
The original instrument was prepared by Yolanda Johnson Dixon. The following digest, which does not constitute a part of the legislative instrument, was prepared by Ashley Menou.

DIGEST

Martiny (SB 470)

Present law requires confirmation by the Senate of all gubernatorial appointments and appointments to office by a public official other than the governor, when the statute providing for the appointment requires confirmation by the Senate. Provides that if persons who are not submitted to the Senate or not confirmed by the Senate attempt to remain in office and act in an official capacity, any action taken by a public body in which such person participates shall be null and void.

Present law provides for reconfirmation of persons appointed to a term concurrent with the appointing official or at the pleasure of the appointing official by the end of the second regular session of the legislature following the beginning of the legislative term at which time the position shall become vacant. Provides for reconfirmation of persons appointed to a fixed term by the end of the second regular session of the legislature following the beginning of the legislative term.

Proposed law provides that any action taken by persons who are not confirmed and who are notified that they are not confirmed, and who act in their official capacities is null and void.

Proposed law provides that any action taken by persons who are not reconfirmed and who are notified that they have not been reconfirmed, and act in their official capacity is a relative nullity and subject to challenge in district court.

Proposed law provides that persons who serve for a stated term shall serve until the end of the second regular session of the legislature following the expiration of their term.

Proposed law provides that the venue for actions brought by the Senate to remove a person from office shall be East Baton Rouge Parish.

Proposed law provides that the Senate, through its president, shall send notice to any person not submitted for confirmation, to any person not confirmed or reconfirmed, and to the appropriate office, board, commission, committee, or district to which the person was appointed no later than thirty days after the Senate considers the confirmation.

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

(Amends R.S. 24:14 (H) and (K)(2))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Senate and Governmental Affairs to the original bill

1. Changes the time allowed to mail certified notices to thirty days.
2. Provides that any action taken by persons who are not confirmed, notified that they are not confirmed, and who act in their official capacities is null and void.
3. Provides that any action taken by persons who are not reconfirmed, notified that they have not been reconfirmed, and act in their official capacity is a relative nullity and subject to challenge in district court. Provides that the appropriate venue to remove a person shall be East Baton Rouge Parish.
4. Provides that the Senate, through its president, shall send notice to any person not submitted for confirmation, to any person not confirmed or reconfirmed, and to the appropriate office, board, commission, committee, or district to which the person was appointed no later than thirty days after the Senate considers the confirmation.