

Regular Session, 2010

SENATE BILL NO. 604

BY SENATOR MORRISH

LIEUTENANT GOVERNOR. Transfers the powers and duties of the lieutenant governor.
(1/1/11)

1 AN ACT

2 To amend and reenact R.S. 49:121(E), 201.1, 206, 968(B)(21)(a), 1112(A), (B)(2)(b) and
3 (k), and (D), 1115(A)(15), 1212(A), (B)(8), (C), (E), and (K), and 1213(B), and to
4 repeal R.S. 49:202.1, relative to the office of lieutenant governor; to transfer the
5 powers of the lieutenant governor; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 49:121(E), 201.1, 206, 968(B)(21)(a), 1112(A), (B)(2)(b) and (k),
8 and (D), 1115(A)(15), 1212(A), (B)(8), (C), (E), and (K), and 1213(B) are hereby amended
9 and reenacted to read as follows:

10 §121. Name of board, department, or subdivisions; marking on boat or vehicle;

11 Louisiana public license plates; exemptions

12 * * *

13 E. Those vehicles used in crime prevention and detection and similar
14 investigative work, which if identified as required by this Section could not be used
15 effectively for such purposes, are exempt from the provisions of this Part, and, in
16 addition, the vehicles used by the governor, ~~lieutenant governor~~, statewide elected
17 officials, state schools for the deaf, blind, spastic, and cerebral palsied, Special

1 School District Number One, and any community and group homes and residential
2 facilities administered by the Department of Social Services or the Department of
3 Health and Hospitals are exempt from the provisions of this Part.

4 * * *

5 §201.1. Salary of acting governor

6 The ~~lieutenant governor~~ **secretary of state** or any other authorized official,
7 while discharging the duties of the governor, shall receive a salary equal to that of
8 the governor.

9 * * *

10 §206. Temporary absence of governor and ~~lieutenant governor~~ **secretary of state**;

11 order of those who shall act as governor

12 When both the governor and the ~~lieutenant governor~~ **secretary of state** are
13 temporarily absent from the state at the same time and neither can be contacted as
14 a result of the existence of an emergency situation, the official whose title appears
15 first in the following list and who is present in the state shall act as governor to
16 maintain the necessary continuity of state government:

- 17 (1) ~~The elected secretary of state;~~
- 18 (~~2~~) The elected attorney general;
- 19 (~~3~~) **(2)** The elected treasurer;
- 20 (~~4~~) **(3)** The presiding officer of the Senate; and
- 21 (~~5~~) **(4)** The presiding officer of the House of Representatives.

22 * * *

23 §968. Review of agency rules; fees

24 * * *

25 B. Prior to the adoption, amendment, or repeal of any rule or the adoption,
26 increasing, or decreasing of any fee, the agency shall submit a report relative to such
27 proposed rule change or fee adoption, increase, or decrease to the appropriate
28 standing committees of the legislature and the presiding officers of the respective
29 houses as provided in this Section. The report shall be so submitted on the same day

1 the notice of the intended action is submitted to the Louisiana Register for
2 publication in accordance with R.S. 49:953(A)(1). The report shall be submitted to
3 each standing committee at the committee's office in the state capitol by certified
4 mail with return receipt requested or by messenger who shall provide a receipt for
5 signature. The return receipt or the messenger's receipt shall be proof of receipt of
6 the report by the committee.

7 * * *

8 (21)(a) Except as provided in Paragraph (1) of this Subsection, the office of
9 the governor ~~and the office of the lieutenant governor~~ and all of the agencies within
10 or part of either and any other agency for which provisions are not otherwise made
11 in this Subsection, shall submit the report to the speaker of the House of
12 Representatives and the president of the Senate, except that executive orders duly
13 issued by the governor and attested to by the secretary of state are exempt from the
14 provisions of this Chapter. The speaker of the House of Representatives and the
15 president of the Senate shall promptly forward the report to the appropriate standing
16 committee of their respective houses.

17 * * *

18 §1112. Commission established; purposes; membership; officers

19 A. The Louisiana Serve Commission, hereinafter referred to in this Chapter
20 as "commission," is hereby established in the executive branch of state government
21 in the office of the ~~lieutenant governor~~ **secretary of state**. The commission is
22 hereby declared to be a body corporate and public, exercising public and essential
23 governmental functions. The domicile of the commission shall be in the city of
24 Baton Rouge. The purpose of the commission shall be to:

25 (1) Encourage community service as a means of community and state
26 problem solving.

27 (2) Promote and support citizen involvement in government and private
28 programs throughout this state.

29 (3) Develop a long term, comprehensive vision and plan for action for

1 community service initiatives in this state.

2 (4) Act as the state's policymaking body for the Corporation for National and
3 Community Service.

4 (5) Serve as the state's liaison to other national and state organizations which
5 support its mission.

6 B.(1) * * *

7 (2)(a) * * *

8 (b) Successor members of the commission shall be appointed by the
9 governor, in collaboration with the ~~lieutenant governor~~ **secretary of state**, on a
10 bipartisan basis for three-year terms, subject to confirmation by the Senate.

11 * * *

12 (k) The ~~lieutenant governor~~ **secretary of state** as an ex officio nonvoting
13 member.

14 * * *

15 D. A vacancy among the members shall be filled by the governor, in
16 collaboration with the ~~lieutenant governor~~ **secretary of state**, to serve the remainder
17 of the term, subject to confirmation by the Senate.

18 * * *

19 §1115. Commission duties and responsibilities

20 A. The commission shall:

21 * * *

22 (15) Provide the governor, ~~lieutenant governor~~ **secretary of state**, and the
23 legislature with an annual report which describes its activities during the previous
24 year. These reports shall be due by December thirty-first for the previous program
25 year.

26 * * *

27 §1212. Louisiana Council on the Social Status of Black Men and Boys; creation;
28 domicile; membership

29 A. The Louisiana Council on the Social Status of Black Men and Boys,

1 hereinafter referred to in this Chapter as the "council,"; is hereby established in the
2 executive branch of state government in the office of the ~~lieutenant governor~~
3 **secretary of state**. The council is hereby declared to be a body corporate and public,
4 exercising public and essential governmental functions. The domicile of the council
5 shall be in the city of Baton Rouge.

6 B. The council shall be comprised of nineteen members as provided in this
7 Subsection and Subsection C of this Section:

8 * * *

9 (8) The ~~lieutenant governor~~ **secretary of state** or his designee.

10 * * *

11 C. The ~~lieutenant governor~~ **secretary of state** shall appoint five members as
12 provided for in this Subsection. The presidents of Southern University, Grambling
13 State University, Dillard University, Xavier University, and Louisiana State
14 University and Agricultural and Mechanical College shall each submit to the
15 ~~lieutenant governor~~ **secretary of state** a list of three nominees. The ~~lieutenant~~
16 ~~governor~~ **secretary of state** shall appoint one member from the list of nominees
17 submitted by the president of each academic institution.

18 * * *

19 E. The ~~lieutenant governor~~ **secretary of state** shall appoint the chairman of
20 the council, and the council shall annually elect a vice chairman from among its
21 members.

22 * * *

23 K. The ~~lieutenant governor~~ **secretary of state** shall provide staff and
24 administrative support to the council.

25 §1213. Council; powers and duties

26 * * *

27 B. The council shall issue its first annual report by February 1, 2009, and by
28 January first each following year, stating the findings, conclusions, and
29 recommendations of the council. The council shall submit the report to the

1 governor,~~lieutenant governor~~ **secretary of state**, the president of the Senate, the
2 speaker of the House of Representatives, and the chairmen of the committees with
3 appropriate jurisdiction in the House and Senate.

4 Section 2. R.S. 49:202.1 is hereby repealed in its entirety.

5 Section 3. This Act shall become effective only if the proposed constitutional
6 amendment to be submitted to the electors of the state at the statewide election to be held on
7 November 2, 2010, that originated as Senate Bill 95 of the 2010 Regular Session of the
8 Legislature, is approved by the electorate, and shall become effective on January 1, 2011.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Alden A. Clement, Jr.

DIGEST

Present law provides that those vehicles used in crime prevention and detection and similar investigative work, which if identified as required by present law could not be used effectively for such purposes, are exempt from the provisions of present law, and, in addition, the vehicles used by the governor, lieutenant governor, statewide elected officials, state schools for the deaf, blind, spastic, and cerebral palsied, Special School District Number One, and any community and group homes and residential facilities administered by the Department of Social Services or the Department of Health and Hospitals are exempt from the provisions of present law.

Present law provides that the lieutenant governor or any other authorized official, while discharging the duties of the governor, is to receive a salary equal to that of the governor.

Present law provides that when both the governor and the lieutenant governor are temporarily absent from the state at the same time and neither can be contacted as a result of the existence of an emergency situation, the official whose title appears first in the following list and who is present in the state is to act as governor to maintain the necessary continuity of state government:

- (1) The elected secretary of state.
- (2) The elected attorney general.
- (3) The elected treasurer.
- (4) The presiding officer of the Senate.
- (5) The presiding officer of the House of Representatives.

Present law provides for the submission of reports by the governor and lieutenant governor relative to the adoption, amendment, or repeal of any rule or the adoption, increasing, or decreasing of any fee to the speaker of the House of Representatives and the president of the Senate, except that executive orders duly issued by the governor and attested to by the secretary of state are exempt from the provisions of present law. Present law further provides that the speaker of the House of Representatives and the president of the Senate will promptly forward the report to the appropriate standing committee of their respective houses.

Present law provides that the Louisiana Serve Commission is hereby established in the executive branch of state government in the office of the lieutenant governor. Present law provides for membership of the commission. Present law further provides that successor members of the commission are to be appointed by the governor, in collaboration with the lieutenant governor, on a bipartisan basis for three-year terms, subject to confirmation by the Senate. Present law further provides that the lieutenant governor is an ex officio nonvoting member of the commission. Present law further provides that a vacancy among the members is to be filled by the governor, in collaboration with the lieutenant governor to serve the remainder of the term, subject to confirmation by the Senate. Present law provides that the commission is to provide the governor, lieutenant governor, and the legislature with an annual report that describes its activities during the previous year, by December 31st.

Present law provides that the Louisiana Council on the Social Status of Black Men and Boys is established in the executive branch of state government in the office of the lieutenant governor. Present law provides for the membership of the council and provides that the lieutenant governor or his designee is a member. Present law provides that the lieutenant governor appoints five members as provided for in present law, and is to appoint one member from the list of nominees submitted by the president of each academic institution set forth in present law. Present law provides that the lieutenant governor is to appoint the chairman of the council. Present law provides that the lieutenant governor is to provide staff and administrative support to the council. Present law provides that the council is to issue its first annual report by February 1, 2009, and by January 1st each following year, stating the findings, conclusions, and recommendations of the council, such report to be submitted to the governor, lieutenant governor, the president of the Senate, the speaker of the House of Representatives, and the chairmen of the committees with appropriate jurisdiction in the House and Senate.

Proposed law transfers all powers, duties, and obligations of the lieutenant governor and relative to the lieutenant governor to the secretary of state.

Present law provides that the lieutenant governor is entitled to reimbursement of his actual expenses for all travel out of state in connection with his official duties and is entitled to be reimbursed for actual expenses incurred within the state of Louisiana, including but not limited to travel and lodging expenses and for attendance at meetings, conferences, and appearances in connection with his official duties.

Proposed law deletes this provision of present law.

Proposed law provides that proposed law becomes effective only if the proposed constitutional amendment that originated as Senate Bill 95 of the 2010 Regular Session of the Legislature is approved by the electorate.

Effective January 1, 2011.

(Amends R.S. 49:121(E), 201.1, 206, 968(B)(21)(a), 1112(A), (B)(2)(b) and (k), and (D), 1115(A)(15), 1212(A), (B)(8), (C), (E), and (K), and 1213(B); repeals R.S. 49:202.1)