

HOUMA Today

Groups tell Jindal to put brakes on ethics bill

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BATON ROUGE -- Gov. Bobby Jindal's plan to limit the power of the state Ethics Board is drawing heat from a slate of good-government groups, many of which initially helped the administration define its broad-based agenda on ethics.

House Bill 41 by House Speaker Jim Tucker, R-Terrytown, would remove the board's authority to rule on ethics violations and give it to a set of administrative law judges, a method state agencies have long used to settle potential legal disputes.

Tucker has argued that the revamped structure would make the management of ethics judgments fairer because the cases would be decided by impartial judges who aren't involved with the filing of charges or the investigation of them.

The latter would still fall under the jurisdiction of the Ethics Board, according to the legislation.

"While most of the ethics-reform package is in line with previous (recommendations), this one raises some troubling questions that require additional research. There should be no rush during this special session to change the power and authority of the Board of Ethics," according to a statement released Monday by the Public Affairs Research Council, a nonprofit think-tank.

The League of Women Voters in Louisiana, another popular advocacy group, and Common Cause Louisiana, a local affiliate of a national good-government association, have also taken similar stances.

In another news release, the two organizations complained that Jindal is considering Tucker's legislation to be the only means to reform and theorize that there could be constitutional conflict if the measure succeeds.

They likewise characterized the bill's journey over the past week, since the session kicked off on Feb. 10, as a non-stop train heading into dangerous territory.

"This bill was not part of Gov. Jindal's campaign platform, was not considered by his Ethics Advisory Committee, was slipped in the special-session call at the last minute, was not made available to the public until its pre-filing on the Saturday before the special session was opened on Sunday and was approved on a continuing fast track by the House Committee on the following Monday."

Indeed, the issue was somewhat of a shocker, since it wasn't part of Jindal's heavily-publicized 31-point ethics plan last year and wasn't a recommendation from his ethics-advisory team, either.

While Jindal said he seeks to strengthen the Ethics Board with his proposal, many opponents, such as the board's current chairman and most recent administrator, say they believe Tucker's legislation will have the opposite effect.

It's the same view held by Barry Erwin, president of the Council for a Better Louisiana, a nonprofit that monitors the activities of state government. He sent a letter last week to Stephen Waguespack, the governor's deputy chief of staff, urging him to delay the bill.

"While we are not opposed to the bill per se, we respectfully request that the administration consider delaying its consideration until the regular session in order to allow a more thorough review of this proposal and the issue it is intended to correct," Erwin wrote.

He also noted a few points of contention in the letter:

The bill represents a major change in the core mission of the Ethics Board.

While almost every other item in the reform package has been discussed and debated for some time, details of this proposal have only been available for a few days.

While an individual administrative law judge can render a verdict in an ethics case, CABL believes having a body of judges, like the Ethics Board, determine the outcome of a case builds public confidence and makes the process fair and more difficult to influence.

"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 a joint statement by Jean Armstrong, president of the League of Women Voters of Louisiana, and Wendell Lindsay, Jr., president of Louisiana Common Cause.

Then there's also the issue of supporters -- from lawmakers up to the administration -- who have been scorned by the Ethics Board in the past.

For instance, Tucker recently faced charges before the board, but the board dismissed them, finding no violation occurred.

In early January, news broke that Jindal had potentially violated state ethics laws by failing to timely report \$118,000 in campaign aid.

Three political underlings took responsibility for the error. The latest, Rolfe McCollister Jr., chairman and publisher of the Greater Baton Rouge Business Report and Jindal's campaign treasurer, has vowed to personally pay Jindal's \$2,500 fine pending with the state Ethics Board.

Technically, that's the maximum fine allowed on the books; no penalty has officially been handed down. Under current law, public officials are allowed to pay such fines with their own campaign money.

House Bill 41 has been approved by the lower chamber and is presently awaiting a hearing in the Senate and Governmental Affairs Committee.