

Regular Session, 2014

SENATE BILL NO. 470

BY SENATOR MARTINY

CONFIRMATION. Provides for time of reconfirmation for persons appointed to certain boards and commissions. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 24:14(H) and (K)(2), relative to confirmation by the Senate; to
3 provide for notice to certain persons not submitted, confirmed or reconfirmed by the
4 Senate; to provide for the time of reconfirmation for persons serving a specific term;
5 and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 24:14(H) and (K)(2) are hereby amended and reenacted to read as
8 follows:

9 §14. Senate confirmations

10 * * *

11 H. (1)In the event a person is not submitted to or is not confirmed by the
12 Senate **or is not reconfirmed by the Senate pursuant to Subsection K of this**
13 **Section**, and the person attempts to remain in office **after being advised by the**
14 **Senate, through its president, by certified mail, return receipt requested, of his**
15 **lack of confirmation or reconfirmation** and acts in his official capacity, any action
16 taken by a public body in which such person participates shall be null and void. The
17 Senate, through its president, may bring an action to remove the person from office.

1 Notwithstanding any other law to the contrary, the venue for any such action shall
2 be East Baton Rouge Parish.

3 **(2) The Senate, through its president, by certified mail, return receipt**
4 **requested, shall notify the governor and each other appropriate official of each**
5 **appointment confirmed by the Senate and of each person who was not**
6 **submitted to the Senate or not confirmed or reconfirmed, pursuant to**
7 **Subsection K of this Section, no later than ten days after the Senate considers**
8 **the confirmation.**

9 * * *

10 K. Notwithstanding any other provision of law, all persons who are appointed
11 to a position on a board, commission, committee, or district, which requires Senate
12 confirmation, including persons appointed to a partial term shall be subject to
13 reconfirmation as follows:

14 * * *

15 (2)(a) All appointees appointed to a fixed term shall expire at the end of the
16 term to which the appointee was appointed.

17 (b) The appointee may continue to serve until the end of the second regular
18 session of the Legislature following the ~~beginning of the legislative term at which~~
19 ~~time the position shall become vacant unless the appointee is reappointed to the~~
20 ~~position and has been confirmed by the Senate by the end of the second regular~~
21 ~~legislative session~~ **expiration of the term.**

22 Section 2. This Act shall become effective upon signature by the governor or, if not
23 signed by the governor, upon expiration of the time for bills to become law without signature
24 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
25 vetoed by the governor and subsequently approved by the legislature, this Act shall become
26 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 Yolanda J. Dixon.

DIGEST

Martiny (SB 470)

Present law requires confirmation by the Senate of all gubernatorial appointments and appointments to office by a public official other than the governor, when the statute providing for the appointment requires confirmation by the Senate. Provides that if persons who are not submitted to the Senate or not confirmed by the Senate attempt to remain in office and act in an official capacity, any action taken by a public body in which such person participates shall be null and void.

Present law provides for reconfirmation of persons appointed to a term concurrent with the appointing official or at the pleasure of the appointing official by the end of the second regular session of the legislature following the beginning of the legislative term at which time the position shall become vacant. Provides for reconfirmation of persons appointed to a fixed term by the end of the second regular session of the legislature following the beginning of the legislative term.

Proposed law further specifies that any action taken by a public body in which a person who is not submitted to the Senate or not confirmed or reconfirmed by the Senate participates after the person has been notified shall be null and void. Requires such notification to be made by certified mail by the president of the Senate to the appointee and to the appropriate appointing official within 10 days of the Senate taking action on a confirmation.

Proposed law provides that persons who serve for a stated term shall serve until the end of the second regular session of the Legislature following the expiration of their term.

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

(Amends R.S. 24:14 (H) and (K)(2))