

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.

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

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

5 (iv) The speaker of the House of Representatives and four members of the  
6 House of Representatives Ways and Means Committee appointed by the speaker.

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

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

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

17 \* \* \*

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

20 (a) The election shall be held after the organizational session of the  
21 legislature.

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

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

1           (d) Each member who wishes to be a candidate for membership on the  
2           committee shall sign and date the notice of candidacy and shall return it to the clerk  
3           or secretary, as applicable, within ten days after the notice of candidacy was  
4           transmitted.

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

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

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

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

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

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

1           (k) If two or more candidates receive the same number of votes and, as a  
2           result thereof, more than two candidates would be elected from a congressional  
3           district, the clerk or secretary, as applicable, shall conduct runoff elections as  
4           necessary until two candidates from each congressional district are elected to the  
5           committee. A runoff election shall be conducted in the same manner as the original  
6           election.

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

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

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

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

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

1           (b) The congressional district used to fill a vacancy in the position of an  
2           electd member of the committee shall be the district from which the elected member  
3           was originally elected.

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

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

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

13           (4) For the transmittal of the notice of candidacy forms and the ballots  
14           required by this Section, the clerk and secretary shall utilize a method of transmittal  
15           which provides for notice of receipt and shall preserve the records of the transmittals  
16           and the notices of receipt for a minimum of six months following the promulgation  
17           of the returns of the election.

18           (5) No elected member of the committee from the House of Representatives  
19           may serve on the House Ways and Means Committee, and no elected member of the  
20           committee from the Senate may serve on the Senate Revenue and Fiscal Affairs  
21           Committee.

22           Section 2. For the initial election of members to the Joint Legislative Committee on  
23           Capital Outlay as provided in this Act, no later than five days after the effective date of this  
24           Act, 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 the  
26           Senate a notice of candidacy form and a letter outlining the procedure for the election of  
27           members of the committee and shall otherwise conduct the election in the manner provided  
28           in Section 1 of this Act. Thereafter elections of members to the Joint Legislative Committee  
29           on Capital Outlay shall occur at the time and in the manner provided in this Act.

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

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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)]

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HB 108 Engrossed

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))