

Regular Session, 2011

HOUSE BILL NO. 222

BY REPRESENTATIVE BROSSETT

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

LEGISLATIVE COMMITTEES: Creates and provides for the Joint Legislative Committee on Diversity on Boards and Commissions

1 AN ACT

2 To enact Part III of Chapter 2 of Title 24 of the Louisiana Revised Statutes of 1950, to be
3 comprised of R.S. 24:121 through 125, relative to legislative committees; to create
4 the Joint Legislative Committee on Diversity on Boards and Commissions which has
5 authority to evaluate the demographic composition of a state board or commission
6 and to appoint additional members thereto under specified circumstances; to provide
7 for the appointment of the joint committee and the terms and compensation of its
8 members; to provide for investigations and determinations by the joint committee
9 regarding the demographic composition of state boards and commissions; to provide
10 with respect to the members of state boards and commissions appointed by the joint
11 committee; and to provide for related matters.

12 Be it enacted by the Legislature of Louisiana:

13 Section 1. Part III of Chapter 2 of Title 24 of the Louisiana Revised Statutes of 1950,
14 comprised of R.S. 24:121 through 125, is hereby enacted to read as follows:

15 PART III. JOINT LEGISLATIVE COMMITTEE ON

16 DIVERSITY ON BOARDS AND COMMISSIONS

17 §121. Legislative findings

18 A. The legislature recognizes that much of the work of state government is
19 done through specialized boards and commissions. The legislature further
20 recognizes that very often this specialized work requires board and commission

1 members to have specialized qualifications and expertise. The legislature has,
2 through countless enactments, established policies regarding such specialized
3 qualifications and expertise as criteria for service.

4 B. The legislature also recognizes, however, that the public work of any state
5 board or commission has implications for and direct impact on all Louisiana citizens,
6 regardless of their geographic location, gender, or race, not simply for and on those
7 under the direct regulatory authority of the board or commission.

8 C. The legislature concludes, therefore, that government of the people, by
9 the people, and for the people must extend to even the most specialized board or
10 commission, and that notwithstanding other considerations, the composition of
11 boards and commissions should be representative of the citizens affected by the work
12 of the board or commission, that is, the population of the state.

13 D. In the enactment of this Part, the legislature assumes responsibility for
14 considering, on a case by case basis, the composition of boards and commissions and
15 working to improve diversity where possible and needed.

16 §122. Joint Legislative Committee on Diversity on Boards and Commissions;
17 creation; purpose

18 A. The Joint Legislative Committee on Diversity on Boards and
19 Commissions is hereby created. The purposes for which the committee is created are
20 as follows:

21 (1) To monitor the membership of state boards and commissions.

22 (2) To determine whether membership on such boards and commissions
23 proportionally represents the geographic, gender, and racial characteristics of the
24 state's population.

25 (3) To make additional appointments to any board or commission when it
26 determines that membership on the board or commission does not proportionally
27 represent the geographic, gender, and racial characteristics of the state's population.

28 B.(1) The committee consists of seven members: four members of the
29 Louisiana House of Representatives appointed by the speaker of the Louisiana House

1 of Representatives and three members of the Louisiana Senate appointed by the
2 president of the Senate.

3 (2) Of the four members appointed by the speaker, the speaker shall appoint
4 two members from a list of three nominations submitted by the president of the black
5 caucus and two members from a list of three nominations submitted by the president
6 of the women's caucus.

7 (3) Of the three members appointed by the Senate president, the president
8 shall appoint two members from a list of three nominations submitted by the
9 president of the women's caucus and one member from a list of two nominations
10 submitted by the president of the black caucus.

11 (4) Nominations shall be made, and the president and the speaker shall
12 consult with each other and make their appointments so that at least five Louisiana
13 congressional districts are represented on the committee.

14 C.(1) Appointments shall be made during the organizational session of each
15 term, and members shall serve during that term. If a nominating caucus fails to
16 submit a timely nomination for a membership position to a presiding officer, the
17 presiding officer may appointment a member of his respective chamber without the
18 nomination. A vacancy during a term shall be filled in the same manner as the
19 original appointment within sixty days of the vacancy.

20 (2) The committee shall select a chairman and a vice chairman and such
21 other officers as it deems necessary.

22 (3) The members of the committee shall receive the same per diem and travel
23 allowance in the performance of their duties as is provided for standing committees
24 of the legislature.

25 (4) The committee shall have the authority to incur such expenses as are
26 necessary for carrying out its duties and responsibilities in accordance with
27 procedures established by the rules of the respective houses for the incurring of such
28 expenses by standing committees. Such expenses shall be paid from funds

1 appropriated for the purpose or from funds appropriated for the expenses of the
2 legislature and its committees.

3 (5) In the conduct of its studies and proceedings, the committee shall utilize
4 the personnel and services of the staffs of the Senate and the House of
5 Representatives.

6 §123. Powers and duties

7 The committee may:

8 (1) Solicit information from any source regarding the geographic, gender,
9 and racial makeup of any board or commission placed within the governor's office,
10 the lieutenant governor's office, or any state department pursuant to the Executive
11 Reorganization Act.

12 (2) Solicit information from any appointing authority, nominating authority,
13 or other source regarding the applicants and nominees for membership on any such
14 board or commission, including the geographic, gender, and racial characteristics of
15 all persons who applied for appointment or were nominated but who were not
16 selected.

17 (3) Hold hearings as it deems appropriate to receive and consider testimony
18 and other information regarding the makeup of any board or commission.

19 (4) Subpoena witnesses, administer oaths, require the production of books
20 and records, and do all other things necessary to discharge its duties and
21 responsibilities, including the power to punish for contempt and to initiate the
22 prosecution, in accordance with the laws of this state, of any individual who refuses
23 to testify or is charged with false swearing or perjury before the committee.

24 (5) Solicit and receive applications, proposals, and nominations regarding
25 potential members on a board or commission.

26 (6) Hold hearings to evaluate potential members of a board or commission.

27 (7) Appoint additional members to a board or commission in accordance
28 with R.S. 24:124.

1 §124. Appointment of additional members to state boards and commissions

2 A. The committee may appoint two additional members to any state board
3 or commission if all of the following apply:

4 (1) The board or commission is placed within the governor's office, the
5 lieutenant governor's office, or any state department pursuant to the Executive
6 Reorganization Act.

7 (2) The membership of the board or commission is not established in the
8 Constitution of Louisiana.

9 (3) The committee has, by majority vote at a public meeting, determined that
10 the membership on the board or commission does not proportionally represent the
11 geographic, gender, and racial characteristics of the state's population.

12 B. The committee shall appoint the two additional members by majority vote
13 at a public meeting held no later than thirty days after the meeting at which it made
14 the determination provided for in Paragraph (A)(3) of this Section.

15 C. If the committee expresses the authority provided in this Section, it shall
16 appoint members who make the overall membership more representative of the
17 geographic, gender, and racial characteristics of the population of the state. The
18 committee shall give due consideration to the qualifications for membership that
19 apply to other members of the board or commission.

20 D. The committee may fill vacancies in its appointments for the remainder
21 of the unexpired term as such terms are established in R.S. 24:125.

22 E. For purposes of this Part, "majority vote" shall mean the favorable vote
23 of a majority of the committee members voting on the motion, a quorum being
24 present.

25 §125. Additional members appointed pursuant to this Part

26 A. The term of any member of a board or commission appointed pursuant
27 to this Part is two years. Upon the expiration of such two-year terms, the committee
28 may continue to appoint two additional members for successive two-year terms if
29 prior to making appointments at the beginning of each term it makes a determination

1 by majority vote that, without the two additional members, the geographic, gender,
 2 and racial characteristics of the members of the board or commission do not
 3 represent the population of the state.

4 B. The committee may remove its appointees if it determines that the
 5 membership of the board or commission is representative of the state's population
 6 without the additional members.

7 C. A member of a board or commission serving pursuant to this Part has all
 8 rights, duties, and privileges of other voting members. Both members shall be
 9 counted in determining a quorum and the existence of a quorum notwithstanding any
 10 other provision of law that provides with respect to the quorum of a board or
 11 commission.

12 Section 2. The initial appointment of members of the committee provided for in this
 13 Act shall be made at the organization session of the legislature for the 2012-2016 term.

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)]

Brossett

HB No. 222

Abstract: Creates the Joint Legislative Committee on Diversity on Boards and Commissions which is authorized to appoint two members of a state board or commission if the joint committee determines that the board or commission does not represent the geographic, gender, and racial characteristics of the state's population.

Proposed law creates the Joint Legislative Committee on Diversity on Boards and Commissions for the following purposes:

- (1) To monitor the membership of state boards and commissions.
- (2) To determine whether membership on such boards and commissions proportionally represents the geographic, gender, and racial characteristics of the state's population.
- (3) To make additional appointments to any board or commission when it determines that membership on the board does not proportionally represent the geographic, gender, and racial characteristics of the state's population.

Provides that the joint committee consists of four members of the House appointed by the speaker and three members of the Senate appointed by the president. Such appointments are made from specified nominations from the presidents of the black caucus and the women's caucus. Requires that appointments be made so that at least five congressional districts are represented by the membership.

Provides that joint committee appointments are made during the organizational session of each term, and members shall serve during that term.

Provides that members receive per diem and travel allowance as provided for standing committees of the legislature. Authorizes the committee to incur necessary expenses in accordance with procedures established by the rules of the respective houses for the incurring of such expenses by standing committees. Requires that such expenses be paid from funds appropriated for the purpose or from funds appropriated for the expenses of the legislature and its committees.

Authorizes the committee to:

- (1) Solicit information regarding the geographic, gender, and racial makeup of any board or commission placed within the governor's office, lieutenant governor's office, or any state department pursuant to the Executive Reorganization Act.
- (2) Solicit information regarding the applicants and nominees for membership on any such board or commission, including the geographic, gender, and racial characteristics of all persons who applied for appointment or were nominated but who were not selected.
- (3) Hold hearings to receive and consider testimony and other information regarding the makeup of any board or commission.
- (4) Solicit and receive applications, proposals, and nominations regarding potential members on a board or commission.
- (5) Subpoena witnesses, administer oaths, require the production of books and records, and do all other things necessary to discharge its duties and responsibilities, including the power to punish for contempt and to initiate prosecution of any individual who refuses to testify or is charged with false swearing or perjury before the committee.
- (6) Hold hearings to evaluate potential members of a board or commission.
- (7) Appoint additional members to a board or commission in accordance with proposed law.

Authorizes the joint committee to appoint two additional members to a state board or commission if: the board or commission is placed within the governor's office, the lieutenant governor's office, or any state department; the membership of the board or commission is not established in the state constitution; the joint committee has, by majority vote at a public meeting, determined that the membership on the board or commission does not proportionally represent the geographic, gender, and racial characteristics of the state's population.

Regarding such appointments made by the joint committee, proposed law provides as follows:

- (1) The committee shall appoint the two additional members by majority vote at a public meeting held no later than 30 days after the meeting at which it made the determination regarding its current composition.
- (2) The committee shall appoint members who make the overall membership more representative of the gender, geographic, and racial characteristics of the population of the state. The committee shall give due consideration to the qualifications for membership that apply to other members of the board or commission.

- (3) The term of any member of a board or commission appointed pursuant to proposed law is two years. Proposed law provides relative to appointment for successive two-year terms and removal of such appointees.
- (4) A member of a board or commission serving pursuant to proposed law has all rights, duties, and privileges of other voting members. Both members shall be counted in determining a quorum and the existence of a quorum notwithstanding any other provision of law to the contrary.

Provides that initial appointment of the joint committee shall be made at the organizational session for the 2012-2016 term.

(Adds R.S. 24:121-125)