

2016 Regular Session

HOUSE BILL NO. 108

BY REPRESENTATIVE JAY MORRIS

LEGISLATIVE COMMITTEES: Provides relative to the membership of the Joint Legislative Committee on Capital Outlay

1 AN ACT

2 To amend and reenact R.S. 24:661(A)(3)(a) and to enact R.S. 24:661(E), relative to the Joint
3 Legislative Committee on Capital Outlay; to provide for the membership of the
4 committee; to provide for the appointment of members to the committee; to provide
5 for the election of members to the committee; to provide procedures for electing and
6 removing members of the committee; to provide for vacancies in the membership of
7 the committee; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 24:661(A)(3)(a) is hereby amended and reenacted and R.S.
10 24:661(E) is hereby enacted to read as follows:

11 §661. Committee created; membership and composition

12 A.

13 * * *

14 (3)(a) The committee shall be composed of:

15 (i) The ~~members~~ chairman of the House Ways and Means Committee and
16 the chairman of the Senate Revenue and Fiscal Affairs Committee, or their
17 successors.

18 (ii) The chairman of the House Appropriations Committee or a member of
19 that committee designated by the chairman thereof.

1 (iii) The chairman of the Senate Finance Committee or a member of that
2 committee designated by the chairman thereof.

3 (iv) The speaker of the House of Representatives and four members of the
4 ~~House of Representatives~~ Ways and Means Committee appointed by the speaker.

5 (v) The president of the Senate and four members of the Senate Revenue and
6 Fiscal Affairs Committee appointed by the president.

7 (vi) The chairman of the Joint Highway Priority Construction Committee
8 ~~who, if a member of the House of Representatives, shall be one of the four members~~
9 ~~appointed by the speaker of the House of Representatives; however, if the chairman~~
10 ~~is a senator he shall be one of the four members appointed by the president of the~~
11 ~~Senate.~~

12 (vii) Two members of the House of Representatives and two members of the
13 Senate elected from each congressional district as provided in Subsection E of this
14 Section.

15 * * *

16 E.(1) The elected members of the committee shall be elected in the following
17 manner:

18 (a) The election shall be held after the organizational session of the
19 legislature.

20 (b) Each member who wishes to be a candidate for membership on the
21 committee shall be eligible to be a candidate from the congressional district within
22 which the member resides at the time the election is held.

23 (c) No later than two days after the organizational session of the legislature,
24 the clerk of the House of Representatives shall transmit to each member of the House
25 of Representatives and the secretary of the Senate shall transmit to each member of
26 the Senate a notice of candidacy form and a letter outlining the procedure for the
27 election of members of the committee.

28 (d) Each member who wishes to be a candidate for membership on the
29 committee shall sign and date the notice of candidacy and shall return it to the clerk

1 or secretary, as applicable, within ten days after the notice of candidacy was
2 transmitted.

3 (e) Within three days after the final day for the receipt of the notice of
4 candidacy, the clerk shall transmit to each member of the House of Representatives
5 and the secretary shall transmit to each member of the Senate the written ballot
6 listing the candidates in the applicable house from the congressional district within
7 which the member resides.

8 (f) The ballots shall be prepared separately by congressional districts and
9 shall list the name and address of each member who has declared himself to be a
10 candidate from the respective districts. The ballot shall contain the name of the
11 member to whom it is to be transmitted.

12 (g) Each member shall mark the ballot with his choice for two of the
13 candidates, shall sign and date the ballot, and shall return the ballot to the clerk or
14 secretary, as applicable, within ten days after the ballot was transmitted.

15 (h) No ballot received by the clerk or secretary after five p.m. on the tenth
16 day after the date on which the ballots were transmitted shall be counted, but the day
17 and time received shall be marked on each ballot received after such time, and the
18 ballot shall be marked "Invalid"; however, prior to five p.m. on the tenth day after
19 the date on which the ballots were transmitted, a member may withdraw his ballot
20 or change his vote upon his written request.

21 (i) Ballots that are not signed or on which the signature is not the normal
22 customary signature of the member shall be void.

23 (j) For each house, the two candidates from each congressional district who
24 receive the greater number of votes cast, as compared with the number of votes cast
25 for each other candidate, shall be elected to the committee.

26 (k) If two or more candidates receive the same number of votes and, as a
27 result thereof, more than two candidates would be elected from a congressional
28 district, the clerk or secretary, as applicable, shall conduct runoff elections as
29 necessary until two candidates from each congressional district are elected to the

1 committee. A runoff election shall be conducted in the same manner as the original
2 election.

3 (l) On or before the thirteenth day after the date on which the ballots were
4 transmitted, the clerk and secretary shall open and tabulate the vote by congressional
5 district. Prior to the tabulation, the clerk and secretary shall hold all ballots
6 unopened and shall not disclose the contents to any person until the day when the
7 ballots are opened and tabulated. No ballot shall be deemed invalid if inadvertently
8 opened in processing.

9 (m) The tabulation of the results of the election in each congressional district
10 shall indicate by name the candidates for whom each member voted and the name
11 of each member who did not vote or whose ballot was invalid because not received
12 by the deadline provided in Subparagraph (h) of this Paragraph or not signed by the
13 member in accordance with Subparagraph (i) of this Paragraph. The clerk or
14 secretary shall sign each of the tabulation sheets that he prepares.

15 (n) The clerk and secretary shall promulgate the returns of the elections
16 within three days after the date on which the ballots were opened and the votes
17 tabulated. Promulgation shall be accomplished by transmitting a copy of the
18 tabulation sheets to each member. The vote in each election as tabulated by the clerk
19 or secretary shall be recorded in the journal of the applicable house.

20 (o) The notices of candidacy returned by the members and the ballots cast
21 by the members shall be public records.

22 (2)(a) A vacancy in the membership of the committee shall be filled in the
23 manner of the original appointment or election as the case may be.

24 (b) The congressional district used to fill a vacancy in the position of an
25 elected member of the committee shall be the district from which the elected member
26 was originally elected.

27 (3)(a) An elected member of the committee may be removed by a majority
28 of the members of the elected member's house who reside in the congressional
29 district from which the elected member was originally elected.

1 (b) Removal shall be accomplished by delivery to the presiding officer of an
2 affidavit signed by a majority of those members who reside in the congressional
3 district expressing their intent to remove the elected member.

4 (c) Upon receipt of the affidavit, the presiding officer shall declare a vacancy
5 in the membership of the committee and direct the clerk or secretary, as applicable,
6 to conduct an election to fill the vacant position.

7 (4) For the transmittal of the notice of candidacy forms and the ballots
8 required by this Section, the clerk and secretary shall utilize a method of transmittal
9 which provides for notice of receipt and shall preserve the records of the transmittals
10 and the notices of receipt for a minimum of six months following the promulgation
11 of the returns of the election.

12 (5) No elected member of the committee from the House of Representatives
13 may serve on the House Ways and Means Committee, and no elected member of the
14 committee from the Senate may serve on the Senate Revenue and Fiscal Affairs
15 Committee.

16 Section 2. For the initial election of members to the Joint Legislative Committee on
17 Capital Outlay as provided in this Act, no later than five days after the effective date of this
18 Act, the clerk of the House of Representatives shall transmit to each member of the House
19 of Representatives and the secretary of the Senate shall transmit to each member of the
20 Senate a notice of candidacy form and a letter outlining the procedure for the election of
21 members of the committee and shall otherwise conduct the election in the manner provided
22 in Section 1 of this Act. Thereafter elections of members to the Joint Legislative Committee
23 on Capital Outlay shall occur at the time and in the manner provided in this Act.

24 Section 3. This Act shall become effective upon signature by the governor or, if not
25 signed by the governor, upon expiration of the time for bills to become law without signature
26 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
27 vetoed by the governor and subsequently approved by the legislature, this Act shall become
28 effective on the day following such approval.

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)]

HB 108 Original

2016 Regular Session

Jay Morris

Abstract: Provides for the membership of the Joint Legislative Committee on Capital Outlay.

Present law (R.S. 24:661) creates the Jt. Legislative Committee on Capital Outlay as the representative of the Legislature of La. on capital outlay to assist that body in the analysis of the capital outlay needs of the state and its political subdivisions and the preparation and analysis of the capital outlay and omnibus bond bills as presented to the legislature. Requires the committee to provide the legislature with information relative to such responsibilities from a source created by and responsible solely to the members of the legislature. Requires the committee to report from time to time to the legislature its recommendations, thereby providing to the legislature comprehensive budgetary and fiscal information. Proposed law retains present law.

Present law provides that the chairmen of the House appropriations and Senate finance committees, the chairman of the Jt. Highway Priority Construction Committee, the speaker of the House, and the president of the Senate are members of the committee. Proposed law retains present law.

Proposed law makes changes relative to the membership of the committee as follows:

Present law provides that the members of the House Ways and Means and the Senate Revenue and Fiscal Affairs Committees are members of the committee. Proposed law provides that the chairmen of the House Ways and Means and the Senate Revenue and Fiscal Affairs Committees (instead of the entire membership) are members of the committee.

Present law provides that the speaker and the president each appoint four members to the committee from their respective houses. Proposed law provides that the members appointed by the speaker must come from the House Ways and Means Committee and that the members appointed by the president must come from the Senate Revenue and Fiscal Affairs Committee.

Proposed law additionally provides that two members of the House and two members of the Senate are elected by the respective bodies to serve on the committee from each congressional district. Provides procedures for the election and removal of the members. Provides that no elected member of the committee from the House may serve on the House Ways and Means Committee, and no elected member of the committee from the Senate may serve on the Senate Revenue and Fiscal Affairs Committee.

Proposed law provides that for the initial election of members to the committee, no later than five days after proposed law becomes effective, the clerk of the House shall transmit to each member of the House and the secretary of the Senate shall transmit to each member of the Senate a notice of candidacy form and a letter outlining the procedure for the election of members of the committee and shall otherwise conduct the election in the manner provided in proposed law and that thereafter elections of members to the Jt. Legislative Committee

on Capital Outlay shall occur at the time (process begins two days after the organizational session) and in the manner provided by proposed law.

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

(Amends R.S. 24:661(A)(3)(a); Adds R.S. 24:661(E))