

First Extraordinary Session, 2008

HOUSE BILL NO. 81

BY REPRESENTATIVE MORRELL

ETHICS/BOARD: Provides relative to membership on the Board of Ethics (Item #4)

1 AN ACT

2 To amend and reenact R.S. 42:1132(B)(introductory paragraph) and (2)(a), relative to the
3 Board of Ethics; to require the board membership to include at least three members
4 licensed to practice law in this state; to provide relative to nominations; and to
5 provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 42:1132(B)(introductory paragraph) and (2)(a) are hereby amended
8 and reenacted to read as follows:

9 §1132. Board of Ethics

10 * * *

11 B. Membership; terms; vacancies; qualifications. (1) The board shall consist
12 of eleven members, at least three of whom shall be licensed to practice law in this
13 state, to be selected as follows:

14 * * *

15 (2) The governor shall appoint and the House of Representatives and the
16 Senate shall elect members to the board who shall be representative of the state's
17 population as near as practicable and who shall be from nominees who are selected
18 as follows:

19 (a)(i) The presidents of Centenary College of Louisiana, Dillard University
20 at New Orleans, Louisiana College, Loyola University at New Orleans, Our Lady of

1 Holy Cross College at New Orleans, Our Lady of the Lake College at Baton Rouge,
 2 Xavier University of Louisiana at New Orleans, and Tulane University shall
 3 constitute the nominating committee. The nominating committee shall, within sixty
 4 days of a vacancy on the board, submit no less than three names of three different
 5 eligible nominees for each position or vacancy to the governor, Senate, or House of
 6 Representatives, whichever is appropriate. ~~▲ Except as provided by Item (ii) of this~~
 7 Subparagraph, a majority vote of the membership of the nominating committee shall
 8 be required to nominate persons to positions on the board.

9 (ii) If a vacancy to be filled must be filled by a person licensed to practice
 10 law in this state, the nominating committee shall solicit the names of the three
 11 nominees from the Louisiana State Bar Association and the association shall provide
 12 those names to the nominating committee within thirty days of receipt of the request.
 13 The nominating committee shall submit the three names provided by the association
 14 as the nominees for any vacancy that must be filled by a person licensed to practice
 15 law in this state.

16 (iii) The governor shall make an appointment and the Senate and the House
 17 of Representatives shall elect members no later than sixty days after the receipt of
 18 the names of the nominees. Should the governor fail to make an appointment in the
 19 sixty-day period, the nominee listed first on the list of nominees shall be deemed
 20 appointed to fill the vacancy. Should the Senate or House of Representatives,
 21 whichever is appropriate, fail to elect a member from the list of nominees in the
 22 sixty-day period, the nominee listed first on the list of nominees shall be deemed
 23 elected to fill the vacancy.

24 * * *

25 Section 2. This Act shall become effective upon signature by the governor or, if not
 26 signed by the governor, upon expiration of the time for bills to become law without signature
 27 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 28 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 29 effective on the day following such approval.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law [R.S. 1:13(B)] and do not constitute proof or indicia of legislative intent. [R.S. 24:177(E)]

Morrell

HB No. 81

Abstract: Requires the Board of Ethics to include at least three members licensed to practice law in Louisiana. Provides for nominations of attorney members by the Louisiana State Bar Association.

Present law provides that the Board of Ethics consists of 11 members: seven appointed by the governor (one from each congressional district); two members elected by the House of Representatives; and two members elected by the Senate. Present law requires that the members be representative of the state's population as near as practicable. Present law also requires members to be selected from nominees submitted by a nominating committee composed of the presidents of specified colleges and universities.

Proposed law retains present law and further provides that at least three members shall be licensed to practice law in this state. Provides that if a vacancy must be filled by a person licensed to practice law in this state, the nominating committee shall solicit nominations from the Louisiana State Bar Association and shall submit those nominations to the appointing authority.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 42:1132(B)(intro. para.) and (2)(a))