

HOUSE SUMMARY OF SENATE AMENDMENTS

House Bill No. 141 by Representative St. Germain

ETHICS/FINANCIAL DISCLOS: Provides relative to deadlines and time periods for certain filings and notices relative to financial disclosure statements and to contents of disclosure statements filed after leaving an office or position

Synopsis of Senate Amendments

1. Relative to the requirement to file financial disclosure statements, provides an exception to requirement that a financial statement for the preceding calendar year be filed by May 15 of the year following the termination of the holding of office or position to allow a person in the year in which the holding of the office or position is terminated to choose to file a financial statement within 60 days following the termination of the holding of the office or position to include required information for the period in which the person held the office or position rather than filing a financial statement for the preceding calendar year.
2. Specifies that any person required to file financial disclosure statements who terminates his public service in 2012, in addition to the disclosure statement required by present law, shall file a financial disclosure statement covering the time served in 2012, on or before March 1, 2013.

Digest of Bill as Finally Passed by Senate

Present law (Election Code—R.S. 18:1495.7) requires any person who becomes a candidate for an office for which the holder of the office is required to file financial disclosure statements pursuant to present law (Code of Governmental Ethics—R.S. 42:1124, 1124.2, or 1124.3) shall file a financial disclosure statement as required by present law for the office for which he is a candidate. Requires the statement to be filed within 10 days of the day the candidate files his notice of candidacy for the office. Provides that if the person is required by present law (R.S. 42:1124, 1124.2, or 1124.3) to file a statement for the office for which he is a candidate, such filing shall satisfy the requirements of present law (R.S. 18:1495.7).

Proposed law requires instead that the statement be filed within three business days of the close of the qualifying period during which the candidate filed his notice of candidacy; otherwise retains present law.

Present law provides that any person who fails to file or fails to timely file the financial statement, or who fails to disclose or fails to accurately disclose information required to be included in the financial statement shall be subject to penalties as provided in present law (R.S. 42:1124.4). Present law (R.S. 42:1124.4) provides that if a person fails to timely file a financial disclosure statement or if a person omits required information, or the ethics board has reason to believe inaccurate information is included on the statement, the board shall send the person a notice of delinquency by certified mail. Present law provides that the person has 14 business days from the receipt of the notice to respond either by filing the statement, disclosing or accurately disclosing the information, or filing an answer contesting the allegation.

Proposed law provides instead that the person has seven business days from receipt of the notice to respond; otherwise retains present law.

Present law provides that the failure to respond by the deadline contained in the notice of delinquency shall result in the imposition of penalties (\$500 per day for Tier 1 filers; \$100 per day up to a maximum of \$2,500 for Tier 2 filers; and \$50 per day up to a maximum of \$1,500 for Tier 2.1 and Tier 3 filers). Proposed law retains present law.

Present law (R.S. 42:1124, 1124.2, 1124.2.1, and 1124.3-Tiers 1, 2, 2.1, and 3) requires all elected officials and certain other specified officials and board and commission members to file a financial disclosure statement by May 15th of each year during which the person holds public office or position and by May 15th of the year following the termination of the holding of such office which includes the information for the entire preceding calendar year.

Proposed law provides an exception to the present law requirement to file a financial disclosure statement for the preceding calendar year by May 15th of the year following the termination of the holding of such office to allow instead the filing of a financial disclosure statement within 60 days of the termination of public service including information for the time period in which the person was in public service. Proposed law further specifies that any person required to file financial disclosure statements pursuant to present law who terminates his public service in 2012, in addition to the financial disclosure statement required by present law, shall file a financial disclosure statement covering the time served in 2012 on or before March 1, 2013.

Effective Jan. 1, 2013.

(Amends R.S. 18:1495.7(A) and R.S. 42:1124(A)(intro. para.), (B), and (C)(intro. para.), 1124.2(A)(intro. para.), (B), and (C)(intro. para.), 1124.2.1(A)(intro. para.), (B), and (C)(intro. para.), 1124.3(A), (B), and (C)(intro. para.), and 1124.4(A)(2); Adds R.S. 42:1124(I), 1124.2(J), 1124.2.1(E), and 1124.3(E))