

**CONFERENCE COMMITTEE REPORT**  
**House Bill No. 141 By Representative St. Germain**

June 1, 2012

To the Honorable Speaker and Members of the House of Representatives and the Honorable President and Members of the Senate.

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning House Bill No. 141 by Representative St. Germain, recommend the following concerning the Engrossed bill:

1. That the set of Senate Committee Amendments proposed the Senate Committee on Senate and Governmental Affairs and adopted by the Senate on May 10, 2012, be rejected.
2. That the set of amendments proposed by the Legislative Bureau and adopted by the Senate on May 14, 2012, be rejected.
3. That the set of Senate Floor Amendments proposed by Senator Amedee and adopted by the Senate on May 21, 2012, be rejected.
4. That the following amendments to the engrossed bill be adopted:

AMENDMENT NO. 1

On page 1, line 2, delete "R.S. 42:1124.4(A)(2)," and insert "R.S. 42:1124(B) and (C)(introductory paragraph), 1124.2(B) and (C)(introductory paragraph), 1124.2.1(B) and (C)(introductory paragraph), 1124.3(B) and (C)(introductory paragraph), and 1124.4(A)(2),"

AMENDMENT NO. 2

On page 1, line 5, after "statements;" insert "to allow a person to file a financial statement covering the time served when service ends early in January in lieu of filing a statement for the calendar year in the year following termination of service;"

AMENDMENT NO. 3

On page 2, line 1, delete "R.S. 42:1124.4(A)(2) is" and insert "R.S. 42:1124(B) and (C)(introductory paragraph), 1124.2(B) and (C)(introductory paragraph), 1124.2.1(B) and (C)(introductory paragraph), 1124.3(B) and (C)(introductory paragraph), and 1124.4(A)(2) are"

AMENDMENT NO. 4

On page 2, between lines 1 and 2, insert the following:

"§1124. Financial disclosure; statewide elected officials; certain public servants  
\* \* \*

B.(1) The financial statement required by this Section shall be filed by May fifteenth of each year during which the person holds an office or position included in Subsection A of this Section and, except as provided in Paragraph (2) of this Subsection, by May fifteenth of the year following the termination of the holding of such office or position. The financial statement shall include the information required by Subsection C of this Section for the preceding calendar year.

(2) Notwithstanding the provisions of Paragraph (1) of this Subsection, if the holding of the office or position terminates in the month of January, the person shall not be required to file a financial statement pursuant to this Section in the year following the termination of the holding of the office or position if the person files a financial statement by May fifteenth of the year in which the holding of the office or position terminated containing the information required by Subsection C of this Section for the period in which the person held the office or position during that year.

C. The financial statement required by this Section shall be filed on a form prescribed by the Board of Ethics and shall include the following information ~~for the preceding calendar year:~~

\* \* \*

§1124.2. Financial disclosure; certain elected officials; members of certain boards and commissions; ethics administrator

\* \* \*

B.(1) The financial statement required by this Section shall be filed by May fifteenth of each year during which the person holds an office or position included in Subsection A of this Section and, except as provided in Paragraph (3) of this Subsection, by May fifteenth of the year following the termination of the holding of such office or position. The financial statement shall include the information required by Subsection C of this Section for the preceding calendar year.

(2) Notwithstanding the provisions of Paragraph (1) of this Subsection, the financial statement required by this Section may be filed within thirty days after the individual files his federal tax return for the year on which he is reporting, taking into consideration any extensions filed by the individual, provided that he notifies the Board of Ethics prior to the deadline provided in Paragraph (1) of this Subsection of his intention to do so.

(3) Notwithstanding the provisions of Paragraph (1) of this Subsection, if the holding of the office or position terminates in the month of January, the person shall not be required to file a financial statement pursuant to this Section in the year following the termination of the holding of the office or position if the person files a financial statement by May fifteenth of the year in which the holding of the office or position terminated containing the information required by Subsection C of this Section for the period in which the person held the office or position during that year.

C. The financial statement required by this Section shall be filed on a form prescribed by the Board of Ethics and shall include the following information ~~for the preceding calendar year:~~

\* \* \*

§1124.2.1. Financial disclosure; members of boards and commissions

\* \* \*

B.(1) The financial statement required by this Section shall be filed by May fifteenth of each year during which the person holds an office included in Subsection A of this Section and, except as provided in Paragraph (2) of this Subsection, by May fifteenth of the year following the termination of the holding of such office. The financial statement shall include the information required by Subsection C of this Section for the preceding calendar year.

(2) Notwithstanding the provisions of Paragraph (1) of this Subsection, if the holding of the office or position terminates in the month of January, the person shall not be required to file a financial statement pursuant to this Section in the year following the termination of the holding of the office or position if the person files a financial statement by May fifteenth of the year in which the holding of the office or position terminated containing the information required by Subsection C of this Section for the period in which the person held the office or position during that year.

C. The financial statement required by this Section shall be filed on a form prescribed by the Board of Ethics and shall include the following information ~~for the preceding calendar year:~~

\* \* \*

§1124.3. Financial disclosure; certain elected officials, voting districts of under five thousand

\* \* \*

B.(1) The financial statement required by this Section shall be filed by May fifteenth of each year during which the person holds an office included in Subsection A of this Section and, except as provided in Paragraph (2) of this Subsection, by May

fifteenth of the year following the termination of the holding of such office. The financial statement shall include the information required by Subsection C of this Section for the preceding calendar year.

(2) Notwithstanding the provisions of Paragraph (1) of this Subsection, if the holding of the office or position terminates in the month of January, the person shall not be required to file a financial statement pursuant to this Section in the year following the termination of the holding of the office or position if the person files a financial statement by May fifteenth of the year in which the holding of the office or position terminated containing the information required by Subsection C of this Section for the period in which the person held the office or position during that year.

C. The financial statement required by this Section shall be filed on a form prescribed by the Board of Ethics and shall include the following information ~~for the preceding calendar year:~~

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Respectfully submitted,

\_\_\_\_\_  
Representative Karen Gaudet St. Germain

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Senator "Jody" Amedee

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Representative Timothy G. Burns

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Senator Edwin R. Murray

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Representative Franklin J. Foil

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Senator Robert Adley

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 DIGEST
 

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The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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## CONFERENCE COMMITTEE REPORT DIGEST

House Bill No. 141 by Representative St. Germain

**Keyword and oneliner of the instrument as it left the House**

ETHICS/FINANCIAL DISCLOS: Provides relative to deadlines and time periods for certain filings and notices relative to financial disclosure statements

**Report does not adopt any Senate amendments.**
**Report rejects Senate amendments which would have:**

1. Relative to the requirement to file financial disclosure statements, provided 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. Specified 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.

**Report amends the bill to:**

1. Provides an exception to the present law requirement to file a financial disclosure statement for the preceding calendar year by May 15<sup>th</sup> of the year following the termination of the holding of such office or position if the holding of the office or position terminates in the month of January and the person files a financial statement by May fifteenth of the year in which the holding of the office or position terminated containing all of the required information for the period in which the person held the office or position during that year.

**Digest of the bill as proposed by the Conference Committee**

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 15<sup>th</sup> of each year during which the person holds public office or position and by May 15<sup>th</sup> 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 15<sup>th</sup> of the year following the termination of the holding of such office or position, if the holding of the office or position terminates in the month of January and the person files a financial statement by May fifteenth of the year in which the holding of the office or position terminated containing the information required by present law for the period in which the person held the office or position during that year.

Effective Jan. 1, 2013.

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