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Watchdogs: Scrap Ethics Board revamp

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FROM STAFF AND WIRE REPORTS

BATON ROUGE — Several government watchdog groups on Monday urged lawmakers and Gov. Bobby Jindal to scrap a bill that would strip the Louisiana Board of Ethics of much of its authority to rule on ethics violations.

They say the proposal is moving too quickly through a special legislative session on ethics, with too little scrutiny.

Under the measure, the ethics board no longer would decide whether someone violated ethics laws. That power would be shifted to administrative law judges, who don't work for the board and who are selected by an appointee of the governor.

Supporters say that would create a fair process that separates prosecution of an ethics complaint from the judgment. Opponents say the measure would gut ethics oversight. Members of the ethics board questioned whether the proposal was unconstitutional.

The Public Affairs Research Council issued a statement asking the governor and lawmakers not to push the proposal through the special session, saying more discussion of the idea is needed. The League of Women Voters of Louisiana and Louisiana Common Cause sent out an e-mail opposing the bill, which already has passed the state House.

The bill awaits discussion in a Senate committee.

PAR said the measure would dilute the power of the ethics board and "raises some troubling questions that require additional research."

Barry Erwin, president of the Council for a Better Louisiana, also sent a letter to Jindal's deputy chief of staff, Stephen Waguespack, asking that the administration delay the bill until a later legislative session when there was more time to review the proposal.

"We do believe such a significant change in the core function of the Ethics Board should be made only after appropriate time for deliberation and consideration of multiple approaches that would ensure fair outcomes for all public servants," Erwin wrote in the letter.

Currently, the ethics board must vote to file charges, and its staff investigates the complaints. The board also holds hearings to determine whether a public official is guilty of the charges and sets penalties.

Jindal legal counsel Jimmy Faircloth said public officials don't think the board's current process is fair. House Speaker Jim Tucker, RTerrytown, said his bill would improve the handling of ethics judgments because administrative judges would not be involved in filing charges or conducting investigations.

Ethics board members said the functions of filing charges could be separated from the hearings to determine guilt or innocence internally, without moving the process outside the ethics board. In addition to the solutions proposed by the governor's

administration and the Board of Ethics, PAR stated it supports proposed alternatives that include:

Using elected district court judges for the hearing and penalty phases. Using retired judges for the hearing and penalty phases. Splitting the current ethics administrator's job into two positions — an administrator with management responsibilities and an executive counsel to advise the board. The executive counsel would be shielded procedurally from developing an interest in the outcome of cases.

The idea to dilute the board's influence wasn't part of Jindal's proposals on the campaign trail when he ran for governor on a platform of ethics reform, and it wasn't recommended by an advisory group Jindal tasked with recommending ethics law changes. But the governor, who faces charges before the ethics board, included it in his official agenda for the special session that he called.

In an e-mailed statement, the heads of the League of Women Voters of Louisiana and Louisiana Common Cause said the bill would "be a giant step backwards."

"For some unexplained reason, the governor's office insists that its approach is the only one and it needs to be acted upon immediately," said Jean Armstrong, president of the League of Women Voters of Louisiana, and Wendell Lindsay Jr., president of Louisiana Common Cause.

Administrative law judges conduct hearings for executive branch agencies, like challenges of motor vehicle license suspensions, challenges of concealed handgun permit denials, insurance agent licensing disputes and determination of violations of environmental quality regulations.

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On the Net: House Bill 41 can be found at www.legis.state.la.us