

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

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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.

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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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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)