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 DIGEST
 

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Murray

SB No. 199

Present law provides that staff of the Board of Ethics may assess and issue a final order for the payment of late filing fees, in accordance with rules adopted by the Board of Ethics, for any failure to timely file any report or statement due under any law under its jurisdiction as provided in present law (relative to the ethics code, campaign finance disclosure, certain gaming provisions, legislative lobbying, executive branch lobbying, and local government lobbying). Present law provides that a final order shall be appealable to the Ethics Adjudicatory Board for an adjudicatory hearing conducted in accordance with present law (R.S. 42:1141.5). Present law further provides that the board may waive all or any part of late filing fees so assessed. Requires the board to promulgate rules governing the procedure to request a waiver as well as to provide for waiver for "good cause" shown. "Good cause" shall be defined as any action or circumstance which, in the considered judgment of the board, was not within the control of the late filer and which was the direct cause of the late filing. Provides that the final disposition of the Board of Ethics on a request for a waiver shall not be appealable to the Ethics Adjudicatory Board. Present law further provides that all funds collected by the staff of the Board of Ethics as provided in present law shall be deposited upon receipt in the state treasury.

Proposed law retains present law and further provides that when all delays for a request for waiver or appeal of late fees have expired, a final order of the Board of Ethics or its staff shall become executory and may be enforced as any other money judgment. Authorizes the Board of Ethics to file civil proceedings to collect the late fees in a court of competent jurisdiction. Provides that these proceedings be conducted pursuant to the relevant provisions of the Code of Civil Procedure.

(Adds R.S. 42:1157(A)(1)(d))

Summary of Amendments Adopted by Senate

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

1. Clarifies that a final order of the Board of Ethics or its staff becomes executory when all delays have expired and may be enforced as any other money judgment.

Summary of Amendments Adopted by House

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

1. Moves proposed provisions from provision of law concerning penalties for specified financial statements to provision concerning assessment of late filing fees for reports and statements due pursuant to laws within the jurisdiction of the Board of Ethics.
2. Removes reference to the proceedings being filed in the district court of the parish in which the candidate, chairman, or treasurer of the political committee or other person required to file reports is domiciled and provides instead that the proceedings be filed in a court of competent jurisdiction.