

First Extraordinary Session, 2008

HOUSE BILL NO. 5

BY REPRESENTATIVES TUCKER, PETERSON, AND GALLOT

ETHICS: Provides for the collection of fines, fees, and penalties assessed pursuant to laws within the jurisdiction of the Board of Ethics (Item #4(12))

1 AN ACT

2 To amend and reenact R.S. 42:1157.3, relative to the collection of fines, fees, and penalties
3 assessed pursuant to laws within the jurisdiction of the Board of Ethics; to remove
4 certain provisions for contracting with outside counsel on a contingency fee basis for
5 such purpose; to provide procedures for such collections; to provide for collection
6 by the attorney general; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 42:1157.3 is hereby amended and reenacted to read as follows:

9 §1157.3. ~~Outside counsel; contingency fee; enforcement~~ Enforcement and
10 collection authority; procedures of the board; referral to attorney general

11 A. ~~The board may contract with outside counsel on a contingency fee basis~~
12 ~~to enforce judgments that may arise under this Part. Any such firm or attorney shall~~
13 ~~be selected pursuant to a request for proposals in accordance with Chapter 16 of Title~~
14 ~~39 of the Louisiana Revised Statutes of 1950; shall send a notice to each person who~~
15 owes a fine, fee, or penalty assessed pursuant to any law within the jurisdiction of
16 the board or who is not in compliance with a payment plan established in writing
17 between the board and the person. This first notice shall provide the amount of the
18 outstanding fine, fee, or penalty owed and a date by which the board expects
19 payment of the outstanding fine, fee, or penalty.

1 B. If the person does not pay the fine, fee, or penalty by the date specified
2 in the first notice, the board shall send the person a second notice, which in writing
3 informs the person that if he fails to pay the fine, fee, or penalty in full by the
4 thirtieth day after the date on which the notice was sent by the board, the matter will
5 be referred to the attorney general for collection in accordance with R.S. 49:257(G).
6 The second notice shall provide the amount of the outstanding fine, fee, or penalty
7 which is subject to collection and the date on which the collection will be referred
8 to the attorney general if the fine, fee, or penalty is not paid. If the fine, fee, or
9 penalty is not paid in full by the thirtieth day after the date such notice was sent by
10 the board, the board shall submit the matter of the collection of the fine, fee, or
11 penalty to the attorney general on the date specified in the notice.

12 C.(1) For the purposes of this Section, a person shall be deemed to be in
13 compliance with a payment plan if such person timely makes payments in
14 accordance with a written agreement with the board which provides for an
15 established payment schedule for the payment of a fine, fee, or penalty assessed
16 pursuant to laws within the jurisdiction of the board.

17 (2) A person who is in compliance with a payment plan shall not be deemed
18 to owe a fine, fee, or penalty for purposes of this Section only.

DIGEST

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 [R.S. 1:13(B)] and do not constitute proof or indicia of legislative intent. [R.S. 24:177(E)]

Tucker

HB No. 5

Abstract: Provides for notice, payment plans, and referral to the attorney general of fees, fines, and penalties for ethics law violations and violations of other laws under the jurisdiction of the Board of Ethics.

Present law authorizes the Board of Ethics to contract with outside counsel on a contingency fee basis to enforce judgments relative to the enforcement of ethics laws and penalties for ethics laws violations. Provides that any such counsel shall be selected pursuant to a request for proposals in accordance with present law relative to professional, personal, consulting, and social services procurement.

Proposed law removes present law and instead requires the board to send notice to each person who owes a fine, fee, or penalty assessed pursuant to any law within the board's

jurisdiction or who is not in compliance with a written payment plan between the person and the board.

Proposed law provides that the first notice shall provide the amount of the fine, fee, or penalty and a payment deadline. If the person misses the deadline, the board shall send him a second notice in writing that again provides the amount and informs him that if he does not pay in full by the 30th day after the board sent the notice, the matter will be referred to the attorney general on a certain date. If the person fails to pay by the 30th day, the board shall refer the matter of collection to the attorney general on such date.

Proposed law provides that a person is in compliance with a payment plan if he makes timely payments according to a written agreement with the board that provides for an established payment schedule. Provides that a person in such compliance shall not be deemed to owe a fine, fee, or penalty for the purposes of proposed law only.

(Amends R.S. 42:1157.3)