

2016 Regular Session

SENATE BILL NO. 55

BY SENATOR JOHNS

GOVERNMENT ORGANIZATION. Constitutional amendment to create the Louisiana Governmental Reorganization Commission (2/3 - CA13sl(A))

1 A JOINT RESOLUTION

2 Proposing to add Article III, Section 21 of the Constitution of Louisiana, relative to the
3 legislative branch; to establish and provide for the Louisiana Governmental
4 Reorganization Commission; to provide for the membership of the commission, the
5 selection and terms of the members, the compensation of the members, the term and
6 termination of the commission, the legislative authority of the commission, the
7 jurisdiction of the commission, the duties of the commission, and the procedural
8 requirements for legislative consideration of a proposal of the commission; and to
9 specify an election for submission of the proposition to electors and provide a ballot
10 proposition.

11 Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members
12 elected to each house concurring, that there shall be submitted to the electors of the state, for
13 their approval or rejection in the manner provided by law, a proposal to add Article III,
14 Section 21 of the Constitution of Louisiana, to read as follows:

15 **§21. Louisiana Governmental Reorganization Commission**

16 **Section 21.(A) Establishment; Jurisdiction; Duties. The Louisiana**
17 **Governmental Reorganization Commission is hereby established to reorganize**

1 state government. Notwithstanding Section 1 of this Article or any other
2 provision of this constitution or law to the contrary, the commission shall review
3 and make recommendations, in the form of legislative proposals, to modify,
4 eliminate, or consolidate the programs, agencies, functions, and services of the
5 executive branch of state government as determined necessary by the
6 commission to maximize the efficient operation of state government and the
7 provision of necessary services. The commission may make no proposals
8 regarding the organizational structure of the office of the governor, regarding
9 the legislature, or regarding the courts of the state or the judges which preside
10 over them. The commission shall have no authority and may not consider
11 matters of general civil law or criminal law or matters set out in related codes
12 of civil or criminal procedure. To result in change, every proposal is required
13 to be considered and voted on by the elected membership of both houses of the
14 legislature as provided in this Section. The commission may review and conduct
15 investigations of governmental operations in a closed meeting. No action may
16 be taken on a proposed recommendation except in an open meeting called and
17 scheduled in accordance with the open meetings law. No recommendation may
18 be approved without adequate opportunity for public review and comment.

19 (B) Membership; Official action. (1) There shall be nine members of the
20 commission.

21 (2)(a) The commissioners shall be selected as follows:

22 (i) The governor shall appoint seven commissioners who shall be subject
23 to Senate confirmation. At least one commissioner shall be appointed from each
24 congressional district.

25 (ii) One commissioner shall be elected by the House of Representatives.

26 (iii) One commissioner shall be elected by the Senate.

27 (b) The governor shall appoint and the House of Representatives and the
28 Senate shall elect commissioners to the commission who shall be representative
29 of the state's population as near as practicable and who shall be from nominees

1 who are selected as follows:

2 (i) The presidents of Centenary College of Louisiana, Dillard University
3 at New Orleans, Louisiana College, Loyola University at New Orleans, Our
4 Lady of Holy Cross College at New Orleans, Our Lady of the Lake College at
5 Baton Rouge, Xavier University of Louisiana at New Orleans, and Tulane
6 University shall constitute the nominating committee. The nominating
7 committee shall, within sixty days of the effective date of this Section or other
8 creation of a vacancy on the commission, submit no less than three names of
9 three different eligible nominees for each position or vacancy to the governor,
10 Senate, or House of Representatives, whichever is appropriate. A majority vote
11 of the membership of the nominating committee shall be required to nominate
12 persons to positions on the commission. The governor shall make an
13 appointment and the Senate and the House of Representatives shall elect
14 commissioners no later than sixty days after the receipt of the names of the
15 nominees. Should the governor fail to make an appointment in the sixty-day
16 period, the nominee listed first on the list of nominees shall be deemed
17 appointed to fill the vacancy. Should the Senate or House of Representatives,
18 whichever is appropriate, fail to elect a commissioner from the list of nominees
19 in the sixty-day period, the nominee listed first on the list of nominees shall be
20 deemed elected to fill the vacancy.

21 (ii) A vacancy on the commission for any cause shall be filled in the same
22 manner as the original appointment and from the same source for the
23 remainder of the original term. If the nominating committee fails to submit
24 nominees in the time required, the governor shall make the appointment or the
25 Senate or the House of Representatives shall elect a person to the commission.

26 (C) Terms and Termination of Commission; Terms of commissioners;
27 Vacancies; Post-term limitations. (1)(a) The commission shall be officially
28 formed and begin its term on January 1, 2017, and shall terminate and cease to
29 exist on January 1, 2022. The commission may be continued once to a

1 termination date of January 1, 2026, and then only by a resolution of the
2 legislature adopted by the favorable vote of two-thirds of the elected members
3 of both houses at the session immediately preceding the expiration date.

4 (b) The commission may terminate itself anytime after June 30, 2018, by
5 vote of six or more members. In such case, no continuation may occur.

6 (2) A commissioner shall serve a term concurrent with the term of the
7 commission. If the commission is continued for a second term, commissioners
8 shall be selected again as provided for Subsection (B) of this Section. A
9 commissioner may serve for both terms of the commission if it is continued and
10 the commissioner is selected again.

11 (3) No commissioner shall become a candidate for any state or federal
12 office for two years following expiration of the member's last term.

13 (4) Commissioners shall receive the same compensation as the judges of
14 the courts of appeal.

15 (5) The commission may employ such staff as necessary.

16 (D) Recommendations; Procedure. (1) Every proposal of the commission
17 shall be considered by the legislature. A proposal shall be prepared and
18 introduced in a format that generally conforms with the format of bills in
19 accordance with the rules of the house in which the proposal is introduced,
20 except that in lieu of an author, the proposal shall be presented as a proposal of
21 the commission. A proposal may propose a change in the statutory or
22 nonstatutory law or propose a constitutional amendment.

23 (2) Regarding deadlines for introduction, any proposal may be prefiled
24 or introduced at the same time and in the same manner as a bill of either house,
25 except there shall be no limit on the number of proposals and no limit as to the
26 subject matter of proposals in any session, except as provided in this Section.
27 Revenue measures shall originate in the House of Representatives. In an
28 extraordinary session the commission is limited, upon penalty of nullity, to
29 proposals within the objects specifically enumerated in the proclamation

1 convening the session. The commission may introduce duplicates of each
2 proposal in each house. Each proposal shall contain a brief title indicative of its
3 object and, except for appropriation proposals and proposals for the enactment,
4 rearrangement, codification, or revision of a system of laws, each proposal shall
5 be confined to one object.

6 (3) No action shall be taken on a proposal until it has been referred to a
7 committee, under the rules of the house in which it was introduced for referral
8 of bills by subject matter, and a public hearing has been held. The committee
9 shall report the proposal and may report the proposal either with amendments
10 or without amendments. Amendments shall be considered within two legislative
11 days of the report of the committee and are engrossed into the proposal and
12 become part of the proposal upon a favorable vote of not fewer than sixty-three
13 of the elected members, if the amendments are being considered in the House
14 of Representatives, or upon a favorable vote of not fewer than twenty-four of
15 the elected members, if the amendments are being considered in the Senate.

16 (4)(a) The proposal shall be placed on the final passage calendar and
17 may either be rejected or further amended. Rejection of a proposal requires the
18 affirmative vote of not less than sixty-three of the elected members in the House
19 of Representatives or twenty-four of the elected members in the Senate. No
20 further action shall be taken on a proposal that has been rejected by either
21 house.

22 (b) The adoption of amendments to a proposal requires the affirmative
23 vote of not less than sixty-three elected members in the House of
24 Representatives or twenty-four elected members in the Senate within five
25 legislative days of its placement on the calendar. Adoption of amendments not
26 proposed by a committee by either house ends consideration of a proposal in the
27 house in which the amendments were adopted and the proposal is deemed
28 approved and shall next be considered in the opposite house.

29 (c) A proposal that has been introduced in duplicate in both houses and

1 amended in neither shall be considered approved and delivered to the governor
2 for his consideration. A proposal that has been introduced in only one house
3 and not rejected whether or not amended shall be considered by the full body
4 in the opposite house without reference to a committee. A proposal that has
5 been introduced in duplicate in both houses and amended in a committee or by
6 the full body shall be considered without reference to a committee by the
7 opposite house, unless, despite amendments, the proposals remain duplicates in
8 which case, failure to reject in both houses constitutes approval of the proposal.

9 (5) Whether or not it has been amended, a proposal that has not been
10 rejected, prior to the fiftieth legislative day or the seventy-fifth calendar day of
11 a regular session in an even-numbered year or prior to the thirty-fifth legislative
12 day or the fifty-fifth calendar day in a session in an odd-numbered year,
13 whichever occurs first, shall be considered approved and presented to the
14 governor for his consideration.

15 (E) Legislative sponsor. The commission may designate at least one
16 member of each house to handle a proposal on behalf of the commission. If no
17 member is so designated, the chairman of the committee in which the proposal
18 was considered or would have been considered, in a house in which the proposal
19 is not referred to committee, or his designee shall present the proposal to the
20 committee or to the body.

21 (F) Action by the governor. (1) A proposal that proposes a change to
22 statutory or nonstatutory law shall be considered by the governor in the same
23 manner as an enrolled bill of the legislature and shall be presented to him for
24 his action in not less than three days from its approval. The governor shall sign
25 a proposal delivered to him for his signature within five days of its approval. To
26 veto a proposal, the governor shall veto the proposal and file a veto message to
27 both houses of the legislature explaining the reason for his veto not later than
28 two days after it is delivered to him for his action. Proposals that are neither
29 signed nor vetoed by the governor shall become law and be effective as provided

1 in the proposal or, if no effective date is specified, at the same time as the
2 effective date for Acts of the legislature.

3 (2) A proposal that has been vetoed shall be considered for override by
4 the legislature prior to adjournment of a regular session. A veto shall be
5 overridden upon the favorable vote of a majority of the elected members of each
6 house of the legislature. Proposals that do not propose a constitutional
7 amendment approved during an extraordinary session of the legislature may be
8 vetoed by the governor; in such a case, no override of the veto may be
9 considered.

10 (G) Constitutional amendments contained in an approved proposal shall
11 be considered by the voters at the election specified in the proposal or, if no
12 election is specified, at the next occurring statewide election after the approval
13 of the proposal.

14 Section 2. Be it further resolved that this proposed amendment shall be submitted
15 to the electors of the state of Louisiana at the statewide election to be held on November 8,
16 2016.

17 Section 3. Be it further resolved that on the official ballot to be used at said election
18 there shall be printed a proposition, upon which the electors of the state shall be permitted
19 to vote YES or NO, to amend the Constitution of Louisiana, which proposition shall read as
20 follows:

21 Do you support the establishment of the Louisiana Governmental
22 Reorganization Commission; to authorize the commission to review and
23 make recommendations in the form of legislative proposals to modify,
24 eliminate, or consolidate the programs, agencies, functions, and services of
25 the executive branch of state government as determined necessary by the
26 commission to maximize the efficient operation of state government and the
27 provision of necessary services; to require proposals to be approved by the
28 legislature prior to having any effect; to prohibit the commission from
29 making proposals affecting the office of the governor, the legislature, and the

1 state courts and judges thereof; to authorize the commission to review and
2 conduct investigations of governmental operation in closed meetings; to
3 prohibit any action on a proposed recommendation except in an open
4 meeting and with an opportunity for public review and comment; to provide
5 for the selection of nine commissioners, seven to be appointed by the
6 governor, one to be elected by the House of Representatives, and one to be
7 elected by the Senate, all from nominees proposed by the presidents of
8 specified private colleges; to provide that the membership of the commission
9 shall be representative of the state's population; to provide that vacancies
10 shall be filled in the same manner as the original appointment; to provide that
11 the commission exists for a term of four years beginning January 1, 2017,
12 and may be continued once for an additional four-year term upon the vote of
13 not less than two-thirds of the elected members of both houses of the
14 legislature; to provide that the commissioners serve terms concurrent with
15 the term of the commission; to authorize the commission to terminate itself
16 upon a vote of not less than six members; to prohibit a commissioner from
17 becoming a candidate for any state or federal elective office for two years
18 after the end of his service; to provide that commissioners shall be
19 compensated in the same amount as the judges of the courts of appeal; to
20 authorize the employment of staff; to require every proposal of the
21 commission to be considered by the legislature; to provide for procedures for
22 the introduction, consideration, and voting on such proposals by the
23 legislature; to limit the legislature to amending or rejecting proposals; to
24 provide that the failure to reject is deemed approval of a proposal; to require
25 no fewer than sixty-three votes in the House of Representatives and twenty-
26 four in the Senate to amend or reject a proposal; to require and provide for
27 the governor to sign, veto, or not sign every proposal approved by the
28 legislature that is not a proposal to amend the constitution; and to provide for
29 proposals to amend the constitution to be presented for the approval of the

1 people?

2 (Adds Article III, Section 21)

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by J. Ashley Mitchell Carter.

DIGEST

SB 55 2016 Regular Session Johns

Proposed constitutional amendment establishes and provides for the La. Governmental Reorganization Commission. Authorizes the commission to review and make recommendations in the form of legislative proposals to modify, eliminate, or consolidate the programs, agencies, functions, and services of the executive branch of state government as determined necessary by the commission to maximize the efficient operation of state government and the provision of necessary services.

Requires commission proposals to be approved by the legislature prior to having any effect and requires the consideration of every proposal by the legislature. Prohibits the commission from making proposals affecting the office of the governor, the legislature, and the state courts and judges thereof. Authorizes the commission to review and conduct investigations of governmental operations in closed meetings. Prohibits any action on a proposed recommendation except in an open meeting and with an opportunity for public review and comment.

Provides for the selection of nine commissioners, seven to be appointed by the governor, one to be elected by the House of Representatives, and one to be elected by the Senate, all from nominees proposed by the presidents of specified private colleges. Requires that the membership of the commission be representative of the state's population. Requires that vacancies be filled in the same manner as the original appointment. Provides that the commission exists for a term of four years beginning Jan. 1, 2017, and permits it to be continued once, upon a two-thirds vote of the elected members of both houses of the legislature for an additional four-year term. Provides that the commissioners serve terms concurrent with the term of the commission and permits the commissioners to be reappointed. Authorizes the commission to terminate itself any time after June 30, 2018, by a vote of six or more commissioners.

Prohibits a commissioner from becoming a candidate for any state or federal elective office for two years after the end of his service. Requires commissioners be compensated in the same amount as the judges of the courts of appeal. Authorizes the employment of staff.

Requires every proposal of the commission to be considered by the legislature. Provides for procedures for the introduction, consideration, and voting on such proposals by the legislature. Limits the legislature to amending or rejecting proposals and provides that the failure to reject is deemed approval of a proposal. Requires no fewer than 63 votes in the House and 24 in the Senate to amend or reject a proposal. Requires and provides for the governor to sign, veto, or not sign every proposal approved by the legislature that is not a proposal to amend the constitution. Provides for proposals to amend the constitution to be presented for the approval of the people.

Specifies submission of the amendment to the voters at the election to be held on November 8, 2016.

(Adds Cons. Art. III, Section 21)