
DIGEST

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Tim Burns

HB No. 955

Abstract: Clarifies the powers, functions, and duties of the Supervisory Committee on Campaign Finance Disclosure and the Ethics Adjudicatory Board relative to the assessment of penalties and the enforcement of certain violations of the Campaign Finance Disclosure Act.

Present law provides the supervisory committee (which is the Board of Ethics) with the authority to investigate apparent or alleged violations of the Campaign Finance Disclosure Act (CFDA). Proposed law retains present law.

Present law (Campaign Finance Disclosure Act) provides for civil penalties for late filing to be assessed on persons required to file reports who knowingly fail to file or timely file the report. Present law provisions in the Code of Governmental Ethics (ethics code) authorize the staff to assess and order the payment of these civil penalties and provide that a person may request a waiver or may appeal the assessment to the Board of Ethics.

Proposed law removes reference to the present law provisions in the ethics code and provides in the CFDA that the staff may assess and issue an order for the payment of the civil penalties for failure to file and failure to timely file. Proposed law further provides that the supervisory committee may waive all or part of such civil penalties and provides that the disposition of the waiver request is not appealable to the Ethics Adjudicatory Board (EAB), or a panel thereof (EAB panel). Also provides that the order by the staff is appealable to an EAB panel which shall conduct an adjudicatory hearing in accordance with the ethics code. Provides, in such case, that an EAB panel determines the penalties, if any, that should be imposed in accordance with the CFDA. Specifies that the final decision of an EAB panel may be appealed as provided in the ethics code. Provides that when all delays for waiver requests and appeal have expired, a final order or decision shall become executory and may be enforced as any other money judgement.

Present law further authorizes the supervisory committee to impose additional civil penalties up to \$10,000 on any person required to file certain election related reports who has not filed the report by the sixth day after it is due or in the case of other reports by the eleventh day after its due, with notice to the party who is the subject of the hearing.

Proposed law provides instead that an adjudicatory panel of the Ethics Adjudicatory Board conducts an adjudicatory hearing in accordance with the provisions of the ethics code and otherwise retains present law. Proposed law authorizes the EAB or panel thereof to subpoena witnesses, administer oaths, compel production of documents, and to do all as necessary to effect

the provisions of the CFDA.

Present law provides that any person required to file reports under the CFDA who knowingly and willfully fails to disclose, or knowingly and willfully fails to accurately disclose, any information required to be disclosed in the reports required herein, may be assessed a civil penalty for each day until such information is disclosed by amendment to the appropriate report. Defines "knowingly and willfully", as conduct which could have been avoided through the exercise of due diligence.

Proposed law retains present law but specifies that the supervisory committee, when an investigation indicates a violation has occurred, may file civil proceedings to collect these penalties.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 18:463(A)(2)(c)(i), 1505.4(A)(1) and (4), (C), and (D)(1), 1511.4(D), and 1511.5(A)(1) and (2), (B), and (D); Adds 18:1511.4.1)

Summary of Amendments Adopted by House

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

1. Provides that the supervisory committee, when an investigation indicates a violation has occurred, may file civil proceedings to collect per day civil penalties for willfully failing to disclose or knowingly and willfully failing to accurately disclose any information required until such information is disclosed by amendment.