
 DIGEST

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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. Proposed law retains present law.

Proposed law provides that notwithstanding any provision of present law to the contrary, the governor may 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 requires any appointment of a chairman or presiding officer by the governor pursuant to proposed law shall 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 serves at the pleasure of the governor in the position to which appointed. Authorizes a board or commission to select its chairman or presiding member in the manner otherwise provided by law or in its rules, regulations, or bylaws until the governor appoints a chairman.

Proposed law exempts boards and commissions that as of May 1, 2024, are chaired by a statewide elected official from the provisions of proposed law allowing the governor to appoint the chair or presiding member.

Provides that for terms of office beginning January 8, 2024, any election or appointment made pursuant to proposed law shall occur not later than August 1, 2024.

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

(Amends R.S.42:4)

Summary of Amendments Adopted by Senate

Committee 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.

Summary of Amendments Adopted by House

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

1. Remove provision that officers of any La. public retirement or pension system, plan, or fund are not subject to serving at the pleasure of the governor.
2. Remove provision that the terms of the members of all boards and commissions, except for higher education boards and boards and commissions provided for in the constitution, shall be concurrent with the governor, notwithstanding any law to the contrary.
3. Remove provision exempting post-secondary education boards and providing that the governor is not authorized to appoint any officer of any board or commission created in La. Const. Article VIII (Education).
4. Require governor to submit the name of the person being selected as chairman or presiding member to the senate for confirmation and provide that such person, if confirmed, serves in the position at the pleasure of the governor.
5. Authorize a board or commission to select its chairman or presiding member in the manner otherwise provided by law or in its rules, regulations, or bylaws until the governor appoints a chairman.
6. Exempt boards and commissions that as of May 1, 2024, are chaired by a statewide elected official from the provisions allowing the governor to appoint the chair or presiding member.