

Regular Session, 2001

SENATE BILL NO. 4

BY SENATOR HINES

LEGISLATIVE SESSIONS. Constitutional amendment to provide for consideration of certain matters during regular sessions in even-numbered years.(2/3-CA13s1(A))

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A JOINT RESOLUTION

Proposing to amend Article III, Section 2 (A) of the Constitution of Louisiana, to provide for the consideration of certain legislative instruments during regular sessions; to provide relative to subject matter limitations for and the duration of regular sessions; to provide deadlines for the prefiling and introduction of legislation and for certain legislative action; to provide for the authority of the legislature as related thereto; to specify an election for submission of the proposition to electors and provide a ballot proposition; and to provide for related matters.

Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members elected to each house concurring, that there shall be submitted to the electors of the state, for their approval or rejection in the manner provided by law, a proposal to amend Article III, Section 2(A) of the Constitution of Louisiana, to read as follows:

§2. Sessions

Section 2.(A)(1) Annual Session. (1) The legislature shall meet

1 annually in regular session for a limited number of legislative days in
 2 the state capital. A legislative day is a calendar day on which either
 3 house is in session. **No regular session shall continue beyond June**
 4 **thirtieth of any year.**

5 (2) Any bill to be introduced in either house shall be prefiled no
 6 later than five o'clock in the evening of the ~~Friday~~ **Wednesday** before
 7 the first day of a regular session; thereafter no member of the
 8 legislature may introduce more than five bills, except as provided in the
 9 joint rules of the legislature. The legislature is authorized to provide by
 10 joint rule for the procedures for passage of duplicate or companion
 11 instruments.

12 (2)(~~3~~)(a) All regular sessions convening in odd-numbered years
 13 shall be general in nature and shall convene at noon on the last Monday
 14 in March. The legislature shall meet in such a session for not more than
 15 sixty legislative days during a period of eighty-five calendar days. No
 16 such session shall continue beyond six o'clock in the evening of the
 17 eighty-fifth calendar day after convening. No new matter intended to
 18 have the effect of law shall be introduced or received by either house
 19 after ~~midnight of the thirtieth~~ **six o'clock in the evening of the twenty-**
 20 **third** calendar day. No matter intended to have the effect of law,
 21 except a measure proposing a suspension of law, shall be considered on
 22 third reading and final passage in either house after ~~midnight of the~~
 23 ~~fifty-fifth~~ **six o'clock in the evening of the fifty-seventh** legislative day
 24 **or the eighty-second calendar day, whichever occurs first,** ~~of a~~
 25 ~~regular session,~~ except by a favorable record vote of two-thirds of the
 26 elected members of each house.

27 (b) No measure levying or authorizing a new tax by the state or

1 by any statewide political subdivision whose boundaries are
 2 coterminous with the state;~~;~~ increasing an existing tax by the state or by
 3 any statewide political subdivision whose boundaries are coterminous
 4 with the state;~~;~~ or legislating with regard to tax exemptions, exclusions,
 5 deductions or credits shall be introduced or enacted during a regular
 6 session held in an odd-numbered year.

7 **(c) Per diem paid to members during a regular session held**
 8 **in an odd-numbered year shall be limited to eighty-five days.**

9 ~~(3)~~**(4)(a)** All regular sessions convening in even-numbered years
 10 shall convene at noon on the last **third** Monday in April. Each such
 11 session ~~shall be restricted to the consideration of legislation which~~
 12 ~~provides for enactment of a general appropriations bill, implementation~~
 13 ~~of a capital budget, for making an appropriation, levying or authorizing~~
 14 ~~a new tax, increasing an existing tax, legislating with regard to tax~~
 15 ~~exemptions, exclusions, deductions, reductions, repeal, or credits, or~~
 16 ~~issuing bonds.~~ The legislature shall meet in such a session for not more
 17 than ~~thirty~~ **forty-five** legislative days in a period of ~~forty-five~~ **sixty**
 18 calendar days. No such session shall continue beyond six o'clock in the
 19 evening of the ~~forty-fifth~~ **sixtieth** calendar day after convening. No new
 20 matter intended to have the effect of law shall be introduced or received
 21 by either house after ~~midnight~~ **six o'clock in the evening** of the tenth
 22 calendar day. No matter intended to have the effect of law, except a
 23 measure proposing a suspension of law, shall be considered on third
 24 reading and final passage in either house after ~~midnight of the~~
 25 ~~twenty-seventh~~ **six o'clock in the evening of the forty-third** legislative
 26 day **or the fifty-eighth calendar day, whichever occurs first,** of a
 27 regular session, except by a favorable record vote of two-thirds of the

1 elected members of each house.

2 **(b) During any session convening in an even-numbered year,**
 3 **no matter intended to have the effect of law, including any**
 4 **suspension of law, shall be introduced or considered unless its object**
 5 **is to enact the General Appropriation Bill; enact the comprehensive**
 6 **capital budget; make an appropriation; levy or authorize a new tax;**
 7 **increase an existing tax; levy, authorize, increase, decrease, or**
 8 **repeal a fee; dedicate revenue; legislate with regard to tax**
 9 **exemptions, exclusions, deductions, reductions, repeals, or credits;**
 10 **or legislate with regard to the issuance of bonds. In addition, a**
 11 **legislative instrument intended to have the effect of law, including**
 12 **a suspension of law, which is not within the subject matter**
 13 **restrictions provided in this Subparagraph may be considered at**
 14 **any such session if:**

15 **(i) It is prefiled as provided in Subparagraph (2) of this**
 16 **Paragraph, however no member may prefile more than five such**
 17 **instruments; or**

18 **(ii) If its object is to enact a local or special law which is**
 19 **required to be and has been advertised in accordance with Section**
 20 **13 of this Article and which is not prohibited by the provisions of**
 21 **Section 12 of this Article.**

22 **(c) Per diem paid to members during a regular session held**
 23 **in an even-numbered year shall be limited to sixty days.**

24 **(5) Except for the restriction on the number of legislative**
 25 **days for each regular legislative session, the legislature may modify**
 26 **the provisions of Subparagraphs (2), (3)(a), and (4)(a) of this**
 27 **Paragraph for subsequent annual sessions, and then only by joint**

1 rule adopted by a favorable vote of two-thirds of the elected
2 members of each house and according to the same procedure and
3 formalities required for the passage of a law, except that it shall not
4 be subject to gubernatorial veto or time limitations for introduction.

5 * * *

6 Section 2. Be it further resolved that this proposed amendment shall be
7 submitted to the electors of the state at the congressional primary election to
8 be held in 2002, and shall be the first ballot proposition for constitutional
9 amendments to appear on the ballot for such election.

10 Section 3. Be it further resolved that on the official ballot to be used at
11 the election there shall be printed a proposition, upon which the electors of the
12 state shall be permitted to vote FOR or AGAINST, to amend the Constitution
13 of Louisiana, which proposition shall read as follows:

14 To prohibit the legislature from considering measures which
15 result in an increase in tax liability in an odd-numbered year; to
16 limit the legislature to and provide for consideration of not more
17 than five prefiled bills per member which are not within the
18 subject matter limitations during regular sessions in even-
19 numbered years; to provide that the legislature, during sessions
20 in even-numbered years, may consider legislation which levies,
21 authorizes, increases, decreases, or repeals a fee or which
22 dedicates revenue and properly advertised local and special
23 bills; to require prefilings of bills, subject to certain exceptions,
24 no later than five o'clock on the Wednesday prior to the first day
25 of a regular legislative session; to change the date that regular
26 sessions in even-numbered years convene; to extend the length
27 of regular sessions in even-numbered years; to provide for time

1 limits for the introduction and consideration on final passage of
 2 matters intended to have the effect of law; and to provide that
 3 the legislature may change procedural matters relating to
 4 sessions only by a two-thirds vote. (Amends Article III, Section
 5 2(A))

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Yolanda Johnson Dixon.

DIGEST

Present constitution (Art. III, Section 2(A)) provides that the legislature shall meet annually in regular session. Provides that, during any regular session, any bill to be introduced must be prefiled no later than 5 p.m. of the Friday before the first day of the session. Permits each member of the legislature to introduce not more than five bills which were not prefiled. (The legislature is authorized to provide for exceptions to this limitation by joint rule.) Present constitution (Art. XIII, Section 1) provides that a constitutional amendment must be prefiled at least 10 days prior to the regular session at which it is to be considered.

Proposed constitutional amendment changes the prefiling deadline for bills (not constitutional amendments) to 5 p.m. on the Wednesday prior to the first day of a regular session. Proposed constitutional amendment additionally specifies that no regular session shall continue beyond June 30th of any year.

Present constitution provides that in odd-numbered years the regular session convenes at noon on the last Monday in March and that in even-numbered years the regular session convenes at noon on the last Monday in April.

Proposed constitutional amendment changes the convening day in even-numbered years to the third Monday in April.

Present constitution provides that in even-numbered years the length of the regular session is not more than 30 legislative days in a period of 45 calendar days.

Proposed constitutional amendment changes the length of the regular session in even-numbered years to not more than 45 legislative days in a period of 60 calendar days.

Proposed constitutional amendment limits payment of per diem to members in regular sessions to 85 days in an odd-numbered year and to 60 days in an even-numbered year.

Present constitution provides that in regular sessions convening in odd-numbered years the deadline for the introduction of bills is midnight of the

30th calendar day.

Proposed constitutional amendment changes that deadline to 6 p.m. of the 23rd calendar day.

Present constitution provides that in regular sessions convening in even-numbered years the deadline for the introduction of bills is midnight of the 10th calendar day.

Proposed constitutional amendment changes that deadline to 6 p.m. of the 10th calendar day.

Present constitution provides that in regular sessions convening in odd-numbered years, the deadline for consideration on third reading and final passage of matters intended to have the effect of law is midnight of the 55th legislative day (except by 2/3 vote of both houses). (NOTE: Measures proposing a suspension of law are not subject to the deadline.)

Proposed constitutional amendment changes that deadline to 6 p.m. of the 57th legislative day or the 82nd calendar day, whichever occurs first (except by 2/3 vote of both houses).

Present constitution provides that in regular session convening in even-numbered years, the deadline for third reading and final passage of matters intended to have the effect of law is midnight of the 27th legislative day (except by 2/3 vote of both houses). (NOTE: Measures proposing a suspension of law are not subject to the deadline.)

Proposed constitutional amendment changes that deadline to 6 p.m. of the 43rd legislative day or the 58th calendar day, whichever occurs first (except by 2/3 vote of both houses).

Present constitution further provides that all regular sessions convening in even-numbered years shall be restricted to the consideration of legislation which provides for the enactment of a general appropriations bill, implementation of a capital budget, for making an appropriation, levying or authorizing a new tax, increasing an existing tax, legislating with regard to tax exemptions, exclusions, deductions, reductions, repeal, or credits, or issuing bonds.

Proposed constitutional amendment includes the same subject matter restrictions as are provided in the present constitution but additionally provides for the consideration in such sessions of legislation if its object is to levy, authorize, increase, decrease, or repeal a fee, or to dedicate revenue, or to enact a local or special law, provided such local or special bill is required to be and has been advertised in accordance with the present constitution and is not otherwise a prohibited local or special law as provided by the present constitution. Additionally, proposed constitutional amendment allows the consideration of five prefiled bills per member which are not within the subject matter jurisdiction for the session.

Proposed constitutional amendment allows the legislature to modify by joint rule adopted by a 2/3 vote of both houses, the provisions of the constitution relating to legislative sessions, except for the restrictions on the number of

legislative days in a regular session, the fact that the legislature meets in annual regular sessions, the definition of a legislative day, the fact that a regular session cannot continue beyond June 30th of any year, the limit on the number of days per diem may be paid to members during regular sessions, and the subject matter restrictions for each session.

Provides for submission of the proposed amendment to the voters at the congressional primary election in 2002 and specifies that it shall be the first ballot proposition for constitutional amendments to appear on the ballot for such election.

(Amends Const. Art. III, §2(A))