

Regular Session, 2010

HOUSE BILL NO. 1203

BY REPRESENTATIVE GALLOT

ETHICS/CODE: Provides for certain time limits for enforcing ethics code provisions

1 AN ACT

2 To amend and reenact R.S. 42:1169(E), to enact R.S. 42:1163.1, and to repeal R.S.
3 42:1141(C)(3)(c) and 1163, relative to enforcement of laws within the jurisdiction
4 of the Board of Ethics; to provide relative to the powers, functions, and duties of the
5 Board of Ethics relative to such enforcement; to provide for certain time limits for
6 such enforcement; to provide for applicability; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 42:1169(E) is hereby amended and reenacted and 1163.1 is hereby
9 enacted to read as follows:

10 §1163.1 Time limits on enforcement

11 The Board of Ethics shall not vote to issue charges based on an alleged
12 violation of any provision of this Chapter after the expiration of the shorter of the
13 following periods:

14 (1) One year following receipt by the board of the complaint of the alleged
15 violation or, if no complaint was received, the date the board voted to consider the
16 alleged violation. For purposes of this Paragraph, "receipt by the board" means
17 receipt by a member of the board, a member of the staff of the board, or any person
18 employed by or acting on behalf of the board, whichever occurs earliest.

19 (2) Four years after the occurrence of the alleged violation.

20 * * *

1 §1169. Freedom from reprisal for disclosure of improper acts

2 * * *

3 E. Upon notification by the employee, the employee's agency, the defendant,
4 or the defendant's agency that the employee has commenced a civil action in a
5 district or federal court or with a federal agency with adjudicatory authority over
6 employment complaints against his agency pursuant to R.S. 23:967(B) or other
7 relevant state or federal statutes at any time prior to the board's final determination
8 as to whether a violation of this Section has occurred, the board shall stay any action
9 pending before the board until a final order in the civil or adjudicatory action is
10 issued, and the prescriptive period provided for in R.S. ~~42:1163~~ for action 42:1163.1
11 shall be suspended while such civil or adjudicatory action is pending and shall
12 resume when such final order is issued. The final order of the court in the civil
13 action or agency in an adjudicatory action, except if the action is dismissed by the
14 plaintiff, shall resolve all matters the employee has pending before the board
15 regarding this Section.

16 * * *

17 Section 2. R.S. 42:1141(C)(3)(c) and 1163 are hereby repealed in their entirety.

18 Section 3. The provisions of this Act shall not apply with respect to any alleged
19 violation that the Board of Ethics has voted to consider or about which the Board of Ethics
20 has received a complaint as of the effective date of this Act.

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)]

Gallot

HB No. 1203

Abstract: Provides that the Board of Ethics shall not vote to issue charges based on an alleged violation of the ethics code after the shorter of: (1) one year following receipt of the complaint or, if no complaint was received, the date the board voted to consider the alleged violation or (2) four years after the occurrence of the alleged violation.

Present law (R.S. 42:1141(C)(3)(c)) provides that if the Board of Ethics does not issue charges within one year from the date upon which a sworn complaint is received or, if no

sworn complaint was received, within one year from the date the board voted to consider the matter, the matter shall be dismissed.

Present law (R.S. 42:1163) provides that no action to enforce any provision of present law (Code of Governmental Ethics) shall be commenced after the expiration of two years following the discovery of the occurrence of the alleged violation, or four years after the occurrence of the alleged violation, whichever period is shorter.

Proposed law repeals present law.

Proposed law provides that the Board of Ethics shall not vote to issue charges based on an alleged violation of any provision of present law (Code of Governmental Ethics) after the expiration of the shorter of the following periods:

- (1) One year following receipt by the board of the complaint of the alleged violation or, if no complaint was received, the date the board voted to consider the alleged violation.
- (2) Four years after the occurrence of the alleged violation.

Proposed law provides that "receipt by the board" means receipt by a member of the board, a member of the staff of the board, or any person employed by or acting on behalf of the board, whichever occurs earliest.

(Amends R.S. 42:1169(E); Adds R.S. 42:1163.1; Repeals R.S. 42:1141(C)(3)(c) and 1163)