

SENATE BILL NO. 418

BY SENATOR KOSTELKA

1 AN ACT

2 To amend and reenact R.S. 42:1141(C)(3)(a) and (c) and 1163, relative to enforcement of
3 laws within the jurisdiction of the Board of Ethics; to provide for procedures relative
4 to such enforcement; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 42:1141(C)(3)(a) and (c) and 1163 are hereby amended and reenacted
7 to read as follows:

8 §1141. Procedure; adjudicatory board

9 * * *

10 C. Investigation and hearing.

11 * * *

12 (3)(a) If the board determines following an investigation that a public hearing
13 should be conducted, the board shall issue charges **in a letter sent to the person**
14 **accused of one or more violations.** A public hearing shall be conducted to receive
15 evidence relative to the facts alleged in the charges and to determine whether any
16 violation of any provision of law within the jurisdiction of the board has occurred.
17 The public hearing on such charges shall be conducted by the Ethics Adjudicatory
18 Board in accordance with the Administrative Procedure Act and this Part.

19 * * *

20 (c) If the board does not issue charges within one year from the date upon
21 which a ~~sworn~~ complaint is received or, if no ~~sworn~~ complaint was received, within
22 one year from the date the board voted to consider the matter, the matter shall be
23 dismissed.

24 * * *

25 §1163. ~~Prescription~~ **Time limits on enforcement**

26 ~~No action to enforce any provision of this Chapter shall be commenced after~~
27 ~~the expiration of two years following the discovery of the occurrence of the alleged~~

1 violation, or four years after the occurrence of the alleged violation, whichever
2 period is shorter. **The Board of Ethics shall not issue charges based on an alleged**
3 **violation of any provision of this Chapter after the expiration of one of the**
4 **following periods, whichever expires first:**

5 **(1) One year following receipt by the board of the complaint of the**
6 **alleged violation or, if no complaint was received, the date the board voted to**
7 **consider the alleged violation. For purposes of this Paragraph, "receipt by the**
8 **board" means receipt by a member of the board, a member of the staff of the**
9 **board, or any person employed by or acting on behalf of the board, whichever**
10 **occurs earliest.**

11 **(2) Four years after the occurrence of the alleged violation, which four-**
12 **year period is a preemptive period that may not be interrupted.**

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

18 Section 3. The provisions of this Act amending R.S. 42:1163 shall not apply with
19 respect to any alleged violation that the Board of Ethics has voted to consider or about which
20 the Board of Ethics has received a complaint as of the effective date of this Act.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____