

July 8, 2003

The Honorable Michael S. Baer
Secretary of the Senate
State Capitol
Baton Rouge, LA 70804

Re: Senate Bill No. 895 by Senator Hollis
ECONOMIC DEVELOPMENT: Provides for staggered terms of office and recusal provisions for members of the State Board of Commerce and Industry

Dear Mr. Baer:

Under present law, the members of the State Board of Commerce and Industry serve for four year terms concurrent with that of the governor making the appointment. Engrossed Senate Bill No. 895 specified that future members would be appointed to staggered terms. Additionally, during the legislative process a floor amendment was added to provide that a member must recuse himself in the event his vote on a matter would be a violation of the Code of Governmental Ethics and that the member, having done so, shall be deemed not to have violated the code.

I have concerns with both the bill and the amendment. For Louisiana to maximize its economic potential I believe that, consistent with the Louisiana Constitution, the board and the governor must strive to act in the same direction; and to change the law making the terms of the board members staggered could be a move away from that goal. Nevertheless, I do understand that reasonable people can have different positions on this issue. Regarding the ethics code recusal provision, I have for some time felt that there should be some structured and public method available to allow board members to give notice of the potential, as well as actual, conflicts. However, as drafted, the recusal provision included in Senate Bill No. 895 provides no such safeguards and is far too broad.

For these reasons and because the author and legislative leaders from both chambers have requested it, I have vetoed Senate Bill No. 895 and am returning it to the Senate.

Sincerely,

M.J. "Mike" Foster, Jr.

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