

2016 Regular Session

HOUSE BILL NO. 909

BY REPRESENTATIVES ANDERS, SCHEXNAYDER, AND PUGH AND SENATOR MARTINY

BOARDS/COMMISSIONS: Provides with respect to limitation of terms of members of boards and commissions

1 AN ACT

2 To amend and reenact R.S. 42:2 and R.S. 48:1805(B)(2) and to repeal R.S. 42:3.2, relative
3 to limitations on terms and service of board and commission members; to remove a
4 term and service limitation of general applicability on executive branch board and
5 commission members; to remove certain references thereto; and to provide for
6 related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 42:2 is hereby amended and reenacted to read as follows:

9 §2. Public officer to hold office until successor inducted

10 Every public officer in this state except in case of impeachment, or
11 suspension, ~~or meeting the term limitations set forth in R.S. 42:3.2,~~ shall continue
12 to discharge the duties of his office until his successor is inducted into office.

13 Section 2. R.S. 48:1805(B)(2) is hereby amended and reenacted to read as follows:

14 §1805. Commission; appointment, term, and related matters

15 * * *

16 B.

17 * * *

18 (2) ~~Notwithstanding any provision of R.S. 42:3.2 to the contrary, members~~

19 Members of the commission shall not serve more than twelve consecutive years
20 beginning with appointments made on or after January 1, 2011.

21 * * *

1 Section 3. R.S. 42:3.2 is hereby repealed in its entirety.

2 Section 4. This Act shall become effective upon signature by the governor or, if not
3 signed by the governor, upon expiration of the time for bills to become law without signature
4 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
5 vetoed by the governor and subsequently approved by the legislature, this Act shall become
6 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 909 Original

2016 Regular Session

Anders

Abstract: Removes general term limitation prohibiting a person who has served for more than two and a half terms in three consecutive terms on an executive branch board or commission from being elected or appointed to a succeeding term and removes general limitation prohibiting a person who has served as a member of any executive branch board for two and a half terms in three consecutive terms or a period of 12 consecutive years from serving on any executive branch board or commission until at least two years passed from the completion of such service.

Present law (R.S. 42:3.2) provides that no person appointed or elected to a board or commission within the executive branch of state government who has served for more than two and one-half terms in three consecutive terms shall be elected or appointed to the succeeding term, unless another term limit is provided by present law. Provides that no person appointed to a board or commission within the executive branch of state government serving at the pleasure of an appointing authority shall serve more than 12 consecutive years.

Present law provides that no person who has served as a member of any one or more boards or commissions in the executive branch of state government for two and one-half terms in three consecutive terms combined shall serve as a member of any board or commission in the executive branch of state government for a period of at least two years after the completion of such consecutive terms of service. Provides that no person who has served as a member of any one or more boards or commissions in the executive branch of state government for 12 consecutive years combined shall serve as a member of any board or commission in the executive branch of state government for a period of at least two years after the completion of such 12 consecutive years of service.

Present law provides that it shall not apply to any person serving on a board or commission within the executive branch of state government on Aug. 15, 2008, except that it shall apply to any term of service of any such person that begins after Aug. 15, 2008, and it shall apply to service of any such person at the pleasure of an appointing authority pursuant to an appointment that is made after Aug. 15, 2008. Present law provides that it shall not prohibit any person from serving as a member of a board or commission if such membership is by virtue of another office to which he is elected or appointed.

Proposed law repeals present law (R.S. 42:3.2).

Present law (R.S. 42:2) provides that every public officer in this state except in case of impeachment, suspension, or meeting the term limitations set forth in present law (R.S.

42:3.2) shall continue to discharge the duties of his office until his successor is inducted into office. Proposed law removes the condition relative to meeting the term limitations set forth in present law (R.S. 42:3.2) and otherwise retains present law (R.S. 42:2).

Present law relative to the Zachary Taylor Parkway District commission provides that notwithstanding any provision of present law (R.S. 42:3.2) to the contrary, members of the commission shall not serve more than 12 consecutive years. Proposed law removes the notwithstanding any provision of present law (R.S. 42:3.2) language and otherwise retains present law.

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

(Amends R.S. 42:2 and R.S. 48:1805(B)(2); Repeals R.S. 42:3.2)