

Regular Session, 2014

HOUSE BILL NO. 201

BY REPRESENTATIVE BERTHELOT

MUNICIPAL/LAWRASON ACT: Provides relative to the powers granted to the mayor pro tempore in a Lawrason Act municipality

1 AN ACT

2 To amend and reenact R.S. 33:405(A)(4) and to enact R.S. 33:405(A)(5) and (6), relative to  
3 the Lawrason Act; to provide relative to the mayor pro tempore of a Lawrason Act  
4 municipality; to provide relative to the powers and duties of the mayor pro tempore;  
5 to authorize the mayor pro tempore to perform the duties of the mayor in the case of  
6 a vacancy; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 33:405(A)(4) is hereby amended and reenacted and R.S.  
9 33:405(A)(5) and (6) are hereby enacted to read as follows:

10 §405. Meetings of board of aldermen; notice; quorum; compensation; mayor pro  
11 tempore duties

12 A.

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14 (4)~~(a)~~ If the mayor is unable to carry out the duties of the office of the mayor  
15 by reason of physical or mental disability, as determined by a licensed physician, the  
16 mayor pro tempore shall perform all of the duties of the mayor for the duration of  
17 any such disability.

18 (5) If a vacancy occurs in the office of the mayor, the mayor pro tempore  
19 shall perform all the duties of the mayor until such time as the vacancy is filled as  
20 otherwise provided by law.

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(b)(6) The mayor pro tempore shall have no additional authority to perform

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the duties of the mayor except as provided in this Subsection or upon the written

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consent of the mayor.

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Section 2. This Act shall become effective upon signature by the governor or, if not

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signed by the governor, upon expiration of the time for bills to become law without signature

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by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If

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vetoed by the governor and subsequently approved by the legislature, this Act shall become

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effective on the day following such approval.

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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 or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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Berthelot

HB No. 201

**Abstract:** Authorizes the mayor pro tempore to perform the duties of the mayor during a vacancy in the office of the mayor.

Present law provides that the mayor presides at all meetings of the board of aldermen in municipalities governed by the Lawrason Act and requires the mayor to give the deciding vote in the case of a tie. Requires the board to hold no less than one regular meeting in each month on a date and at a place and hour to be fixed by ordinance. Requires the board of aldermen to select one of its members to be mayor pro tempore and requires him to preside at all meetings of the board in the absence of the mayor. Authorizes the board of aldermen to select one of its members to preside at a meeting of the board if both the mayor and mayor pro tempore are unable to attend a meeting of the board. Provides that the mayor pro tempore or a board member presiding instead of the mayor pro tempore has all rights and powers granted to the mayor with regard to presiding at a meeting of the board.

Proposed law retains present law.

Present law requires the mayor pro tempore to perform all duties of the mayor if the mayor is unable to carry out the duties of his office due to physical or mental disability, as determined by a licensed physician. Provides that the mayor pro tempore has no additional authority to perform the duties of the mayor except as provided in present law or upon the written consent of the mayor.

Proposed law retains present law and additionally authorizes the mayor pro tempore, in the case of a vacancy in the office of the mayor, to perform the duties of the mayor during the vacancy.

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

(Amends R.S. 33:405(A)(4); Adds R.S. 33:405(A)(5) and (6))