

Regular Session, 2010

SENATE BILL NO. 557

BY SENATOR CROWE

CONGRESS. Requires the Louisiana Congressional delegation to provide certain affidavits concerning their votes on legislation and the surrounding circumstances and provides sanctions for failure to do so. (gov sig)

1 AN ACT

2 To enact R.S. 14:134.4, relative to malfeasance in office; to require certain elected officials
3 to inform their constituents regarding certain pieces of legislation for which they
4 have voted favorably; to provide for affidavits; to provide for inspection of public
5 records; to provide for penalties; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 14:134.4 is hereby enacted to read as follows:

8 **§134.4. Malfeasance in office; voting favorably for legislation for which the law**
9 **maker was not timely available**

10 **A. Legislative intent. The following is the intent of the legislature:**

11 **(1) The citizens of Louisiana have elected members to the United States**
12 **Congress to represent their interest in Washington.**

13 **(2) Recently, it has become a practice in Congress to bar some or all**
14 **members from reading a bill prior to a vote on that bill. In many instances,**
15 **these bills call for the expenditure of billions of tax payer dollars.**

16 **(3) The lack of availability of the bill within a reasonable time before the**
17 **vote, bars members of the public from reading the bill in order to advise their**

1 respective member of Congress as to the public's wishes regarding the bill.

2 (4) This unscrupulous practice of barring members from reading a bill
3 in which they are expected to vote, undermines the constitutional republic form
4 of government on which this nation was founded.

5 (5) While the Louisiana delegation to Congress has done its best to
6 represent the people of Louisiana, that effort has been hampered by the rules
7 of Congress which allow bills to be passed with some or all members barred
8 from reading the bill.

9 (6) For these reasons, the citizens of Louisiana need to take a leadership
10 role in hopes that we can insure that our members in Congress, and in the
11 future every state in the union, will simply refuse to vote favorably for any
12 measure that is not made available to the members of their respective chamber
13 in Congress. It is the hope of this legislature and the citizens of Louisiana that
14 this Act will be enacted in all fifty states of the union so that such deplorable
15 acts that are taking place as to the manner in which legislation is being handled
16 in Congress will cease.

17 (7) While the rules of the Louisiana House of Representatives and the
18 rules of the Louisiana Senate both require bills to lie over for twenty-four hours
19 prior to a vote on a bill, or a vote on an amended bill, the same rules do not
20 apply to Congress.

21 (8) To insure the integrity of votes in Congress, action must be taken to
22 deter the deplorable act of voting favorably on bills in which members were
23 barred from reading.

24 B. Each member of the United States House of Representatives
25 representing a district in Louisiana, and each member of the United States
26 Senate representing Louisiana shall do all of the following:

27 (1) Inform his or her constituents about which bills, resolutions, and
28 orders that he or she has read before voting in favor of the legislation by
29 executing an affidavit and making the affidavit available to the public.

1 **(2) Execute the affidavit at least once a year and maintain an original of**
2 **the affidavits in the elected official's district office, making all required**
3 **affidavits available for inspection and providing copies upon request to any**
4 **Louisiana citizen making a public record request pursuant to any federal law**
5 **or rule requiring the release of public records. If the elected official has more**
6 **than one district office or more than one statewide office, a copy of the original**
7 **shall be made available at all other offices which do not maintain the original.**

8 **C. In the affidavit required in Subsection A of this Section, each elected**
9 **official shall, under penalties of perjury, do all of the following:**

10 **(1) List, by bill number or instrument number, the legislation for which**
11 **he or she has voted, including but not limited to every bill, order, or resolution,**
12 **for which the elected official has cast an affirmative vote on its substance and**
13 **which bill was not available to all members of the member's chamber in**
14 **Congress at least twenty-four hours prior to the vote.**

15 **(2) List, by bill number or instrument number, the legislation or**
16 **proposed legislation, including but not limited to every bill, order, or resolution,**
17 **for which the elected official cast an affirmative procedural vote in favor of**
18 **advancing it toward passage and which bill was not available to all members of**
19 **the member's chamber in Congress at least twenty-four hours prior to the vote.**

20 **(3) List, by bill number or instrument number, the legislation or**
21 **proposed legislation, including but not limited to every bill, order, or resolution,**
22 **for which the elected official cast a negative vote or abstained from voting on a**
23 **substantive or procedural vote in favor of advancing it toward passage where**
24 **such vote was due to the fact that the bill was not available to all members of the**
25 **member's chamber in Congress at least twenty-four hours prior to the vote.**

26 **D. Each affidavit, required pursuant to this Section, shall cover all votes**
27 **during the previous twelve months and shall be executed within the geographic**
28 **area represented by the legislator and shall clearly state the parish and date of**
29 **its execution.**

1 **E. The affidavit required by this Section shall be signed no later than**
 2 **thirteen months after the effective date of this Section or thirteen months after**
 3 **an elected official is sworn into office as a member of Congress, whichever is**
 4 **later. Failure to produce any affidavit for inspection or to provide a requested**
 5 **copy of any affidavit, as required by this Section, shall constitute a**
 6 **misdemeanor and the penalty for such misdemeanor shall be that the member**
 7 **is barred from qualifying to run for reelection.**

8 **F. The penalty provision in Subsection E of this Section shall not apply**
 9 **to a member who votes negatively or abstains from voting on any bill which was**
 10 **not available to all members of that member's chamber in Congress for at least**
 11 **twenty-four hours prior to the vote, provided that such information is provided**
 12 **to his or her constituents pursuant to the affidavit required by this Section.**

13 Section 2. A copy this Act shall be distributed to every member of the Louisiana
 14 delegation to Congress as well as the clerk of the House and the secretary of the Senate, or
 15 their respective counter parts, in the other forty-nine state legislatures.

16 Section 3. This Act shall become effective upon signature by the governor or, if not
 17 signed by the governor, upon expiration of the time for bills to become law without signature
 18 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 19 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 20 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part
 of the legislative instrument, were prepared by Carla S. Roberts.

DIGEST

Present law provides for the crime of malfeasance in office occurs where a public officer or
 public official intentionally refuses or fails to perform any lawful duty required by law.

Proposed law provides for legislative intent as follows:

- (1) The citizens of Louisiana have elected members of Congress to represent their
 interest in Washington.
- (2) Recently, it has become a practice in Congress to bar some or all members from
 reading a bill prior to a vote on that bill that would require the expenditure of billions
 of tax payer dollars.

- (3) The lack of availability of the bill within a reasonable time before the vote, bars members of the public from reading the bill in order to advise their respective member of Congress as to the public's wishes regarding the bill.
- (4) This unscrupulous practice of barring members from reading a bill in which they are expected to vote undermines the constitutional republic form of government on which this nation was founded.
- (5) While the Louisiana delegation to Congress has done its best to represent the people of Louisiana, that effort has been hampered by the rules of Congress which allow bills to be passed with some or all members barred from reading the bill.
- (6) For these reasons, the citizens of Louisiana need to take a leadership role in hopes that we can insure that our members in Congress, and in the future every state in the union, will simply refuse to vote favorably for any measure that is not made available to the members of their respective chamber in Congress. It is the hope of this legislature and the citizens of Louisiana that this Act will be enacted in all fifty states of the union so that such deplorable acts that are taking place as to the manner in which legislation is being handled in Congress will cease.
- (7) While the rules of the Louisiana House of Representatives and the rules of the Louisiana Senate both require bills to lie over for 24 hours prior to a vote on a bill, or a vote on an amended bill, the same rules do not apply to Congress
- (8) To insure the integrity of votes in Congress, action should be taken in every state to deter this deplorable act of voting favorably on bills in which members were barred from reading.

Proposed law provides that the elected official will do each of the following:

- (1) Inform his or her constituents about which bills, resolutions, and orders that he or she has been given an opportunity to read at least 24 hours before voting in favor of the legislation by executing an affidavit and making the affidavit available to the public.
- (2) Execute the affidavit at least once a year and maintaining an original or copies of all such affidavits in the elected official's district office or offices within the geographic area which the elected official represents.
- (3) Provide the required affidavit or affidavits to be made available for inspection and copying upon request and in the manner set forth in the statute regarding a public records request.

Proposed law provides that in the required affidavit that each elected official will, under penalties of perjury, do all of the following:

- (1) List, by bill number or instrument number, the legislation for which he or she has voted, including but not limited to every bill, order, or resolution, for which the elected official has cast an affirmative vote on its substance and which bill was not available to all of the members in that member's chamber in Congress at least 24 hours prior to the vote.
- (2) List, by bill number or instrument number, the legislation or proposed legislation, including but not limited to every bill, order, or resolution, for which the elected official cast an affirmative procedural vote in favor of advancing it toward passage and which bill was not available to all members of the member's chamber in Congress at least 24 hours prior to the vote.
- (3) List, by bill number or instrument number, the legislation or proposed legislation,

including but not limited to every bill, order, or resolution, for which the elected official cast a negative vote or abstained from voting on a substantive, or procedural vote in favor of advancing it toward passage, where such vote was due to the fact that the bill was not available to all members of the member's chamber in Congress at least 24 hours prior to the vote.

Proposed law requires each affidavit to cover all votes during the previous 12 months and will be executed within the geographic area represented by the legislator and shall clearly state the parish and date of its execution.

Proposed law provides that the affidavit will be signed no later than 13 months after the effective date of this statute or 13 months after an elected official is sworn into office as a member of Congress, whichever is later.

Proposed law provides that the failure to produce any affidavit for inspection or to provide a requested copy of any affidavit, as required by this Act is a misdemeanor, and the penalty for such misdemeanor shall be that the member is barred from qualifying to run for reelection.

Proposed law clarifies that the penalty shall not apply to a member who votes negatively or abstains from voting on any bill which was not available to all members of that member's chamber in Congress for at least 24 hours prior to the vote, provided that this is stated in the affidavit that is to be made available to the citizens of Louisiana.

Proposed law provides that, once this law is enacted, a copy of the Act shall be distributed to every member of the Louisiana delegation to Congress and the clerk of the House and the secretary of the Senate or their respective counter parts in all other 49 state legislatures.

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

(Adds R.S. 14:134.4)