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 DIGEST

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Martiny

SB No. 470

Present law requires confirmation by the Senate of all gubernatorial appointments and certain appointments to office by other public officials. 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 a person who is not confirmed, who is notified that he is not confirmed, and who acts in his official capacities is null and void.

Proposed law provides that any action taken by a person who is not reconfirmed, who is notified that he has not been reconfirmed, and who acts in his official capacity is a relative nullity and subject to challenge in district court.

Proposed law requires the Senate, through its president, to send notice to any person not submitted for confirmation or not confirmed by the Senate and to any person submitted for reconfirmation by the Senate, but not reconfirmed no later than 30 days after the Senate considers confirmations. Proposed law requires the appointing official to notify any person whom he failed to submit for reconfirmation or who was not reconfirmed and the office, board, commission, committee, or district to which the person was appointed no later than 30 days after the Senate considers confirmations.

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

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

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

(Amends R.S. 24:14 (H) and (K)(1)(a) and (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.

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on House and Governmental Affairs to the reengrossed bill.

1. Relative to the requirement of the Senate, through its president, to send notice, restricts that requirement to those not submitted for confirmation, those submitted for confirmation but not confirmed, and those submitted for reconfirmation but not reconfirmed.
2. Removes requirement for the Senate, through its president, to send notice if a person was not confirmed or reconfirmed to the office, board, commission, committee, or district to which the person was appointed.
3. Requires the appointing official to notify, by certified mail, return receipt requested, any person whom he failed to submit for reconfirmation and requires the appointing official to notify the office, board, commission, committee or district to which the person was appointed.
4. Makes technical changes.