



Measure of oversight cut from ethics board

Senate OKs bill to strip ability to rule on charges

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BATON ROUGE — The Louisiana Board of Ethics should lose much of its authority to rule on ethics violations, the state Senate decided Monday.

Senate approval of the bill to strip the board of the power to rule on charges came despite requests from several government watchdog groups to shelve the proposal, saying it needs more scrutiny.

The Senate went further with the bill, adding a new provision that would require any person who files a complaint with the ethics board against a public official to cover the legal costs of the official charged if the charges are dismissed.

But the House objected to that addition amid complaints it could dissuade people from reporting possible wrongdoing, and a legislative compromise committee working on the bill Monday immediately stripped it. The House and Senate will have to approve the final version of the bill as agreed to by the compromise committee before it can be sent to the governor's desk.

Under the bill by House Speaker Jim Tucker, the ethics board no longer would decide whether a public official 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.

Gov. Bobby Jindal supports the bill.

Supporters say the overhaul would create a fair process that separates prosecution of an ethics complaint from the judgment. Opponents say the measure would take ethics oversight away from a panel of citizens and put it in the hands of gubernatorial appointees — and give the ethics board no right to appeal a decision if the law judge sides with the public official.

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.

"No one agency should serve as the police, the district attorney and the judge," said Sen. Rob Marionneaux, D-Livonia, who handled the House bill in the Senate.

Ethics board members, who have questioned whether the proposal was unconstitutional, 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.

But senators turned away attempts by Sen. Butch Gautreaux, D-Morgan City, to rework the bill to follow the ethics board suggestion.

Gautreaux said the proposal was a "rush to judgment" that moved to an entire new process too quickly, with little consideration of how to work within the existing structure of the board.

"Frankly, I think it's kind of a slap in the face to a board that's acted properly as far as I know," Gautreaux said.

Gautreaux only received 11 votes for his amendment in the 39-member Senate, with senators saying the governor's staff passed out notes urging senators to oppose the amendment.

But the Senate agreed, in a 23-15 vote, to the amendment by Sen. Ben Nevers to provide for legal cost recoupment by officials charged whose charges are dismissed.

Supporters, like Sen. Julie Quinn, R-Metairie, said political opponents have used ethics complaints as a tool to disparage politicians, and officials end up spending money to defend themselves against unfounded allegations.

Opponents said the provision will send a terrible message that lawmakers were trying to stop ethics complaints against officials. "It's going to make us look like we're trying to prevent people from turning us in," said Sen. Jody Amedee, D-Gonzales.

Tucker, R-Terrytown, asked the House to reject that change, saying the Nevers amendment was "causing some consternation." That sent the bill to the compromise committee, which agreed to remove the amendment — with the support of Nevers, who said he didn't want there to be unintended consequences.

The Senate vote for the bill was 33-3, with Senate President Joel Chaisson one of the three opponents. Gautreaux and Sen. Ed Murray, D-New Orleans, also voted against the bill.

Chaisson, D-Destrehan, said he would have preferred more study on the issue, and he said the Nevers amendment would have "a chilling effect on ethics complaints."

The Public Affairs Research Council, the Council for A Better Louisiana and the League of Women Voters of Louisiana asked Jindal and the Legislature to scrap the bill for the special session until there was lengthier review of the proposal.

The idea 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.