

**Louisiana ~ Primary Provisions of Code of Ethics¹ Relative to
Financial Disclosure by Legislators**

<i>Statute</i>	<i>Disclosure Required</i>
R.S. 42:1114.1	A legislator must disclose income received from the state or a political subdivision or for services for or in connection with a gaming interest received by the member, the member's spouse, or any business enterprise of which either of them owns at least 10%. Specifies certain exceptions and certain inclusions.
R.S. 42:1114(B) &(E)	A legislator and a member of his immediate family who derives any thing of economic value, directly through a transaction involving the legislative branch or through a person who has bid on or entered into or who is financially interested in a contract, subcontract, or transaction involving the legislative branch, must disclose the amount of income or value derived, the nature of the business activity, and, as applicable, the name and address and relationship to the legislator, and the name and business address of the legal entity.
R.S. 42:1111(E)	A legislator who receives or agrees to receive any thing of economic value for assisting a person in a transaction or in an appearance in connection with a transaction with the state or its officials or agencies must file a sworn written statement with contents as prescribed by the ethics board prior to or at least ten days after initial assistance is rendered. The statement is a public record.
R.S. 42:1123(16)	A legislator who, when making a public speech, accepts from the sponsoring organization food, refreshments, and lodging reasonably related to making such speech, and reasonable transportation from his home, or the capitol, to and from the site of the speaking engagement, must file an affidavit, within 60 days of making the speech, disclosing the name of the sponsoring organization and the amount expended on his behalf by such organization on food and refreshments, lodging, and transportation. The speech must be in the US or Canada. The speech (or other oral presentation, panel discussion, radio or television appearance) may be before the public at large or before any civic, political, religious, educational, or eleemosynary organization and must be by the member in his capacity as a legislator.

¹ R.S. 42:1101 *et seq.*

R.S. 42:1114.3	<p>An elected official, appointed state official, and an immediate family member of such an official who derives, directly or through a legal entity in which such official or immediate family member owns at least 10%, any thing of economic value through any contract or subcontract which is related to a gubernatorially declared disaster or emergency and which the official or immediate family member knows or reasonably should know is or may be funded or reimbursed in whole or in part with federal funds must disclose:</p> <ul style="list-style-type: none"> • Official ~ the name and address of the official and the office held. • Family member ~ the name and address of such person; the name, address, and office of the official to whom the person is related; and the nature of the relationship. • If through a legal entity, the name and business address of the legal entity, the percentage of the official's or immediate family member's ownership interest in the legal entity, and the position, if any, held by the official or immediate family member in the legal entity. • The nature of the contract or subcontract, including the amount of the contract or subcontract and a description of the goods or services provided or to be provided pursuant to the contract or subcontract. • The amount of income or value of any thing of economic value derived through the contract or subcontract by the official or immediate family member for the previous calendar year. <p>Includes exceptions and procedures.</p>
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§1111. Payment from nonpublic sources

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E. Payments for rendering assistance to certain persons.

(1) No public servant, and no legal entity of which such public servant is an officer, director, trustee, partner, or employee, or in which such public servant has a substantial economic interest, shall receive or agree to receive any thing of economic value for assisting a person in a transaction, or in an appearance in connection with a transaction, with the agency of such public servant.

(2)(a) No elected official of a governmental entity shall receive or agree to receive any thing of economic value for assisting a person in a transaction or in an appearance in connection with a transaction with the governmental entity or its officials or agencies, unless he shall file a sworn written statement with the board prior to or at least ten days after initial assistance is rendered.

(b) The contents of the sworn written statement required by this Subsection shall be prescribed by the board and such statement shall be a public record.

(c) The board shall review all sworn statements filed in accordance with this Subsection. If the board determines that any such sworn statement is deficient or may suggest a possible violation of this Part, it shall, within ten days of the receipt of such statement, notify the elected official filing the statement of its findings. Such notification shall be deemed confidential and privileged and shall only be made public in connection with a public hearing by the board for an alleged violation of this Part where such would be relevant to the alleged violation for which the elected official is being investigated.

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§1114. Financial disclosure

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B. Each legislator and each member of his immediate family who derives anything of economic value, directly, through any transaction involving the legislator's agency or who derives anything of economic value of which he may be reasonably expected to know through a person which has bid on or entered into or is in any way financially interested in any contract, subcontract, or any transaction involving the legislator's agency shall disclose the following:

- (1) The amount of income or value of anything of economic value derived;
- (2) The nature of the business activity;
- (3) The name and address, and relationship to the legislator, if applicable; and
- (4) The name and business address of the legal entity, if applicable.

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E. The disclosure statements required in this Section shall be filed each year with the appropriate ethics body by May first and shall include such information for the previous calendar year. Such statements shall be a matter of public record.

§1114.1. Financial disclosure; legislators

A. Each member of the legislature shall file a report with the clerical officer of the house to which he belongs, by July first of each year of his or her term of office, showing the following:

(1) Any and all income exceeding two hundred fifty dollars received during the immediately preceding calendar year by such member, the spouse of such member, or any business enterprise in which such member and/or his spouse owns at least ten percent, which is received from any of the following:

(a) The state or any political subdivision as defined in Article VI of the Constitution of Louisiana.

(b) Services performed for or in connection with a gaming interest as defined in R.S. 18:1505.2(L)(3)(a).

(2) A certification that such member has filed his or her federal and state income tax return, or has filed for an extension of time for filing such tax return.

(3) Notwithstanding the provisions of this Subsection, any legislator who receives Medicaid funds may indicate on his financial disclosure report that information relative to ownership, financial interest and income derived therefrom, may be accessed through files on record with the Department of Health and Hospitals, Bureau of Health Standards.

B.(1) For purposes of this Section, "income" includes:

(a) Any remuneration received under any verbal or written contract of employment.

(b) Fees received for professional services, less expenses paid to third parties.

(c) With respect to the sale or lease of immovable property, merchandise, or equipment, the net income, prior to taxation, received from the sale or lease of such immovable property, merchandise, or equipment.

(2) For purposes of this Section, "income" shall not include remuneration from the legislature, salary from the full-time employment of the member's spouse, salary of the member's spouse when such spouse is an elected official, and benefits from a statewide public retirement system, and such amounts need not be reported.

C. The secretary of the Senate and the clerk of the House of Representatives jointly shall prescribe the form for filing of reports by members of the legislature, as required by this Section. On or before June first of each year, the secretary shall notify each member of the Senate and the clerk shall notify each member of the House of Representatives that the report is due on July first. On or before July fifteenth, the secretary of the Senate and the clerk of the House of Representatives shall transmit to the Board of Ethics copies of all disclosure reports filed with them, respectively, and shall notify the Board of Ethics in writing of any members who have not filed such reports. Reports transmitted by the secretary of the Senate and the

clerk of the House of Representatives shall be deemed to have been filed with the Board of Ethics by the member, as of the date of filing with such clerical officer.

D. Failure to file a report, failure to timely file a report, failure to disclose required information, or filing a false report shall subject a member to penalties as provided by this Chapter, and also shall constitute contempt of the house to which the member belongs.

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§1114.3. Disaster or emergency contracts; disclosure

A. Except as provided in Subsection B of this Section, each elected official, appointed state official, and immediate family member of an elected official or appointed state official who derives, either directly or through a legal entity in which such official or immediate family member owns ten percent or more, any thing of economic value through any contract or subcontract which is related to a gubernatorially declared disaster or emergency and which the official or immediate family member knows or reasonably should know is or may be funded or reimbursed in whole or in part with federal funds shall disclose the following as provided in this Section:

(1)(a) If an elected or appointed official, the name and address of the elected or appointed official and the office held by such person.

(b) If an immediate family member of an elected or appointed official, the name and address of such person; the name, address, and office of the elected or appointed official to whom the person is related; and the nature of the relationship.

(2) If through a legal entity, the name and business address of the legal entity, the percentage of the official's or immediate family member's ownership interest in the legal entity, and the position, if any, held by the official or immediate family member in the legal entity.

(3) The nature of the contract or subcontract, including the amount of the contract or subcontract and a description of the goods or services provided or to be provided pursuant to the contract or subcontract.

(4) The amount of income or value of any thing of economic value derived through the contract or subcontract by the official or immediate family member for the previous calendar year, except as provided in Subsection C of this Section.

B. No person shall be required to disclose the receipt of any thing of economic value pursuant to this Section when the value of the contract or subcontract is two thousand five hundred dollars or less. However, no person shall enter into separate contracts or subcontracts valued at two thousand five hundred dollars or less with the same person or governmental entity or agency thereof as a subterfuge to avoid the disclosure requirements of this Section.

C. Each elected or appointed official and immediate family member subject to the provisions of this Section shall file an initial disclosure statement with the Board of Ethics no later than thirty days after the official, immediate family member, or legal entity enters into the contract or subcontract, whichever occurs later. The initial disclosure statement shall contain all of the information required by Subsection A of this Section, except that instead of the actual amount of income or value of any thing of economic value derived from the contract or subcontract by the official or immediate family member for the previous calendar year, the official or immediate family member shall include the amount of income or value of any thing of economic value to be derived or, if the actual amount is unknown at the time the statement is due, reasonably expected to be derived from the contract or subcontract for the first calendar year of the contract or subcontract.

D.(1) After filing the initial disclosure statement, the elected or appointed official or immediate family member shall file the disclosure statements required by this Section with the Board of Ethics no later than February fifteenth each year and shall include such information for the previous calendar year.

(2) An elected or appointed official or immediate family member subject to the provisions of this Section shall be required to file the annual disclosure statements required by this Section until a disclosure statement is filed after the completion of the contract or subcontract subject to disclosure, or the person filing such statements, or to whom the immediate family member is related is no longer an elected or appointed official, whichever occurs first.

(3) Annual disclosure statements shall not be required for the receipt of things of economic value pursuant to contracts or subcontracts entered into prior to an elected or appointed official taking office; however, if an elected or appointed official or immediate family member thereof receives or reasonably expects to receive a thing of economic value otherwise required to be disclosed by this Section pursuant to the renewal of such a contract or subcontract occurring after the official takes office, such official or immediate family member shall file a disclosure statement no later than thirty days after such renewal in accordance with Subsection C of this Section and annually thereafter in accordance with this Subsection.

(4) All disclosure statements filed pursuant to this Section shall be a matter of public record.

E.(1) Failure to file a statement, failure to timely file a statement, failure to disclose required information, filing a false statement, or engaging in a subterfuge to avoid the disclosure requirements of this Section shall subject a person required to file to penalties as provided by this Chapter.

(2) In addition to other applicable penalties, whoever fails to file a statement required by this Section, or knowingly and willfully fails to timely file any such statement, or knowingly and willfully fails to disclose or to accurately disclose any information required by this Section shall be assessed a civil penalty in accordance with R.S. 42:1157 for each day until such statement or the required accurate information is filed. The amount of the penalty shall be one hundred dollars per day.

(3) In addition to other applicable penalties, whoever enters into separate contracts or subcontracts valued at two thousand five hundred dollars or less as a subterfuge to avoid the disclosure requirements of this Section shall be subject to the penalties of R.S. 42:1153.

F. For the purposes of this Section, the term "appointed state official" or "appointed official" shall mean a person holding an office in any branch of state government or other position on a state agency, board, or commission or any executive office of any state agency, board, commission, or department which is specifically established or specifically authorized by the constitution or laws of this state or by executive order of the governor and which is filled by appointment or election by an elected or appointed public official or by a governmental body composed of such officials of this state.

G. Nothing in this Section shall require the disclosure of any thing of economic value received from an individual assistance claim.

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§1123. Exceptions

This Part shall not preclude:

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(16)(a) Notwithstanding the provisions of R.S. 42:1102(22), when making a public speech, the acceptance by a member of the legislature of 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 United States or Canada and provided such member of the legislature files an affidavit with the Board of Ethics, within sixty days of making such public speech, disclosing the name of the sponsoring group or organization and the amount expended on his behalf by the sponsoring group or organization on food and

refreshments, lodging, and transportation.

(b) For the purposes of this Paragraph, the phrase "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.

House Rule 4.3 Relative to Financial Disclosure

Rule 4.8. Required financial reports; contempt; penalties

A.(1) Failure to file a financial disclosure report as required by law shall constitute contempt of the House of Representatives.

(2) By not later than thirty days after the due date of the required report, the Clerk shall advise the members of the House of the names of those members who have not filed a financial disclosure report as required by law. Any member or members may introduce a Resolution initiating procedures to find a member who has failed to file in contempt of the House of Representatives by reason of failure to file the required report. Such Resolution shall set forth the facts concerning the failure of the member to file the report and shall set out the facts and evidence which are the basis for instituting the action to find the member in contempt. Such Resolution shall be subject to the procedures as provided in Paragraph B below.

B. A Resolution introduced pursuant to this Rule shall not be deemed to be a perfunctory resolution, and shall be referred to and heard by the Committee on House and Governmental Affairs. Notice of such hearing shall be served by the sergeant at arms upon the member cited or on his attorney not less than five days prior to the date of the hearing. At such hearing, the member cited or his attorney shall be permitted to offer any explanation, evidence in mitigation, or defense which may be relevant. Thereafter, such Resolution shall follow the ordinary procedure of a House Resolution. Final passage of the Resolution shall be by record vote.

C. Upon adoption of a Resolution finding a member in contempt of the House of Representatives as provided in this Rule, the House shall establish the penalty to be assessed for the contemptuous behavior by adoption of a motion. Such penalty shall be a fine of not in excess of one thousand dollars and suspension of payment of all compensation from the House of Representatives until the required report is filed. Enforcement of the judgment shall be by rule to make the same executory instituted before the Nineteenth Judicial District Court.

Other Provisions of Code of Ethics Affecting Financial Disclosure by Legislators

§1102. Definitions

Unless the context clearly indicates otherwise, the following words and terms, when used in this Chapter, shall have the following meanings:

(1) "Action of a governmental entity" means any action on the part of a governmental entity or agency thereof including, but not limited to:

(a) Any decision, determination, finding, ruling, or order, including the judgment or verdict of a court or a quasi-judicial board, in which the governmental entity or any of its agencies has an interest, except in such matters involving criminal prosecutions.

(b) Any grant, payment, award, license, contract, transaction, decision, sanction, or approval, or the denial thereof, or the failure to act with respect thereto; and in which the governmental entity or any of its agencies has an interest, except in matters involving criminal prosecutions.

(c) As the term relates to a public servant of the state, any disposition of any matter by the legislature or any committee thereof; and as the term relates to a public servant of a political subdivision, any disposition of any matter by the governing authority or any committee thereof.

(2)(a) "Agency" means a department, office, division, agency, commission, board, committee, or other organizational unit of a governmental entity. For purposes of this Chapter, "agency of the public servant" and "his agency" when used in reference to the agency of a public servant shall mean:

(i) For public servants in the twenty principal departments of the executive branch of state government, the office in which such public servant carries out his primary responsibilities; except that in the case of the secretary, deputy secretary, or undersecretary of any such department and officials carrying out the responsibilities of such department officers it shall mean the department in which he serves; and except that in the case of public servants who are members or employees of a board or commission or who provide staff assistance to a board or commission, it shall mean the board or commission.

(ii) For the governor and lieutenant governor, it shall mean the executive branch of state government.

(iii) For public servants in the office of the governor or the lieutenant governor it shall mean their respective offices.

(iv) For public servants in the legislative branch of state government, it shall mean the agency or house of the legislature by which a public employee is employed and the legislative branch in the case of legislators.

(v) For public employees, except judges, of the supreme court, courts of appeal, district courts, and other courts authorized by Article V of the Constitution of 1974, it shall mean the court in which the public employee serves and any other court in which decisions of that court may be reviewed.

(vi) For public servants of political subdivisions, it shall mean the agency in which the public servant serves, except that for members of any governing authority and for the elected or appointed chief executive of a governmental entity, it shall mean the governmental entity. Public servants of political subdivisions shall include, but shall not be limited to, elected officials and public employees of municipalities, parishes, and other political subdivisions; sheriffs and their employees; district attorneys and their employees; coroners and their employees; and clerks of court and their employees.

(b) The board may adopt rules and regulations to provide for the application of this definition.

(3) "Agency head" means the chief executive or administrative officer of an agency or any member of a board or commission who exercises supervision over the agency.

(4) "Assist" means to act in such a way as to help, advise, furnish information to, or aid a person with the intent to assist such person.

(5) "Board" means the Board of Ethics.

(6) Repealed by Acts 1996, 1st Ex. Sess., No. 64, §10, eff. Jan. 1, 1997.

(7) "Compensation" means any thing of economic value which is paid, loaned, granted, given, donated, or transferred or to be paid, loaned, granted, given, donated, or transferred for or in consideration of personal services to any person.

(8) "Controlling interest" means any ownership in any legal entity or beneficial interest in a trust, held by or on behalf of an individual or a member of his immediate family, either individually or collectively, which exceeds twenty-five percent of that legal entity.

(9) "Elected official" means any person holding an office in a governmental entity which is filled by the vote of the appropriate electorate. It shall also include any person appointed to fill a vacancy in such offices.

(10) "Ethics body" means the Board of Ethics.

(11) "Governing authority" means the body which exercises the legislative functions of a political subdivision.

(12) "Governmental entity" means the state or any political subdivision which employs the public employee or employed the former public employee or to which the elected official is elected, as the case may be.

(13) "Immediate family" as the term relates to a public servant means his children, the spouses of his children, his brothers and their spouses, his sisters and their spouses, his parents, his spouse, and the parents of his spouse.

(14) "Legislator" means any person holding office in the Senate or the House of Representatives of the Louisiana Legislature which is filled by the vote of the appropriate electorate.

(15) "Participate" means to take part in or to have or share responsibility for action of a governmental entity or a proceeding, personally, as a public servant of the governmental entity, through approval, disapproval, decision, recommendation, the rendering of advice, investigation, or the failure to act or perform a duty.

(16) "Person" means an individual or legal entity other than a governmental entity, or an agency thereof.

(17) "Political subdivision" means any unit of local government, including a special district, authorized by law to perform governmental functions.

(18) "Public employee" means anyone, whether compensated or not, who is:

(a) An administrative officer or official of a governmental entity who is not filling an elective office.

(b) Appointed by any elected official when acting in an official capacity, and the appointment is to a post or position wherein the appointee is to serve the governmental entity or an agency thereof, either as a member of an agency, or as an employee thereof.

(c) Engaged in the performance of a governmental function.

(d) Under the supervision or authority of an elected official or another employee of the governmental entity.

A public employee shall be in such status on days on which he performs no services as well as days on which he performs services. The termination of any particular term of employment of a public employee shall take effect on the day the termination is clearly evidenced.

(19) "Public servant" means a public employee or an elected official.

(19.1) "Regulatory employee" means a public employee who performs the function of regulating, monitoring, or enforcing regulations of any agency.

(20) "Responsibility" in connection with a transaction involving a governmental entity means the direct administration or operating authority, whether intermediate or final, and either exercisable alone or with others,

and either personally or through or with others or subordinates, to effectively direct action of the governmental entity, as the case may be, in respect to such transaction.

(20.1) "Service" means the performance of work, duties, or responsibilities, or the leasing, rental, or sale of movable or immovable property.

(21) "Substantial economic interest" means an economic interest which is of greater benefit to the public servant or other person than to a general class or group of persons, except:

(a) The interest that the public servant has in his position, office, rank, salary, per diem, or other matter arising solely from his public employment or office.

(b) The interest that an elected official who is elected to a house, body, or authority has in a position or office of such house, body, or authority which is required to be filled by a member of such house, body, or authority by law, legislative rule, or home rule charter.

(c) The interest that a person has as a member of the general public.

(22)(a) "Thing of economic value" means money or any other thing having economic value, except promotional items having no substantial resale value; pharmaceutical samples, medical devices, medical foods, and infant formulas in compliance with the Food, Drug, and Cosmetic Act, 21 U.S.C. 301 et seq., provided to a physician, health care professional, or appropriate public employee for the administration or dispensation to a patient at no cost to the patient; food, drink, or refreshments consumed by a public servant, including reasonable transportation and entertainment incidental thereto, while the personal guest of some person, and, with reference to legislators and employees in the legislative branch of state government only, reasonable transportation when organized primarily for educational or informational purposes, including food and drink incidental thereto, and includes but is not limited to:

(i) Any loan, except a bona fide loan made by a duly licensed lending institution at the normal rate of interest, any property interest, interest in a contract, merchandise, service, and any employment or other arrangement involving a right to compensation.

(ii) Any option to obtain a thing of economic value, irrespective of the conditions to the exercise of such option.

(iii) Any promise or undertaking for the present or future delivery or procurement of a thing of economic value.

(b) In the case of an option, promise, or undertaking, the time of receipt of the thing of economic value shall be deemed to be, respectively, the time the right to the option becomes fixed, regardless of the conditions to its exercise, and the time when the promise or undertaking is made, regardless of the conditions to its performance.

(c) Things of economic value shall not include salary and related benefits of the public employee due to his public employment or salary and other emoluments of the office held by the elected official. Salary and related benefits of public employees of higher education institutions, boards, or systems shall include any supplementary compensation, use of property, or other benefits provided to such employees from funds or property accruing to the benefit of the institution, board, or system, as approved by the appropriate policy or management board, from an alumni organization recognized by the management board of a college or university within the state or from a foundation organized by the alumni or other supportive individuals of a college or university within the state the charter of which specifically provides that the purpose of the foundation is to aid said college or university in a philanthropic manner.

(d)(i) With reference to legislators and employees in the legislative branch of state government only, and for purposes of this Section, "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. With reference to

employees in the legislative branch of state government, such transportation shall only be for official legislative purposes and shall have prior approval from the presiding officer of the respective house wherein such legislative employee is employed.

(ii) With references to legislators only, "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 if the legislator is conducting official business in said parish.

(23) "Transaction involving the governmental entity" means any proceeding, application, submission, request for a ruling or other determination, contract, claim, case, or other such particular matter which the public servant or former public servant of the governmental entity in question knows or should know:

(a) Is, or will be, the subject of action by the governmental entity.

(b) Is one to which the governmental entity is or will be a party.

(c) Is one in which the governmental entity has a direct interest. A transaction involving the agency of a governmental entity shall have the same meaning with respect to the agency.

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§1124.1. Penalties; required reports; failure to file; timely and accurate filing

A.(1) Whoever fails to file a financial statement required by this Part, or knowingly and willfully fails to timely file any such statement, or knowingly and willfully fails to disclose or to accurately disclose any information required by this Part shall be assessed a civil penalty pursuant to R.S. 42:1157 for each day until such statement or the required accurate information is filed.

(2) The amount of such penalty shall be:

(a) Five hundred dollars per day for statements required by R.S. 42:1124.

(b) One hundred dollars per day for statements required by R.S. 42:1114 or 1114.1.

B. Whoever knowingly and willfully files a false report required by this Part shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than one thousand dollars nor more than ten thousand or imprisoned in parish prison for not more than six months, or both. Any prosecution under this Subsection shall be tried before a jury of six persons, all of whom must concur to render a verdict.

C. "Knowingly and willfully", for purposes of this Section, means conduct which could have been avoided through the exercise of due diligence.

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§1114.2. Financial disclosure; retirement systems

A. Each person who has or is seeking to obtain contractual or other business or financial relationships with a state or statewide public retirement system shall file with the Board of Ethics, in the manner provided in this Section, a report of all expenditures for a retirement official or retirement officials.

B. A report shall be filed semiannually as follows:

(1) By August fifteenth for the period from January first through June thirtieth.

(2) By February fifteenth for the period from July first through December thirty-first.

C. The report shall be filed on forms prescribed by the board, shall be signed by the person filing, and shall include a certification of accuracy by the person responsible for filing the report.

D. Each report shall include, in the manner prescribed by the Board of Ethics, the following:

(1) The total of all expenditures per retirement system made during each reporting period, which shall

include all expenditures for retirement officials associated with that system whether such expenditures are attributable to an individual retirement official or not.

(2) The aggregate total of expenditures attributable to an individual retirement official as provided in Subsection E of this Section during each reporting period, including the name of the retirement official.

(3) The aggregate total of expenditures per retirement system for all reporting periods during the same calendar year, which shall include all expenditures for retirement officials associated with that system whether such expenditures are attributable to an individual retirement official or not.

(4) The aggregate total of all expenditures attributable to an individual retirement official as provided in Subsection E of this Section for all reporting periods during the same calendar year, including the name of the retirement official.

E. When the aggregate expenditure for any one retirement official exceeds the sum of fifty dollars on any one occasion, or when the aggregate expenditure for any one retirement official exceeds the sum of two hundred fifty dollars in a reporting period, then the total amount of expenditures for the retirement official during the reporting period shall be attributable to the individual retirement official.

(1) For the purposes of this Section "retirement official" shall mean a member of a board of trustees of a state or a statewide public retirement system, a public employee of such a system, or an employee of the Department of the Treasury whose function is to assist any such system or systems.

(2) For the purposes of this Section "expenditure" shall mean a purchase, payment, donation, advance, deposit, or gift or payment of money or anything of economic value or the purchase, donation, or gift of promotional items, food, drink, or refreshment, transportation, and entertainment for a retirement official.

F.(1) The chairman of the board of trustees of each state or statewide public retirement system shall provide notice to every person associated with his system whom such chairman knows or reasonably should know is required to file a report pursuant to this Section. The chairman shall forward a copy of each such notification to the Board of Ethics no later than fifteen days after the original notification was sent. The failure of a chairman to give notice as required by the provisions of this Subsection shall not relieve any person from the reporting requirements of this Section or any penalties as provided in this Section.

(2) The contents of the notice required to be given pursuant to this Subsection shall be prescribed by the Board of Ethics.

G.(1) Failure to file a report, failure to timely file a report, failure to disclose required information, or filing a false report shall subject a person required to file to penalties as provided by this Chapter.

(2) Whoever fails to file a report required by this Section, or knowingly and willfully fails to timely file any such report, or knowingly and willfully fails to disclose or to accurately disclose any information required by this Section shall be assessed a civil penalty pursuant to R.S. 42:1157 for each day until such report or the required accurate information is filed. The amount of the penalty shall be one hundred dollars per day.

H. Notwithstanding any other provision of this Section to the contrary, if a person makes expenditures as defined in this Section of less than five hundred dollars in a calendar year, such person shall not be required to file a report pursuant to this Section.

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§1157. Late filing fees

A.(1) The staff of the board may automatically assess and order the payment of late filing fees, in accordance with rules adopted by the board, for any failure to timely file any report or statement due under

any law under its jurisdiction as provided in R.S. 42:1132(C), R.S. 24:50 et seq., or R.S. 49:71 et seq. The board shall promulgate rules to facilitate the carrying out of the provisions of this Chapter regarding order for and payment of late fees. Any appeal of such order for the payment of late fees shall be to the board, which shall promulgate rules governing the procedure for appeals of late filing fees.

(2) The late filing fees for election campaign finance reports shall be as provided in R.S. 18:1505.4.

(3) The late filing fees for any lobbyist required to register and file reports under the provisions of R.S. 24:50 et seq., shall be as provided in R.S. 24:58(D). The late filing fees for any lobbyist required to register and file reports under the provisions of R.S. 49:71 et seq., shall be as provided in R.S. 49:78(D).

(4)(a) The late filing fees for any violation of R.S. 42:1114, 1114.1, and 1124 shall be as provided in R.S. 42:1124.1(A).

(b) The late filing fees for any violation of R.S. 42:1114.2 shall be as provided in R.S. 42:1114.2(G).

(5) Any late filing fees assessed by the board or the staff of the board, for any failure to timely file any report or statement due, shall not exceed the following:

(a) If the fee is forty dollars per day, the maximum shall be one thousand dollars.

(b) If the fee is fifty dollars per day, the maximum shall be one thousand five hundred dollars.

(c) If the fee is sixty dollars per day, the maximum shall be two thousand dollars.

(d) If the fee is one hundred dollars per day, the maximum shall be two thousand five hundred dollars.

(e) If the fee is two hundred dollars per day, the maximum shall be three thousand dollars.

B. The staff of the board shall mail by certified mail a notice of delinquency within four days after the due date of which the staff knows or has reason to know, for any report or statement due under the laws within its jurisdiction which has not been timely filed.

C. All funds collected by the staff of the board as provided in Subsection A of this Section shall be deposited upon receipt in the state treasury.

§1157.1. Timely filing of reports and statements due; presumption

A. The filing of reports and statements shall be deemed timely in the following cases:

(1) The papers are hand-delivered, mailed, or deposited for delivery with a commercial delivery service, on or before the due date. If the papers are received by mail or delivered by a commercial delivery service on the first day following the due date, there shall be a rebuttable presumption that the papers were timely filed. In all cases where the presumption does not apply, the timeliness of the filing shall be shown only by an official U.S. postmark, official receipt or certificate from the U.S. Postal Service, or by receipt or invoice of a commercial delivery service made at the time of mailing or deposit for delivery which indicates the date thereof. For purposes of this Section, "by mail" applies only to the U.S. Postal Service.

(2) The report or statement due is transmitted by facsimile transmission or electronic transfer and received by the board on or before the due date. Any report or statement transmitted by facsimile transmission or electronic transfer and received by the board shall be considered as if filed in the original. However, in the case where the staff of the board discovers that a facsimile transmission or electronic transfer is illegible upon receipt, the staff shall immediately give notice to the party whose report or other statement is illegible that a legible copy of such facsimile transmission or electronic transfer shall be mailed, transmitted by a commercial delivery service, or hand-delivered within twenty-four hours to the offices of the board. The filing date shall be deemed to be the date of receipt of the facsimile transmission or electronic transfer of the report or statement.

B. If the date on which a report or statement is required to be filed occurs on a weekend or a federal or state holiday, the report shall be filed no later than the first working day after the date it would otherwise be due that is not a federal or state holiday.

§1157.2. Waiver of late filing fee; rules; good cause

The board shall promulgate rules to provide for waiver of late filing fees for "good cause" shown. "Good cause" shall be defined for purposes of this Section as any actions or circumstances which, in the considered judgment of the board, were not within the control of the late filer and which were the direct cause of the late filing or any provision specified in R.S. 18:1511.5(B).

§1157.3. Outside counsel; contingency fee; enforcement and collection authority

The board may contract with outside counsel on a contingency fee basis to enforce judgments that may arise under this Part. Any such firm or attorney shall be selected pursuant to a request for proposals in accordance with Chapter 16 of Title 39 of the Louisiana Revised Statutes of 1950.

SUBPART D. COMPUTER DATA MANAGEMENT SYSTEM

§1158. Board of Ethics Computerized Data Management System; purpose; goals

A.(1) To enhance the board's ability to govern and enforce the Code of Governmental Ethics and to provide efficient and economical dissemination of information, the board shall establish the Board of Ethics Computerized Data Management System.

(2) The following basic specifications shall be designed into the board's computerized data management system:

- (a) The system shall be capable of handling each type of report required to be filed with the board.
- (b) The system shall permit electronic filing of all reports required to be filed with the board or as provided for by this Chapter.
- (c) The system shall provide for in-house review of all reports filed with the board.
- (d) The system's data base shall be categorized to provide for citizen's access of all reports filed with the board.

B. The computerized data system shall be used to aid in the distribution of materials to state and local agencies as provided in R.S. 42:1170.

C. Notwithstanding any contrary provision of this Section, any material or information which is confidential as provided by law shall be excluded from such public access.

D. The Board of Ethics Computerized Data Management System shall commence basic operations no later than May 1, 1997, with total implementation of the system as provided for in this Subpart by May 1, 1998.

§1159. Access; Internet; restrictions

A. To enhance the public's ability to gather information easily regarding the conduct of elected officials, public employees, and other persons regulated by the board, the board shall maintain a website which allows the public to quickly and easily review disclosure reports filed with the board, agendas of board meetings, and opinions and decisions rendered by the board.

B. The board shall regularly review and update its website to improve access to its public information.

C. The board shall not reduce or impair in any manner the level of the public's access via the Internet to the information provided by the board on its website from the level of access that exists on June 5, 2003.

D. The board shall exclude from the website any material or information which is confidential as provided by law.

§1303. Statements Filed Pursuant to Section 1111(E) of the *Code of Governmental Ethics*

- A. Statements filed pursuant to Section 1111(E) of the *Code of Governmental Ethics* shall:
1. be made under oath; and
 2. contain:
 - (a) the name and address of the elected official;
 - (b) the name and address of the person employing or retaining the official to perform services;
 - (c) a description of the nature of the work and the amount of the compensation services rendered or to be rendered; and
 - (d) a brief description of the transaction in reference to which services are rendered to be rendered.
- B. The executive secretary shall maintain these statements suitably indexed.

§1304. Statements Filed Pursuant to Section 1114 and Section 1114.1 of the *Code of Governmental Ethics*

- A. Statements filed pursuant to Section 1114 of the *Code of Governmental Ethics* shall:
1. be in writing on a form approved by the board;
 2. be filed annually no later than May 1st and shall include the required information for previous calendar year;
 3. contain a statement by the filer that the information contained in the statement true and correct to the best of his knowledge, information and belief, and that no information required to be disclosed by Section 1114 has been deliberately omitted; and
 4. be signed by the filer.
- B. Statements filed pursuant to Section 1114(A) of the *Code of Governmental Ethics* shall contain:
1. the amount of income or value of anything of economic value derived;
 2. the nature of the business activity;

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3. the name and address, and relationship to the public servant, if applicable; and
4. the name and business address of the legal entity, if applicable.

C. Statements filed pursuant to Section 1114(B) of the *Code of Governmental Ethics* shall contain:

1. the amount of income or value of anything of economic value derived;
2. the nature of the business activity;
3. the name and address, and relationship to the legislator, if applicable; and
4. the name and business address of the legal entity, if applicable.

D. Statements filed pursuant to Section 1114(C) of the *Code of Governmental Ethics* shall contain:

1. the amount of income or value of anything of economic value derived;
2. the nature of the business activity;
3. the name and address, and relationship to the elected official, if applicable; and
4. the name and business address of the political subdivision, if applicable.

E. The executive secretary shall maintain these forms suitably indexed.

F. Public servants who fail to accurately disclose information in statements filed pursuant to R.S. 42:1114 and R.S. 42:1141.1 may be assessed, by the board, a late fee of \$100 per day, not to exceed a maximum late fee of \$2,500, until such information is disclosed by amendment to the appropriate report.

G. For purposes of R.S. 42:1114.1B(1)(b), "third parties" shall not include employees of the members of the legislature, his spouse or any business enterprise in which such member and/or his spouse owns at least 10 percent.

* * *

3. content:

(a) the name of the sponsoring group or organization; and

(b) the amount expended on behalf of the legislator by the sponsoring group or organization on food, refreshments, lodging, and transportation.

B. The executive secretary shall maintain these statements suitably indexed.

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§1906. Affidavits Filed Pursuant to Section 1123(16) of the Code of Governmental Ethics

A. Affidavits filed pursuant to Section 1123(16) of the Code of Governmental Ethics shall:

1. be filed within 60 days of making the public speech;

2. be under oath; and