POWER CLIPPED FOR GOVERNOR

New Succession Line
Also Approved
By C. M. HARGRODER
Baton Rouge, La. — Concepts to clip the appointive powers of a governor and provide a new line of succession to the office of governor should he be unable to serve were won tentative approval Thursday in the CC-73 Committee on the Executive Department.

Much of the committee's day was spent in brainstorming the problems of appointments by the governor, and the first decision came on maintaining the autonomy of other statewide elective offices by providing means of filling vacancies in those offices, removing the governor's present powers to appoint.

The committee voted to direct its research staff to draft provisions which would authorize each statewide official other than the governor (and the lieutenant governor until his duties are decided) to name their own assistants, subject to Senate confirmation, who would succeed to the office in the event it is vacated. Such successions would continue until the next general election.

SUCCESSION LINE

In addition, looking to any vacancy in the office of governor, the committee voted that they will write the succession to be filled first by the lieutenant governor, and if he is unable to serve, the secretary of state, and then the attorney general, the treasurer, president pro tempore of the Senate, the speaker of the House, or as a final resort, such person as the Legislature may designate.

The committee thus would provide that the immediate officials next in line, should a governor die in office or otherwise be unable to serve, would be statewide elected officials rather than the present line of succession: lieutenant governor, president pro tempore of the Senate, and secretary of state.

Since the 1921 constitution only once has the office of governor been filled by anyone other than the lieutenant governor, Alvin O. King succeeded to the office during the transition of Huey P. Long from the office of governor to U.S. Senate in 1932.

By the narrow majority of five to four, the committee rejected a move to change the minimum salary of the governor in the constitution at $50,000 a year.

The key vote came from Chairman Tom Stagg of Shreveport who had relinquished the chair to engage in the discussion and cast the deciding vote against the motion by Dr. Emmett Assett of Mansfield.

Assett contended that no governor would sign a bill to increase his own salary if the Legislature were empowered to fix.

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that salary. The governor is now paid $28,750 a year in salary other than expenses of his office and mansion.

Greg Arnette of Jennings proposed a substitute motion that the Legislature fix the governor's salary as it would set all others, contending that the constitutional convention should not be in the business of legislating one salary increase.

The committee accepted the Arnette motion.

NEXT TERM RULE

Camille Gravel of Alexandria added another concept to this and the committee accepted a motion that compensation to statewide officials set by the Legislature could not be increased or diminished during the term to which the official was elected. In other words, any increase or decrease would only apply to the next term of office and not during the term to which he was elected.

Gravel also proposed a new provision for the constitution which is not included in the present charter which would specify that the disability or inability of a governor to serve should be spelled out in the law. In the absence of such law, the Supreme Court should determine such questions after due process and hearing under such rules as it shall provide.

Rep. Elmer Tapper of Arabi said he "disagreed vehemently" with the suggestion the Supreme Court be the "sole judge." He said four judges could negate a vote of the people statewide and felt if the decision should be made by anyone, it should be the Legislature.

Gravel replied that to give the power to the Legislature would further "politicize" the approach.

Arnette observed that the Supreme Court would be the arbiter of any law the Legislature enacted on the subject and suggested the court should be given the authority in the first place.

Mack Abram of Lake Charles contended, if the Legislature had the power to impeach, should not the Legislature have the power to determine the disability of a governor.

Stanwood Duval of Houma contended that the question of disability would ultimately have to be decided by the courts, and the committee voted six to three to give that authority to the Supreme Court.

REMOVAL POWERS

Later, the committee wrestled with how to direct the staff to draft provisions relating to the powers of the governor to remove officials whom he is empowered to appoint. The decision of the committee came in four parts:

—That the governor would be empowered to remove department heads he appoints.

—That the governor could not remove any official appointed as the result of a nominating procedure (Civil Service, the Board of Commissioners of the Port of New Orleans, etc.).

—That the governor cannot remove officials named in the constitution as being appointed to fixed terms.

—That the governor cannot remove any official appointed with advice and consent of the Senate with the exception of the head of principal appointees (and their assistants) in the maximum of 20 departments as agreed by the committee on Wednesday.

The committee rejected a motion by Joseph E. Anzalone Jr. of Amite which would have made it mandatory that the Legislature provide the method of removing officials at the same time their offices were created, and another by Duval that said the Legislature would have the right to establish removal procedures, or that the four removal concepts enunciated would apply.