SLS 18RS-639 **ORIGINAL**

2018 Regular Session

SENATE BILL NO. 419

BY SENATOR PETERSON

ETHICS. Repeals provision for recusal for members of the Board of Commissioners of the Port of New Orleans and removes provisions permitting certain persons to serve on the board. (8/1/18)

AN ACT

To amend and reenact R.S. 34:1(A)(3) and R.S. 42:1112(D) and to repeal R.S. 42:1120.1 and 1123(8), relative to the Board of Commissioners of the Port of New Orleans; to repeal recusal provisions for members of the Board of Commissioners of the Port of New Orleans; to remove provisions allowing certain individuals to serve as members of the board; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 34:1(A)(3) is hereby amended and reenacted to read as follows:

§1. Continuation; qualifications; appointments; terms; vacancies

A. Membership; qualifications; vacancies.

* * *

(3) All members shall be experienced in the commerce or industry, or both, of the port area, and shall otherwise possess the qualifications prescribed by law. ~~Notwithstanding any prohibition contained in Part II of Chapter 15 of Title 42 of the Louisiana Revised Statutes of 1950, individuals employed in the maritime industry may serve as members hereunder.~~ The present members, seven in number, shall continue to serve on the board for the duration of their respective terms.

Coding: Words which are ~~struck through~~ are deletions from existing law; words in **boldface type and underscored** are additions.

* * *

Section 2. R.S. 42:1112(D) is hereby amended and reenacted to read as follows:

§1112. Participation in certain transactions involving the governmental entity

* * *

D. No appointed member of any board or commission, except as otherwise provided in R.S. 42:~~1120.1 or~~ 1120.4, shall participate or be interested in any transaction involving the agency when a violation of this Part would result.

Section 3. R.S. 42:1120.1 and 1123(8) are hereby repealed in their entirety.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Tim Prather.

DIGEST

SB 419 Original 2018 Regular Session Peterson

Present law prohibits any board or commission member, immediate family member, or legal entity in which he has a controlling interest from bidding on or entering into a contract or other transaction under the supervision or jurisdiction of the board or commission.

Present law additionally prohibits any public servant from participating in a transaction in which he has a substantial economic interest which involves the governmental entity.

Present law prohibits any appointed member of any board or commission from participating or being interested in any transaction involving the agency which would be a violation of the ethics code.

Present law provides an exception for the Board of Commissioners of the Port of New Orleans and requires a member of the board to recuse himself from voting on matters which would otherwise violate the prohibited participation and prohibited contracts provisions of the ethics code.

Proposed law repeals the exception and the provision for recusal.

Present law provides that the ethics code does not preclude any individual employed in the maritime industry from serving as an appointed member of the Board of Commissioners of the Port of New Orleans.

Present law additionally provides that, notwithstanding the ethics code, individuals employed in the maritime industry may serve as members of the board.

Proposed law removes these present law provisions.

Effective August 1, 2018.

(Amends R.S. 34:1(A)(3) and R.S. 42:1112(D); repeals R.S. 42:1120.1 and 1123(8))

Coding: Words which are ~~struck through~~ are deletions from existing law; words in **boldface type and underscored** are additions.