

Regular Session, 2010

HOUSE BILL NO. 758

BY REPRESENTATIVE HUTTER

**VETOED**  
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**Veto Message**

1 AN ACT

2 To enact R.S. 42:1141(E)(13), relative to enforcement of laws within the jurisdiction of the  
3 Board of Ethics; to require that certain information be made available to a person  
4 accused of violating such laws; to provide relative to the confidentiality of such  
5 information; to provide procedures and requirements for the provision of such  
6 information; to provide for exceptions; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 42:1141(E)(13) is hereby enacted to read as follows:

9 §1141. Procedure; adjudicatory board

10 \* \* \*

11 E. Procedure.

12 \* \* \*

13 (13)(a) After consideration of a matter initiated by a complaint is concluded,  
14 the accused shall be entitled to know the name of the complainant. Upon receipt of  
15 a written request by the accused, the Board of Ethics shall provide the accused with  
16 the name of the complainant. After the board provides the name of the complainant  
17 to the accused, the name of the complainant shall no longer be deemed confidential  
18 or privileged.

19 (b) Consideration of a matter shall be deemed concluded for purposes of this  
20 Paragraph upon the earliest of the following:

21 (i) The board considers the matter but fails to conduct an investigation or  
22 investigates the matter but fails to issue charges.

23 (ii) The board is precluded by law from taking action against the accused  
24 based on the complaint because the time period for doing so has expired.



## VETO MESSAGE

House Bill 758 by Representative Hutter would require the Board of Ethics to provide someone accused of an ethics violation with the name of the complainant, upon written request of the accused after the matter has concluded. The legislation specifies that “the accused shall be entitled to know the name of the complainant... [which] shall no longer be deemed confidential or privileged.”

While the proposed law attempts to protect public employees who act as whistleblowers, I share the concerns of the Board of Ethics, which voted unanimously to oppose this bill. In a letter dated June 16, 2010, the Chairman of the Board of Ethics wrote that “making public the identity of a complainant will likely result in justified complaints not being filed with the Board of Ethics for fear of retribution for doing so.”

For this reason, I have vetoed House Bill No. 758 and hereby return it to the House of Representatives.