

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 changes provisions permitting certain persons to serve on the board. (8/1/18)

1 AN ACT

2 To amend and reenact R.S. 34:1(A)(3) and R.S. 42:1112(D) and 1120.4(A) and to repeal
3 R.S. 42: 1120.1, relative to the Board of Commissioners of the Port of New Orleans;
4 to repeal recusal provisions for members of the Board of Commissioners of the Port
5 of New Orleans; to provide relative to membership; to provide for certain terms and
6 conditions; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

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

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

10 A. Membership; qualifications; vacancies.

11 * * *

12 (3) All members shall be experienced in the commerce or industry, or both,
13 of the port area, and shall otherwise possess the qualifications prescribed by law.
14 Notwithstanding any prohibition contained in Part II of Chapter 15 of Title 42 of the
15 Louisiana Revised Statutes of 1950, ~~individuals employed in the maritime industry~~
16 ~~may serve as members hereunder~~ **a member appointed on or after August 1, 2018,**
17 **employed in the maritime industry may serve as a member, subject to the**

1 provisions of Title 42 of the Louisiana Revised Statutes of 1950 in effect on the
2 date of that member's appointment. The present members, seven in number, shall
3 continue to serve on the board for the duration of their respective terms.

4 * * *

5 Section 2. R.S. 42:1112(D) and 1120.4(A) are hereby amended and reenacted to read
6 as follows:

7 §1112. Participation in certain transactions involving the governmental entity

8 * * *

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

12 * * *

13 §1120.4. Recusal from voting; certain appointed members of boards and
14 commissions

15 A. ~~Except for any member of a board or commission specifically provided~~
16 ~~for in R.S. 42:1120.1, if~~ **If** any appointed member of a board or commission in the
17 discharge of a duty or responsibility of his office or position, would be required to
18 vote on a matter which vote would be a violation of R.S. 42:1112, he shall recuse
19 himself from voting.

20 * * *

21 Section 3. R.S. 42:1120.1 is hereby repealed in its entirety.

The original instrument was prepared by Tim Prather. The following digest,
which does not constitute a part of the legislative instrument, was prepared
by Cathy Wells.

DIGEST

SB 419 Reengrossed 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 (board) 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 specifically authorizes individuals who are employed in the maritime industry to serve on the board.

Proposed law provides that members employed in the maritime industry and who are appointed on or after August 1, 2018, to the board may serve on the board subject to recusal provisions.

Effective August 1, 2018.

(Amends R.S. 34:1(A)(3), R.S. 42:1112(D) and 1120.4(A); repeals R.S. 42:1120.1)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Senate and Governmental Affairs to the original bill

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.

Senate Floor Amendments to engrossed bill

1. Provides that members employed in the maritime industry and who are appointed on or after August 1, 2018, to the board may serve on the board subject to recusal provisions.