 are hereby repealed in their entirety.

22 Section 3. The provisions of this Act shall have prospective application only and the
 23 provisions of R.S. 42:1141(C)(3)(c) as amended by this Act shall apply only to matters
 24 initiated by sworn complaint received or, if no sworn complaint was received, vote by the
 25 Board of Ethics, on or after the effective date of this Act.

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____