

Regular Session, 2008

HOUSE BILL NO. 1337

BY REPRESENTATIVE AUBERT

VETOED
Click here for
Veto Message

AN ACT

To enact R.S. 42:1123(40) and (41), relative to the Code of Governmental Ethics; to provide for an exception to the Code of Governmental Ethics to allow a person to enter into certain transactions to obtain a governmental service provided by his agency under certain circumstances; to authorize certain parish governing authority members in certain parishes to have certain employment under certain circumstances; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 42:1123(40) and (41) are hereby enacted to read as follows:

§1123. Exceptions

This Part shall not preclude:

* * *

(40) A public servant from entering into a transaction for the purpose of obtaining a governmental service that is provided by his agency and is available to or required of a member of the general public, including the purchase of water service, sewer service, and recreational services, under the same terms and conditions as applicable to a member of the general public.

(41) A member of the parish governing authority of a parish containing a population of more than seventy thousand but less than eighty-five thousand persons from being employed by a person who rents or leases property from the parish airport authority, provided that the amount of the rent or lease is less than five

1 hundred dollars per month and that the parish governing authority member recuses
2 himself from voting or otherwise participating in any matter relating to such person.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

VETO MESSAGE

House Bill No. 1337 creates an exception to the ethics code to allow public servants to enter transactions to obtain “a governmental service that is provided by his agency and is available to or required of a member of the general public, including the purchase of water service, sewer service, and recreational services, under the same terms and conditions as applicable to a member of the general public.” This makes sense, but I have concern about creating an exception to avoid what appears to be an absurd interpretation of the ethics code. Article 9 of the Louisiana Civil Code instructs courts to interpret laws based on the “clear and unambiguous” meaning of words and to avoid interpretations that lead to “absurd consequences.” And Article 10 requires that “language susceptible of different meanings ... must be interpreted as having the meaning that best conforms to the purpose of the law.” It cannot be seriously argued that the purpose of the ethics code’s contract ban is to deny public servants the common benefits that are available to members of the general public. In fact, it’s just the opposite – the purpose of the code is to prevent public servants from obtaining special treatment *because of* their public service.

Of greater concern, HB 1337 also creates an exception for certain members of a parish governing authority who rent or lease property from the parish airport authority. I find this exception to be unnecessary. For these reasons, I have vetoed House Bill No. 1337 and hereby return it to the House of Representatives.