

SENATE BILL NO. 5

BY SENATORS CHAISSON, ALARIO, AMEDEE, BROOME, CHEEK, CRAVINS, CROWE, DONAHUE, DORSEY, DUPLESSIS, DUPRE, ERDEY, B. GAUTREAUX, N. GAUTREAUX, HEBERT, HEITMEIER, JACKSON, KOSTELKA, LONG, MARTINY, MICHOT, MORRISH, MOUNT, MURRAY, NEVERS, QUINN, RISER, SCALISE, SHAW, SHEPHERD, SMITH, THOMPSON AND WALSWORTH

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AN ACT

To amend and reenact R.S. 42:1120, relative to recusal from voting for certain elected officials; to eliminate authorization for certain elected officials to vote upon certain matters which would otherwise present a conflict of interest; to allow for certain participation under certain circumstances; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 42:1120 is hereby amended and reenacted to read as follows:

§1120. Recusal from voting

~~A. If any elected official, in the discharge of a duty or responsibility of his office or position, would be required to vote on a matter which vote would be a violation of R.S. 42:1112, he shall recuse himself from voting. Notwithstanding the foregoing, an elected official shall not be required to recuse himself if he prepares and files the statement required by this Section as provided herein. In such case, the elected official shall prepare in writing a statement describing the matter in question, the nature of the conflict or potential conflict, and the reasons why, despite the conflict, the elected official is able to cast a vote that is fair, objective, and in the public interest. Such statement shall be filed within three days of the vote with the chief clerical officer of the respective house of the legislature, of the legislative committee, of the governing authority, or of any other body in which the vote is taken, as the case may be, who shall cause the statement to be recorded in the official journal, minutes, or other official record of the body. In addition, the elected official~~

1 shall be required to file a copy of such statement as it appears in such published or
 2 recorded official journal, minutes, or record, with the appropriate ethics body. An
 3 elected official who recuses himself from voting pursuant to this Section shall
 4 not be prohibited from participating in discussion and debate concerning the
 5 matter, provided that he verbally discloses the nature of the conflict or potential
 6 conflict during his participation in the discussion or debate and prior to any
 7 vote taken on the matter.

8 B. ~~This Section shall not be applicable when the elected official is the sole~~
 9 ~~decisionmaker in the discharge of the particular duty or responsibility of his office~~
 10 ~~or position.~~

11 C. ~~This Section shall not extend to any act of participation other than voting.~~

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

 PRESIDENT OF THE SENATE

 SPEAKER OF THE HOUSE OF REPRESENTATIVES

 GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____