

2025 Regular Session

HOUSE BILL NO. 397

BY REPRESENTATIVE BEAULLIEU

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

ETHICS/CODE: Provides for revisions to the Code of Governmental Ethics

1 AN ACT

2 To amend and reenact R.S. 42:1102(22)(d), 1113(D)(2)(d), 1123(16) and (26), 1124.2(D),

3 1124.3(C)(1)(a)(introductory paragraph) and (b), 1124.4(D)(3), 1124.6(A)(2),

4 1134(I), 1141(B)(1) and (C), and 1141.4(B)(2), (C), (E), (F), (G), (H), and (I), to

5 enact R.S. 42:1102(24), 1111(A)(7) and (8), 1115.1(E)(3), 1115.2(C), 1123(48) and

6 (49), 1124(I), 1134(N)(3), 1141(D), (E), (F), and (G), and 1141.4(B)(3), (J), (K), (L),

7 (M), and (N), and to repeal R.S. 42:1141.4(D)(2), relative to the revision of the

8 system of laws providing for governmental ethics; to make revisions to the Code of

9 Governmental Ethics; to provide for definitions; to provide for payments made to

10 certain public servants from nonpublic sources; to provide for prohibited contractual

11 arrangements; to provide for limitations on food and drink; to provide for admission

12 to events, lodging, and travel; to provide for the calculation of the value of air travel;

13 to provide for exceptions to restrictions provided for in the Code of Governmental

14 Ethics; to provide for financial disclosure statements and the contents thereof; to

15 provide for the procedure and requirements for the assessment of penalties for the

16 failure to file or timely file or omit information from a required report; to provide for

17 the duties of the Board of Ethics; to provide for the contents on reports by the Board

18 of Ethics regarding the administration of the Code of Governmental Ethics; to

19 provide for the conduct of educational seminars; to provide for investigations

20 conducted by the Board of Ethics; to provide for the issuance of subpoenas by the

1 Board of Ethics; to provide for the notice and procedure of investigations; and to
2 provide for related matters.

3 Be it enacted by the Legislature of Louisiana:

4 Section 1. R.S. 42:1102(22)(d), 1113(D)(2)(d), 1123(16) and (26), 1124.2(D),
5 1124.3(C)(1)(a)(introductory paragraph) and (b), 1124.4(D)(3), 1124.6(A)(2), 1134(I),
6 1141(B)(1) and (C), and 1141.4(B)(2), (C), (E), (F), (G), (H), and (I) are hereby amended
7 and reenacted and R.S. 42:1102(24), 1111(A)(7) and (8), 1115.1(E)(3), 1115.2(C), 1123(48)
8 and (49), 1124(I), 1134(N)(3), 1141(D), (E), (F), and (G), and 1141.4(B)(3), (J), (K), (L),
9 (M), and (N) are hereby enacted to read as follows:

10 §1102. Definitions

11 * * *

12 (22)

13 * * *

14 (d)(i) With reference to ~~legislators and~~ employees in the legislative branch
15 of state government only, ~~and~~ for purposes of this Section, "reasonable
16 transportation", when organized primarily for educational or for informational
17 purposes, including on-site inspections, shall include transportation to any point
18 within the boundaries of this state, including the territorial waters thereof, and to any
19 offshore structure located on the outer continental shelf seaward of such territorial
20 waters and offshore of Louisiana. ~~With reference to employees in the legislative~~
21 ~~branch of state government, such transportation shall only be for official legislative~~
22 ~~purposes and~~ Such reasonable transportation shall have prior approval from the
23 presiding officer of the respective house wherein such legislative employee is
24 employed.

25 (ii) With references to legislators only, "reasonable transportation";

26 (aa) When organized primarily for educational or for informational purposes,
27 including on-site inspections, shall include transportation to any point within the
28 boundaries of this state, including the territorial waters thereof, and to any offshore

1 structure located on the outer continental shelf seaward of such territorial waters and
2 offshore of Louisiana.

3 (bb) when When organized primarily for entertainment purposes incidental
4 to food, drink, or refreshments, shall include transportation to any point within this
5 state that is within a fifty-mile radius of the perimeter of the legislator's district, or
6 within a fifty-mile radius of the perimeter of the parish wherein the state capitol is
7 located. ~~if the legislator is conducting official business in said parish.~~

8 (cc) When organized primarily for making a public speech, transportation
9 from his home, or the capitol, to and from the site of the speaking engagement from
10 the sponsoring group or organization, provided the public speech is given in any state
11 of the United States or any country in North America or the Carribean.

12 * * *

13 (24) "Public speech" shall mean a speech, or other oral presentation,
14 including a panel discussion, or radio or television appearance before the public at
15 large, or before any civic, political, religious, educational, or eleemosynary group or
16 organization by a member of the legislature in his capacity as a legislator.

17 * * *

18 §1111. Payment from nonpublic sources

19 A. Payments for services to the governmental entity.

20 * * *

21 (7) Any compensation paid to any public school teacher, administrator, or
22 supervisor, including kindergarten through the twelfth grade and postsecondary
23 education instructional faculty and administrators for compensation from any agency
24 participating in a state or statewide public retirement system shall be deemed for
25 purposes of this Part as compensation from his governmental entity to which he is
26 duly entitled. Such compensation must follow all rules regarding secondary
27 compensation related to the public retirement system in which the public employee
28 is participating. Moreover, such services shall be deemed for purposes of this Part

1 to be performed for the benefit of his governmental entity, although the time spent
2 in such matters shall not be deemed as hours worked for his governmental entity.

3 (8) Any award or stipend provided to any public school teacher or
4 administrator for his participation with any non-profit provider of teacher or public-
5 school administrator certification, shall be deemed for purposes of this Part as
6 compensation from his governmental entity to which he is duly entitled. For the
7 purposes of this Part, the services for which the award or stipend is received shall be
8 deemed to be performed for the benefit of the public school.

9 * * *

10 §1113. Prohibited contractual arrangements; exceptions; reports

11 * * *

12 D.

13 * * *

14 (2) The provisions of this Subsection shall not prohibit the following:

15 * * *

16 (d) Except as otherwise specifically provided for in this Paragraph,
17 completion ~~Completion~~ of any contract which, at the time it was entered into, was
18 not prohibited by the provisions of this Subsection; however, no such contract shall
19 be renewed except as ~~specifically provided for in this Paragraph~~ that a contract
20 containing an option by the state to extend the contract may be renewed if all of the
21 following apply:

22 (i) The option is at the state government's discretion.

23 (ii) The contract renewal does not change the services provided, the price,
24 or the terms of the contract compared to when the contract was initially executed.

25 (iii) The state government is not otherwise prohibited from exercising the
26 option to extend the term of the contract.

27 * * *

28 §1115.1. Limitation on food, drink, and refreshment

29 * * *

1 E. The provisions of this Section shall not apply to any of the following:

2 * * *

3 (3) The participation of a public servant at an event hosted by an
4 organization qualifying under Section 501 of the United State Internal Revenue
5 Code, including a charitable organization as defined in 26 USC 501(c)(3) or a social
6 welfare organization as defined in 26 USC 501(c)(4), held for the purpose of
7 educating the public servant on issues that have come before, or might reasonably
8 be expected to come before the public servant, provided that at least ten persons
9 associated with the organization are invited to the gathering.

10 * * *

11 §1115.2. Admission to events; lodging; travel

12 * * *

13 C. The amount expended on air transportation by private aircraft may be
14 calculated by any of the following methods:

15 (1) The cost of either:

16 (a) The lower unrestricted and nondiscounted commercial, first class or
17 business class, airfare for a flight comparable in departure location, destination, and
18 time of travel, in the case of travel between locations served by regularly scheduled
19 first-class commercial airline service.

20 (b) The lowest unrestricted and nondiscounted commercial, coach airfare for
21 a flight comparable in departure location, destination, and time of travel, in the case
22 of travel between locations not served by regularly scheduled first-class or business
23 class commercial airline service.

24 (c) The normal and usual charter fare or rental charge for a comparable
25 aircraft of sufficient size to accommodate all travelers and security personnel, if
26 applicable, in the case of travel to or from a city not regularly served by regularly
27 scheduled commercial airline service.

28 (2) The actual cost of the private flight divided by the number of passengers.

1 ~~religious, educational, or eleemosynary group or organization by a member of the~~
2 ~~legislature in his capacity as a legislator.~~

3 * * *

4 (26)(a) The acceptance by a public servant of anything of economic value
5 as a gift or gratuity from any person when the value of such gift or gratuity does not
6 exceed one hundred dollars per event; or two hundred dollars in a calendar year.

7 (b) The acceptance by a public servant of ~~for~~ flowers or a donation to an
8 organization that qualifies as a charitable organization as defined in 26 USC
9 501(c)(3) in connection with in sympathy of the death of a member of the immediate
10 family of a public servant provided that the donation does not exceed two hundred
11 dollars or that the market value of the flowers does not exceed two hundred dollars.

12 (c) The acceptance by a public servant of seasonal or holiday foods or non-
13 alcoholic beverages that commemorate a religious or state holiday and do not exceed
14 two hundred dollars in market value or two hundred dollars in a calendar year.

15 ~~(b)~~ (d) The acceptance by a public servant employed by a prekindergarten,
16 kindergarten, elementary, or secondary school of anything of economic value as a
17 gift from or on behalf of a student or former student when the value of the gift does
18 not exceed twenty-five dollars and the aggregate value of all gifts from or on behalf
19 of any one person pursuant to this Subparagraph does not exceed seventy-five dollars
20 in a calendar year.

21 * * *

22 (48) A member of the Louisiana Racing Commission or the Executive
23 Director of the Louisiana Racing Commission from being an owner of a racehorse
24 which participates in any race meeting licensed by the Louisiana Racing
25 Commission or from being an owner of a horse that sired or bred a racehorse that
26 participates in a race meeting licensed by the Louisiana Racing Commission, or from
27 participating in a breeder or stallion award.

1 required to file or the spouse of such individual which is received from any of the
2 following:

3 * * *

4 (b) Any and all income exceeding ~~two hundred fifty~~ five hundred dollars
5 received during the immediately preceding calendar year by any business in which
6 the individual required to file or his spouse, individually or collectively, owns at least
7 ten percent, which is received for services performed for or in connection with a
8 gaming interest as defined in R.S. 18:1505.2(L)(3)(a).

9 * * *

10 §1124.4. Penalties

11 * * *

12 D.

13 * * *

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

16 (b) Any public hearing conducted pursuant to this Section shall be conducted
17 in accordance with the provisions of the Code of Governmental Ethics no earlier than
18 thirty days after the person who is the subject of the hearing has received notice by
19 certified mail advising the person of the hearing date, time, and location, and
20 advising the person that the person may exercise his constitutional right to counsel
21 and may exercise his constitutional right not to incriminate himself.

22 (c) The person who is the subject of the hearing shall, no later than fifteen
23 days before the hearing receive a copy of the final report of the staff to the board
24 summarizing and analyzing the investigation of the alleged violation by the person
25 subject to the hearing, a copy of all evidence gathered by the board, and a copy of
26 all potential exhibits to be introduced at the hearing.

27 (d) The person who is the subject of the hearing, or his counsel, shall have
28 the power and authority to subpoena witnesses and compel the production of books,
29 records, and papers, public and private.

1 I. The board shall provide semi-annual reports and information to the
2 governor, the legislature, and to governing authorities concerning the administration
3 of this Chapter within its jurisdiction and conflict of interest matters generally. The
4 board shall include in its reports all of the following:

- 5 (1) Aggregate data regarding investigations, including:
- 6 (a) Aggregated data regarding number of complaints received.
- 7 (b) Aggregated data regarding number of investigations.
- 8 (c) Aggregated data regarding number of fines.
- 9 (d) Aggregated data regarding number of fine waivers.
- 10 (e) Aggregated data regarding number and nature of court proceedings
11 regarding investigations.

12 (f) Aggregated data regarding categories of alleged violations yielding
13 investigations.

- 14 (2) Aggregated data regarding charges, including:
- 15 (a) Aggregated data regarding number of charges.
- 16 (b) Aggregated data regarding length of proceedings resulting from charges.
- 17 (c) Aggregated data regarding categories of alleged violations yielding
18 charges.

- 19 (3) Advisory opinions issued by the board.
- 20 (4) Judgments and opinions by state and federal courts interpreting this
21 Chapter.

22 * * *

23 N.

24 * * *

- 25 (3) The board shall conduct educational seminars to educate persons,
26 including committee chairmen and treasurers, professional campaign managers,
27 public relations firms and advertising agencies, attorneys, and certified professional
28 accountants, regarding the Campaign Financial Disclosure Act. The board shall

1 make reasonable efforts to assure that the seminars qualify for continuing legal
2 education credits and continuing education credits for certified public accountants.

3 * * *

4 §1141. Complaints and investigations

5 * * *

6 B.(1)(a) The Board of Ethics shall consider any signed sworn complaint
7 from any elector, hereinafter referred to as complainant, concerning a violation of
8 this Chapter which is within its jurisdiction or the regulations or orders issued by the
9 Board of Ethics, or may, by a two-thirds majority vote of its membership, consider
10 any matter which it has reason to believe may be a violation of this Chapter.
11 Additionally, the board may consider any matter which it has reason to believe may
12 be a violation of any other provision of law within its jurisdiction as provided in this
13 Subsection or as may be otherwise provided by law. The board, after considering the
14 matter, shall determine whether there is reason to believe that a respondent has
15 committed a violation of this Chapter warranting an investigation. A potential
16 violation of this Chapter warrants an investigation if the board finds that the board
17 will more likely than not find all of the following:

18 (i) That the respondent has not already cured any potential violation of this
19 Chapter or that, despite subsequent cure by the respondent, the respondent
20 committed the violation intentionally or recklessly.

21 (ii) That based on the information available the board will more likely than
22 not find a violation of this Chapter, that the potential violation of this Chapter would
23 constitute a significant violation of this Chapter that if not investigated would
24 threaten the purposes of this Chapter.

25 (iii) That investigating the potential violation of this Chapter would support
26 the purposes of this Chapter.

27 (iv) That the limited resources of the board are better spent on investigation
28 of this potential violation versus the investigation of other potential violations of this
29 Chapter.

1 hearing should be conducted or that a violation has not occurred. The accused and
2 the complainant shall be given written notification of the commencement of the
3 investigation not less than ten days prior to the date set for the commencement of the
4 investigation.

5 (b) For purposes of an investigation, the Board of Ethics, any panel thereof,
6 or its staff, or the Ethics Adjudicatory Board, or any panel thereof, may require the
7 submission under oath of written reports or answers to questions, or subpoena or
8 compel the production of any records which a board or panel deems relevant or
9 material to the investigation or hearing. Such production of any such records may
10 be required at no cost to the public servant or other person charged.

11 (c) The Board of Ethics, any panel thereof, or its staff, or the Ethics
12 Adjudicatory Board, or any panel thereof, shall only subpoena or compel the
13 production of books, records, and papers, or require the submission under oath of
14 written reports or answers to questions, upon a two-thirds vote of the membership
15 of the Board of Ethics finding that the importance of the information sought
16 outweighs the burden of producing the information. In determining whether the
17 importance of the information sought outweighs the burden of producing the
18 information the Board of Ethics shall consider:

19 (i) The importance of the information in determining whether a potential
20 violation has occurred.

21 (ii) The severity and significance of the potential violation or series of
22 violations.

23 (iii) The burden or expense of producing or compiling the information.

24 (iv) Whether the information can be produced by another source with less
25 burden or expense.

26 (v) Whether the information can be produced by a source other than the
27 public servant.

1 (d) The respondent or any witness upon whom written questions have been
2 propounded by subpoena or otherwise, shall serve a copy of the written answers, and
3 objections, if any, within thirty days after the service of the questions.

4 (e) The respondent or any witness upon whom a subpoena has been served
5 to compel the production of books, records, or papers shall serve a copy of the
6 responses and objections, if any, within thirty days after the service of the subpoena.

7 (f) The respondent or any witness upon whom a subpoena has been served
8 requiring the submission under oath of written reports shall produce the written
9 reports within thirty days after the service of the subpoena.

10 (g) The respondent shall promptly receive a copy of questions propounded
11 or subpoena served upon any witness, as well as any answers, objections, books,
12 records, or papers, or written reports produced, or transcripts or recordings of
13 answers to questions produced under oath.

14 (h) Any demand, request, or subpoena propounded upon a respondent or
15 witness, orally or in writing, shall be prefaced by advising the respondent or witness
16 that the respondent or witness may exercise his constitutional right to counsel and
17 may exercise his constitutional right not to incriminate himself.

18 (i) The respondent or any witness may consent to an oral examination under
19 oath under conditions agreed upon by the respondent or witness, including that the
20 examination occur in a certain place, at a certain time, or by phone or
21 videoconference, and with counsel present, that the examination be transcribed or
22 audio recorded, and that the respondent or witness promptly receive a copy of the
23 transcript or audio recording.

24 (j) The Board of Ethics and the Ethics Adjudicatory Board shall adopt rules
25 providing for discovery consistent with Chapter 3 of Title III of Book II of the Code
26 of Civil Procedure and as constrained by this Subsection, to the extent and in the
27 manner appropriate to its proceedings.

28 ~~(2) After the investigation has been completed, the Board of Ethics shall~~
29 ~~determine whether a public hearing should be conducted to receive evidence and to~~

1 ~~determine whether any violation of any provision of law within its jurisdiction has~~
2 ~~occurred. If a violation has not occurred, the defendant and the complainant shall be~~
3 ~~notified within ten days of the ruling.~~

4 (3)(a) If the board determines following an investigation that a public
5 hearing should be conducted, the board shall issue charges. A public hearing shall
6 be conducted to receive evidence relative to the facts alleged in the charges and to
7 determine whether any violation of any provision of law within the jurisdiction of
8 the board has occurred. The public hearing on such charges shall be conducted by
9 the Ethics Adjudicatory Board in accordance with the Administrative Procedure Act
10 and this Part.

11 (b) The charges issued by the board shall contain each of the following:

12 (i) A plain, concise, and definite written statement of the essential facts
13 constituting the alleged violation.

14 (ii) The official or customary citation of the statute which is alleged to have
15 been violated.

16 (iii) The date of the meeting at which the board voted to issue charges.

17 (iv) The name of the trial attorney, if designated.

18 (v) A written statement advising the respondent that the respondent may
19 exercise his constitutional right to counsel and may exercise his constitutional right
20 not to incriminate himself.

21 D.(1) In case of contumacy or refusal to obey a subpoena issued to any
22 public servant or other person, any district court of this state within the jurisdiction
23 of which said public servant or other person resides, upon application by the Board
24 of Ethics or the Ethics Adjudicatory Board shall have jurisdiction to issue to such
25 public servant or other person an order requiring him to produce books, records, or
26 papers, or to require the submission under oath of written reports or answers to
27 questions concerning the matter under consideration.

28 (2) The district court shall only subpoena or compel the production of books,
29 records, or papers, or require the submission under oath of written reports or answers

1 to questions, upon a finding that the importance of the information sought outweighs
2 the burden of producing the information. In determining whether the importance of
3 the information sought outweighs the burden of producing the information, the
4 district court shall consider:

5 (a) The importance of the information in determining whether a potential
6 violation has occurred.

7 (b) The severity and significance of the potential violation or series of
8 violations.

9 (c) The burden or expense of producing or compiling the information.

10 (d) Whether the information can be produced by another source with less
11 burden or expense.

12 (e) Whether the information can be produced by a source other than the public
13 servant.

14 (3) The Ethics Adjudicatory Board shall waive, upon written request by the
15 affected party, any right to be served by any means other than email transmission,
16 and shall provide an email address at which the Ethics Adjudicatory Board shall
17 accept service.

18 (4) Any failure to obey such order of the court may be deemed by the district
19 court to be contempt of court.

20 (5) The district court, upon denying any application by the Board of Ethics
21 or the Ethics Adjudicatory Board, or any part thereof, may order the Ethics
22 Adjudicatory Board pay the costs and attorney's fees of the affected party.

23 E.(1) After the investigation has been completed, the Board of Ethics shall,
24 by vote of two-thirds of its members, determine whether a public hearing should be
25 conducted to receive evidence and to determine whether any violation of any
26 provision of law within its jurisdiction has occurred. If a violation has not occurred,
27 the respondent and the complainant shall be notified within ten days of the ruling.

28 (2) Before the board determines whether a public hearing should be
29 conducted to receive evidence, the board shall:

1 (a) Provide the respondent with the final report of the staff of the board to
2 the board summarizing and analyzing the investigation of the alleged violation by
3 respondent.

4 (b) Provide the respondent, or counsel for the respondent, with an
5 opportunity to submit a brief response to the final report of the staff.

6 (c) Provide the respondent, or counsel for the respondent, with an
7 opportunity to briefly make a statement before the Board of Ethics to address the
8 final report of the staff and any factual or legal issues relevant to the alleged
9 violation by respondent.

10 (i) Statements by the respondent, or counsel for the respondent, may be
11 present in person, telephonically, or by videoconference.

12 (ii) Statements by the respondent, or counsel for the respondent, shall, unless
13 respondent or his counsel requests otherwise, be made during executive session of
14 the supervisory committee.

15 (iii) Statements by the respondent, or counsel for the respondent, before the
16 supervisory committee shall not be recorded and shall not be used against the
17 respondent in subsequent proceedings.

18 ~~(c)~~ F. If the Board of Ethics does not issue charges within one year from the
19 date upon which a sworn complaint is received or, if no sworn complaint was
20 received, within one year from the date the board voted to consider the matter, the
21 matter shall be dismissed. The one-year period shall be prescriptive. The
22 prescriptive period may be suspended, interrupted, or renounced. The prescriptive
23 period shall be suspended by any of the following:

24 ~~(†)~~ (1) The person who is the subject of the investigation or complaint files
25 any pleading or proceeding in a state or federal court or with the Ethics Adjudicatory
26 Board related to the matter under investigation that has the effect of delaying or
27 impeding the proceeding.

1 jurisdiction of which ~~the inquiry is carried on, or~~ within which said public servant
 2 or other person ~~is found, resides, or~~ or if the other person does not reside in this state,
 3 within the jurisdiction of which the person transacts business, upon application by
 4 the Board of Ethics or the Ethics Adjudicatory Board shall have jurisdiction to issue
 5 to such public servant or other person an order requiring him to appear before the
 6 board or its staff and to produce evidence, if so ordered, or to give testimony
 7 concerning the matter under consideration. Any failure to obey such order of the
 8 court may be deemed by the court as to be contempt of the court.

9 * * *

10 E. Any public servant or other person who is the subject of any hearing may
 11 have legal counsel, cross-examine witnesses, call witnesses, subpoena and compel
 12 witnesses, subpoena and compel the production of books, records, and papers, public
 13 and private, call witnesses, and present evidence in his own behalf. If a person
 14 receives an advisory opinion from the Board of Ethics and he acts based upon such
 15 advisory opinion, the advisory opinion shall be admissible as evidence at the hearing.

16 F. Any public servant or other person ~~who is the subject of any investigation~~
 17 who is not represented by counsel shall be advised of his right to have an attorney
 18 present before any hearing commences.

19 G. Any witness may be accompanied by counsel at investigations or
 20 hearings, which counsel may advise the witness of his rights, ~~subject to reasonable~~
 21 ~~limitations to prevent obstruction of or interference with the orderly conduct of the~~
 22 ~~investigation or hearing.~~ His counsel may also submit proposed questions to be
 23 asked for his client.

24 H. Any hearing shall be recorded by a certified court reporter at the expense
 25 of the Board of Ethics. Any witness at any investigation or hearing, subject to rules
 26 and regulations promulgated by the Board of Ethics or Ethics Adjudicatory Board,
 27 shall be entitled to a copy of his testimony promptly upon written demand. ~~when it~~
 28 ~~becomes important and relevant in a criminal proceeding or subsequent investigation~~

1 ~~or hearing, provided that the furnishing of such copy will not prejudice the public~~
2 ~~safety or security.~~

3 I.(1) The Board of Ethics or the Ethics Adjudicatory Board, or any panel
4 thereof, conducting any hearing shall, after the hearing, grant the person subject to
5 the hearing, or his counsel, an opportunity to address, orally or in writing, the final
6 report of the staff, the evidence presented at the hearing, and any factual or legal
7 issues relevant to the alleged violation by the person subject to the hearing.

8 (2) The Board of Ethics shall, at the election of the person subject to the
9 hearing, permit the person subject to the hearing or his counsel to address the board,
10 in person, telephonically, or by videoconference.

11 J. In making any official determination of whether any provision of law
12 within the jurisdiction of the Board of Ethics has been violated, the Ethics
13 Adjudicatory Board may consider testimony pursuant to the Louisiana Code of
14 Evidence.

15 ~~J.~~ K. Any public servant or other person who is aggrieved by any action
16 taken by a panel of the Board of Ethics may request a review of the panel's decision
17 by the full Board of Ethics within thirty days of the panel's decision. The Board of
18 Ethics shall determine whether or not to review the panel's action within thirty days
19 of the request for review.

20 ~~K.~~ L. The records of the Board of Ethics prepared or obtained in connection
21 with investigations and private hearings conducted by the Board of Ethics, including
22 all extracts of minutes and votes to take any matter under consideration in connection
23 therewith, shall be deemed confidential and privileged, except that such records shall
24 be available to each member of the Board of Ethics upon request. Except as
25 provided in this Section and in R.S. 42:1111(E)(2)(d), all records, including the
26 results and conclusions reached in connection with any investigation or hearing, shall
27 be public.

28 ~~E.~~ M.(1) It shall be a misdemeanor, punishable by a fine of not more than
29 two thousand dollars or imprisonment for not more than one year, or both, for any

1 member of the Board of Ethics, its executive secretary, other employee, or any other
2 person, other than the person who is subject to the investigation or complaint, to
3 make public the testimony taken at a private investigation or private hearing of the
4 Board of Ethics or to make any public statement or give out any information
5 concerning a private investigation or private hearing of the Board of Ethics without
6 the written request of the public servant or other person investigated.

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

12 ~~M.~~ N. The provisions of the Open Meetings Law shall not apply to
13 investigations and private hearings conducted by the Board of Ethics.

14 Section 2. R.S. 42:1141.4(D)(2) is hereby repealed in its entirety.

15 Section 3. The Louisiana State Law Institute shall place the definitions in R.S.
16 42:1102 as amended by this Act in alphabetical order.

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)]

HB 397 Original

2025 Regular Session

Beaullieu

Abstract: Provides for revisions to the Code of Governmental Ethics.

Definitions

Present law provides that "reasonable transportation" for purposes of legislators and employees in the legislative branch of state government when organized primarily for educational or for informational purposes, including on-site inspections, shall include transportation to any point within the boundaries of this state, including the territorial waters thereof, and to any offshore structure located on the outer continental shelf seaward of such territorial waters and offshore of La. Requires prior approval from the presiding officer of the respective house wherein such legislative employee is employed.

Proposed law retains present law as is relates to employees in the legislative branch of state government.

For purposes of legislators, proposed law repeals present law instead provides that "reasonable transportation" when organized primarily for educational or for informational

purposes, including on-site inspections, shall include transportation to any point within the boundaries of this state, including the territorial waters thereof, and to any offshore structure located on the outer continental shelf seaward of such territorial waters and offshore of Louisiana. Further provides that when organized primarily for making a public speech, reasonable transportation includes transportation from his home, or the capitol, to and from the site of the speaking engagement from the sponsoring group or organization, provided the public speech is given in any state of the U.S. or any country in North America or the Carribean. Present law further provides that reasonable transportation, when organized primarily for entertainment purposes incidental to food, drink, or refreshments, shall include transportation to any point within this state that is within a fifty-mile radius of the perimeter of the legislator's district, or within a fifty-mile radius of the perimeter of the parish wherein the state capitol is located. Proposed law retains present law.

Present law provides that for employees in the legislative branch of state government, reasonable transportation shall only be for official legislative purposes. Proposed law repeals present law.

Present law provides that "public speech" shall mean a speech, or other oral presentation, including a panel discussion, or radio or television appearance before the public at large, or before any civic, political, religious, educational, or eleemosynary group or organization by a member of the legislature in his capacity as a legislator. Proposed law retains present law.

Payments made by nonpublic sources

Present law provides that no public servant shall receive anything of economic value, other than compensation and benefits from the governmental entity to which he is duly entitled, for the performance of the duties and responsibilities of his office or position. Present law provides for exceptions.

Proposed law retains present law except to provide that any compensation paid to any public school teacher, administrator, or supervisor, including kindergarten through the twelfth grade and postsecondary education instructional faculty and administrators for compensation from any agency participating in a state or statewide public retirement system shall be deemed as compensation from his governmental entity to which he is duly entitled. Such compensation must follow all rules regarding secondary compensation related to the public retirement system in which the public employee is participating. Such services shall be deemed to be performed for the benefit of his governmental entity, although the time spent in such matters shall not be deemed as hours worked for his governmental entity.

Proposed law further provides that any award or stipend provided to any public school teacher or administrator for his participation with any non-profit provider of teacher or public-school administrator certification, shall be deemed as compensation from his governmental entity to which he is duly entitled. The services for which the award or stipend is received shall be deemed to be performed for the benefit of the public school.

Prohibited contractual arrangements

Present law prohibits certain public servants from bidding on or entering into any contract with state government. Present law provides exceptions for certain contracts.

Proposed law retains present law and further provides an exception for renewals of contracts containing an option to extend the contract under certain circumstances.

Limitations of food, drink, and refreshments

Present law limits the ability of certain persons to offer food, drink, and refreshments to public servants in certain circumstances and provides exceptions.

Proposed law retains present law and provides an additional exception allowing for public servants to participate at an event hosted by certain charitable organizations held for the purpose of educating the public servant on issues that have come before, or might reasonably be expected to come before the public servant, provided that at least 10 persons associated with the organization are invited to the gathering.

Acceptance of reasonable transportation

Present law authorizes public servants to accept complimentary reasonable transportation or reimbursement of such transportation in certain circumstances. Further requires the public servant to make certain disclosures regarding accepted transportation including the amount expended on his behalf for such transportation.

Proposed law retains present law and further provides for the method of calculation of the amount expended on his behalf for air transportation by private aircraft.

Exceptions to Code of Governmental Ethics

Present law provides for exceptions to the Code of Governmental Ethics, including authorization for a member of the legislature making a public speech to accept food, refreshments, and lodging reasonably related to making such speech, as well as reasonable transportation from his home, or the capitol, to and from the site of the speaking engagement from the sponsoring group or organization, provided the public speech is given in any state of the U.S. or Canada and provided such member of the legislature files a statement with the Board of Ethics disclosing certain information.

Proposed law retains present law except as it relates to speeches given in Canada, and further provides for authorization to accept food, refreshments, and lodging reasonably related to making a speech in any country in North America, the Carribean, or the territorial waters of Louisiana, and any offshore structure located on the outer continental shelf seaward of such territorial waters and offshore of La.

Proposed law provides that the present law requirement to disclose certain information only applies if the member of the legislature is making the speech outside La., the territorial waters thereof, or any offshore structure located on the outer continental shelf seaward of the territorial waters and offshore of La.

Present law authorizes the acceptance by a public servant of anything of economic value as a gift or gratuity from any person when the value of such gift or gratuity does not exceed \$100 per event. Proposed law further provides that the public servant may not receive gifts valued more than \$200 in a calendar year.

Present law authorizes acceptance by a public servant of flowers or donations in connection with the death of a family member. Proposed law further provides that the donation may only be to a 501(c)(3) charitable organization and provides that the donation or flowers may not exceed the value of \$200.

Proposed law authorizes acceptance by a public servant of seasonal or holiday foods and non-alcoholic beverages that commemorate a religious or state holiday not to exceed \$200 in value.

Proposed law authorizes a member or the executive director of the La. Racing Commission to own a racehorse which participates in any race meeting licensed by the commission or a horse that sired or bred a racehorse that participates in a race meeting licensed by the commission, or to participate in a breeder or stallion award.

Proposed law authorizes a member of the board of an airport authority or district to solicit or enter into contracts or other transactions under the supervision or jurisdiction of the authority or district.

Financial disclosures

Present law provides for financial disclosures required of statewide elected officials, department secretaries, and other certain public servants (Tier 1). Proposed law retains present law and further provides that any publication or production of such financial statements shall have redacted the address of the residence of the individual who is required to file and the principal business address of the spouse of the individual who is required to file.

Present law provides for financial disclosures of certain public servants including legislators, members of the Board of Ethics, State Board of Elementary and Secondary Education, and the Board of Pardons, among others (Tier 2) and provides that amounts may be disclosed by the following categories:

- (a) Category I, less than \$5,000. Proposed law increases the value to less than \$10,000.
- (b) Category II, \$5,000-\$24,999. Proposed law increases the value to \$10,000 to \$50,000.
- (c) Category III, \$25,000-\$100,000. Proposed law increases the value to \$50,000 to \$100,000.
- (d) Category IV, more than \$100,000. Proposed law retains present law.

Present law provides for financial disclosures of elected officials of voting districts with a population under 5,000, among others (Tier 3) and requires disclosure of income received from certain sources. Proposed law increases the minimum value of reportable income from \$250 to \$500.

Present law requires certain disclosures of persons appointed to a state board or commission (Tier 2.1), who made a contribution or loan to a campaign of the official who appointed him. Proposed law increases the threshold amount of the contribution or loan requiring disclosure from \$1,000 to \$2,000.

Assessment of penalties

Present law provides for the assessment of penalties by the Board of Ethics.

Proposed law provides for the timing of public hearings related to the assessment of penalties, required notices, information available to the subject of a hearing, subpoena powers, and other rights of the subject of the hearing.

Duties of the Board of Ethics

Present law requires the board to provide reports and information to the governor, the legislature, and to governing authorities. Proposed law provides that such reports shall be made semi-annually and contain certain information.

Present law requires the board to conduct educational activities, seminars, and publish appropriate materials which provide instruction and information concerning the Campaign Finance Disclosure Act which shall be available to public servants in all state and local agencies, persons who do business with such agencies, candidates, lobbyists, and any other interested persons. Requires the board to make available to all interested persons via the Internet training and educational materials pertaining to the Campaign Finance Disclosure Act.

Proposed law retains present law and additionally requires the board to conduct educational seminars to educate persons, including committee chairmen and treasurers, professional campaign managers, public relations firms and advertising agencies, attorneys, and certified professional accountants, regarding the Campaign Financial Disclosure Act. Requires the board to make reasonable efforts to assure that the seminars qualify for continuing legal education credits and continuing education credits for certified public accountants.

Investigations and hearings conducted by the Board of Ethics

Present law provides for the Board of Ethics to consider complaints concerning a violation of the Code of Governmental Ethics.

Proposed law retains present law and requires the board to, after consideration of a complaint, determine by a two-thirds vote whether there is reason to believe that a respondent has committed a violation warranting an investigation based upon specific findings prescribed by proposed law.

Proposed law requires the board to give a respondent notice of his right to counsel and right not to incriminate himself.

Proposed law authorizes and provides procedures for the issuance of subpoenas.

Following an investigation, present law authorizes the Board of Ethics or the Ethics Adjudicatory Board to conduct hearings.

Proposed law retains present law and requires the Board of Ethics to determine, by a two-thirds vote whether to conduct a public hearing based upon specific findings prescribed by proposed law.

Present law provides for notice and procedure of hearings conducted by the Board of Ethics.

Proposed law retains present law and requires the Board of Ethics to provide certain information to the subject of the hearing and prescribes certain rights of the subject of the hearing.

Present law provides that if any elected official willfully refuses or fails to appear before the Board of Ethics or the Ethics Adjudicatory Board or any court authorized to conduct any hearing or inquiry or refuses to testify or answer any question specifically, directly, and narrowly relating to the performance of his official duties on the ground that his testimony or answers would tend to incriminate him, or refuses to accept immunity from prosecution on account of any matter about which he may be asked to testify at such hearing or inquiry, such action shall be grounds for the imposition of penalties including censure or a fine of not more than \$10,000.

Proposed law repeals present law.

(Amends 42:1102(22)(d), 1113(D)(2)(d), 1123(16) and (26), 1124.2(D), 1124.3(C)(1)(a)(introductory paragraph) and (b), 1124.4(D)(3), 1124.6(A)(2), 1134(I), 1141(B)(1) and (C), and 1141.4(B)(2), (C), (E), (F), (G), (H), and (I); Adds R.S. 42:1102(24), 1111(A)(7) and (8), 1115.1(E)(3), 1115.2(C), 1123(48) and (49), 1124(I), 1134(N)(3), 1141(D), (E), (F), and (G), and 1141.4(B)(3), (J), (K), (L), (M), and (N); Repeals R.S. 42:1141.4(D)(2))