SLS 18RS-639

ENGROSSED

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)

| 1 | AN ACT |
|----|---|
| 2 | To amend and reenact R.S. 42:1112(D) and 1120.4(A) and to repeal R.S. 42: 1120.1, relative |
| 3 | to the Board of Commissioners of the Port of New Orleans; to repeal recusal |
| 4 | provisions for members of the Board of Commissioners of the Port of New Orleans; |
| 5 | and to provide for related matters. |
| 6 | Be it enacted by the Legislature of Louisiana: |
| 7 | Section 1. R.S. 42:1112(D) and 1120.4(A) are hereby amended and reenacted to read |
| 8 | as follows: |
| 9 | §1112. Participation in certain transactions involving the governmental entity |
| 10 | * * * |
| 11 | D. No appointed member of any board or commission, except as otherwise |
| 12 | provided in R.S. 42: 1120.1 or 1120.4, shall participate or be interested in any |
| 13 | transaction involving the agency when a violation of this Part would result. |
| 14 | * * * |
| 15 | §1120.4. Recusal from voting; certain appointed members of boards and |
| 16 | commissions |
| 17 | A. Except for any member of a board or commission specifically provided |

Page 1 of 2 Coding: Words which are struck through are deletions from existing law; words in **boldface type and underscored** are additions.

SLS 18RS-639

| 1 | for in R.S. 42:1120.1, if If any appointed member of a board or commission in the |
|---|---|
| 2 | discharge of a duty or responsibility of his office or position, would be required to |
| 3 | vote on a matter which vote would be a violation of R.S. 42:1112, he shall recuse |
| 4 | himself from voting. |
| 5 | * * * |
| 6 Section 2. R.S. 42:1120.1 is hereby repealed in its entirety. | |
| | |

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

| | DIGEST | |
|------------------|----------------------|----------|
| SB 419 Engrossed | 2018 Regular Session | Peterson |

<u>Present law</u> 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.

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

<u>Present law</u> 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.

<u>Present law</u> 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.

<u>Proposed law</u> repeals the exception and the provision for recusal.

Effective August 1, 2018.

(Amends R.S. 42:1112(D) and 1120.4(A); repeals R.S. 42:1120.1)

Summary of Amendments Adopted by Senate

<u>Committee Amendments Proposed by Senate Committee on Senate and</u> <u>Governmental Affairs to the original bill</u>

- 1. Removes recusal provisions for appointed members of the Board of Commissioners of the Port of New Orleans.
- 2. Retains provisions allowing individuals employed in the maritime industry to serve as a member of the board.