

2024 Regular Session

SENATE BILL NO. 462

BY SENATOR HODGES

APPOINTED OFFICIALS. Provides for gubernatorial appointments. (gov sig)

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AN ACT

To amend and reenact R.S. 42:4(A) and to enact R.S. 42:4(C), relative to gubernatorial appointments; to provide for the appointment of the chairman or the presiding member from among the members of certain boards and commissions; to provide for certain terms; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 42:4(A) is hereby amended and reenacted and R.S. 42:4(C) is hereby enacted to read as follows:

§4. Public officers appointed by the Governor

A. (1) In all other cases, all public officers who are appointed by the Governor shall serve at the pleasure of the Governor.

(2) ~~This Section Paragraph (1) of this Subsection~~ shall not apply to officers appointed by the Governor upon recommendation or from lists submitted by others where the law requires appointments to be so made, nor to those whose terms of office are fixed by the constitution and those who are required by the constitution to be appointed with the advice and consent of the Senate.

B. This Section shall not apply to the Louisiana State Board of Public

1 Welfare, the Louisiana Merit System Council, the Board of Review, ~~and~~ the State
2 Advisory Council of the office of employment security of the Louisiana Workforce
3 Commission, and any Louisiana public retirement or pension system, plan, or
4 fund.

5 C.(1) Notwithstanding any provision of law to the contrary, the terms of
6 the members of all boards and commissions, except for higher education boards
7 and boards and commissions provided for in the Constitution of Louisiana, shall
8 be concurrent with the term of the governor.

9 D.(1) Notwithstanding any other provision of law to the contrary, the
10 governor may choose to appoint the chairman or the presiding member of each
11 board and commission so long as both of the following criteria apply:

12 (a) The majority of the members of the board or commission are
13 members of the board or commission by virtue of gubernatorial appointment.

14 (b) The appointment of the chairman or the presiding member is not
15 otherwise prohibited by the Constitution of Louisiana.

16 (2) If the governor chooses to appoint the chairman or the presiding
17 member of a board or commission, then the appointment shall be from among
18 the membership of that board or commission.

19 (3) Except for appointment of the chairman of a board or commission as
20 provided in Paragraph (1) of this Subsection, the provisions of this Section shall
21 not authorize the governor to appoint any officer of any board or commission
22 created in Article VIII of the Constitution of Louisiana.

23 (4) The provisions of this Section shall not be applicable to post-
24 secondary education governing boards.

25 Section 2. For terms of office beginning January 8, 2024, any election or appointment
26 made pursuant to the provisions of this Act shall occur not later than August 1, 2024.

27 Section 3. This Act shall become effective upon signature by the governor or, if not
28 signed by the governor, upon expiration of the time for bills to become law without signature
29 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If

1 vetoed by the governor and subsequently approved by the legislature, this Act shall become
2 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 Matt DeVille.

DIGEST

SB 462 Reengrossed

2024 Regular Session

Hodges

Present law provides that all public officers who are appointed by the governor shall serve at the pleasure of the governor except for public officers appointed upon recommendation or from lists submitted by others where the law requires appointments to be so made, officers whose terms of office are fixed by the constitution, and those officers who are required by the constitution to be appointed with the advice and consent of the Senate.

Present law further provides that public officers appointed by the governor to the Louisiana State Board of Public Welfare, the Louisiana Merit System Council, the Board of Review, the State Advisory Council of the office of employment security of the Louisiana Workforce Commission are also exempt from serving at the pleasure of the governor.

Proposed law retains present law and further exempts public officers of any Louisiana public retirement or pension system, plan, or fund.

Proposed law provides that notwithstanding any contrary provision of present law, the terms of the members of all boards and commissions, except for higher education boards and boards and commissions provided for in present constitution shall be concurrent with the term of the governor.

Proposed law provides that notwithstanding any provision of present law to the contrary, the governor may choose to appoint the chairman or presiding member of each board and commission provided that the majority of the membership of the board or commission is gubernatorially appointed and the appointment is not otherwise prohibited by present constitution.

Proposed law provides that any appointment of a chairman or presiding officer made by the governor pursuant to proposed law must be from the membership of the board or commission.

Proposed law provides that any gubernatorial appointment made pursuant to proposed law and confirmed by the Senate will serve at the pleasure of the governor in the position to which appointed.

Proposed law provides the governor is not authorized to appoint any officer of any board or commission created in Article VIII of present constitution, except for the appointment of the chairman specifically authorized by proposed law.

Proposed law provides that the limitations on membership terms running concurrent with the term of the governor and the gubernatorial appointment authority of a chairman or presiding officer in proposed law are not applicable to post-secondary education governing boards.

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

(Amends R.S. 42:4(A) and (B); adds R.S. 42:4(C) and (D))

Summary of Amendments Adopted by SenateCommittee Amendments Proposed by Senate Committee on Senate and Governmental Affairs to the original bill

1. Require the governor to provide notice of his intent to appoint a chairman or any other officer to the board or commission within 180 days of taking office.
2. Remove a requirement of the governor to make an appointment no later than the first day of the first regular session of the legislature during the first year of his term.
3. Make technical changes.

Senate Floor Amendments to engrossed bill

1. Make technical changes.
2. Provide that officers of any Louisiana public retirement or pension system, plan, or fund are not subject to serving at the pleasure of the governor.
3. Provide that the terms of the members of all boards and commissions, except for higher education boards and boards and commissions provided for in the state constitution, shall be concurrent with the governor, notwithstanding any law to the contrary.
4. Provide that the governor may choose to appoint the chairman or presiding member of boards and commissions to which he appoints the majority of the members and is not otherwise prohibited from doing so by the state constitution.
5. Require the governor to select a member of a board or commission to the position of chairman or presiding officer of that board or commission for which he chooses to exercise his appointment authority.
6. Provide that the governor is not authorized to appoint any officer of any board or commission created in Article VIII (Education) of the state constitution, except as provided by law.
7. Provide that limitations on terms of members and gubernatorial appointment of a chairman or presiding officer do not apply to post-secondary education governing boards.
8. Delete provisions providing the governor 180 days to provide notice to board or commission of his intention to appoint chair.