

2022 Regular Session

HOUSE BILL NO. 969

BY REPRESENTATIVE SEABAUGH

LEGISLATIVE SESSIONS: Provides procedures relative to vetoed bills

1 AN ACT

2 To amend and reenact R.S. 24:10, relative to vetoes, to provide for procedures relative to
3 vetoed bills and items; to provide for reconsideration by the legislature; to provide
4 relative to veto sessions; to provide for effectiveness; and to provide for related
5 matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 24:10 is hereby amended and reenacted to read as follows:

8 §10. Vetoed bills; return by the governor; veto session

9 ~~A. A bill, except a joint resolution, shall become law if the governor signs~~
10 ~~it or if he fails to sign or veto it within ten days after delivery to him if the legislature~~
11 ~~is in session, or within twenty days if the legislature is adjourned.~~

12 ~~B. If the governor does not approve a bill, he may veto it. When he vetoes~~
13 ~~a bill, he shall return it to the legislature, with his veto message stating his reasons~~
14 ~~for the veto, within twelve days after delivery to him if the legislature is in session.~~

15 C. A. Not later than twelve o'clock midnight of the twenty-third calendar day
16 after the sine die adjournment of each session of the legislature, the governor shall
17 transmit to the secretary of the Senate and the clerk of the House a statement of all
18 vetoed bills and any vetoed line item in an appropriation bill; which have not
19 previously been returned to the legislature in the session in which the bill passed and
20 shall at the same time return each such vetoed bill and the vetoed line item in an

1 appropriation bill to the chief clerical officer of the house of origin. Such statement
2 shall contain the bill number and title of each such vetoed bill, information regarding
3 any vetoed line item in an appropriation bill, and the veto message for each stating
4 the reasons for the veto of the particular bill or item. No later than midnight of the
5 second day after receipt of such statement the secretary of the senate and the clerk
6 of the house shall transmit by certified or registered mail, or by any other receipted
7 written means, to each member of their respective houses a copy of the governor's
8 statement, a list of all bills and items in an appropriation bill vetoed by the governor
9 that have not previously been reconsidered during the session in which the bill
10 passed, and a form for declaration by the member that a veto session for
11 reconsideration of the listed vetoed bills and items is not necessary. The form for
12 such declaration ~~shall contain a statement that the undersigned member finds that a~~
13 ~~veto session to reconsider the bills listed in the governor's statement is not necessary~~
14 ~~and shall also~~ provide a designated place for the signature of the member responding.

15 ~~D.~~ B. Upon receipt of the ~~copy of the governor's statement and the~~
16 declaration form, each legislator who finds that a veto session to reconsider the bills
17 ~~listed in the governor's statement~~ vetoed bills and items is not necessary shall sign
18 the form for such declaration and shall immediately return ~~such~~ the signed
19 declaration form to the presiding officer of the house of which he is a member. Each
20 presiding officer shall note the date and hour of receipt of each signed form he
21 receives and shall tabulate the number of members who have by return of such
22 signed form declared that a veto session is not necessary. Any other written
23 declaration by a member that such a session is not necessary which is received by
24 one of the presiding officers; shall be treated in the same manner as those received
25 on the form provided and shall be included in such tabulation. No declaration
26 received after ~~twelve o'clock midnight~~ noon of the thirty-fifth calendar day after sine
27 die adjournment of the legislature shall be counted and declarations received after
28 that time shall be null and void.

1 E: C. The presiding officers shall jointly transmit to each member of the
2 legislature the results of the tabulation of the declarations returned by the members
3 of the respective houses together with an announcement that the veto session is or
4 is not to be held and the date and time such session shall convene if it is to be held.
5 ~~No veto session shall be held if a majority of the elected members of either house~~
6 ~~have declared in writing that a veto session is unnecessary.~~

7 F: D. Unless a majority of the elected members of either house has declared
8 in writing that a veto session is unnecessary, the legislature shall meet in veto session
9 ~~in the state capital at noon on the fortieth day following final adjournment of the~~
10 ~~most recent session,~~ as provided in Article III, Section 18 of the Constitution of
11 Louisiana to consider all bills and items vetoed by the governor not previously
12 reconsidered by the legislature during the session in which the vetoed bill or item in
13 an appropriations bill passed. ~~If the fortieth day falls on Sunday, the session shall~~
14 ~~convene at noon on the succeeding Monday. No veto session shall exceed five~~
15 ~~calendar days, and any veto session may be finally adjourned prior to the end of the~~
16 ~~fifth day upon the vote of two-thirds of the elected members of each house.~~

17 E. However, if a veto session is to be held and the time period for the
18 conduct of the veto session occurs during a regular or extraordinary session of the
19 legislature, the legislature may reconsider all bills and items vetoed by the governor
20 not previously reconsidered by the legislature during the session in which the vetoed
21 bill or item in an appropriations bill passed as part business of that regular or
22 extraordinary session during the time period set forth in Article III, Section 18(C) of
23 the Constitution of Louisiana without the necessity of convening a separate veto
24 session.

25 G: F. A law enacted with the approval of a vetoed bill or item ~~by two-thirds~~
26 ~~of the elected members of each house~~ during a veto session shall take effect ~~on the~~
27 ~~sixtieth day after final adjournment of the session in which it was originally finally~~
28 ~~passed by both houses, unless such Act contains a different effective date~~ as provided
29 in Article III, Section 19 of the Constitution of Louisiana. If the Act contains a

1 ~~different~~ specific effective date, it shall become effective on said date, unless the date
2 is prior to the time of approval by both houses during a veto session ~~by the required~~
3 ~~vote~~, in which case it shall become effective upon such approval.

4 Section 2. The provisions of R.S. 24:10(A), (B), (C), (D), and (F) as amended and
5 reenacted by this Act shall become effective on August 1, 2022.

6 Section 3. The provisions of R.S. 24:10(E) as amended and reenacted by this Act
7 shall take effect and become operative if and when the proposed amendment of Article III,
8 Section 18(C) of the Constitution of Louisiana contained in the Act which originated as
9 House Bill No. 166 of this 2022 Regular Session of the Legislature is adopted at a statewide
10 election and becomes effective.

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)]

HB 969 Original

2022 Regular Session

Seabaugh

Abstract: Provides procedures for vetoed bills and line items and veto sessions including, if a veto session is necessary and occurs when the legislature is otherwise in session, allowing reconsideration of vetoed legislation during that session without the necessity of convening a separate veto session.

Present constitution (Const. III, §18) provides that if governor does not approve a bill, he may veto it. Provides that a bill shall become law if the governor signs it or if he fails to sign or veto it within 10 days after delivery to him if the legislature is in session on the 10th day after such delivery, or within 20 days after delivery if the 10th day after delivery occurs after the legislature is adjourned. Provides that if the governor vetoes a bill, he shall return it to the legislature, with his veto message within 12 days after delivery to him if the legislature is in session and if the governor returns a vetoed bill after the legislature adjourns, he shall return it, with his veto message, as provided by law. Provides that a vetoed bill subsequently approved by two-thirds of the elected members of each house shall become law. Further provides that unless a majority of the elected members of either house has declared in writing that a veto session is unnecessary, the legislature shall meet in veto session in the state capital at noon on the 40th day following final adjournment of the most recent session to consider all bills vetoed by the governor. Further provides that no veto session shall exceed five calendar days, and any veto session may be finally adjourned prior to the end of the fifth day upon the vote of two-thirds of the elected members of each house. Present constitution (Const. IV, §5(G)) further provides that a line item in an appropriation bill that is vetoed by the governor shall be void unless the veto is overridden as prescribed for the passage of a bill over a veto.

Present law (R.S. 24:10) provides that no later than midnight of the 23rd calendar day after sine die adjournment, the governor shall transmit to the chief clerical officers of the legislature a statement containing the bill number, title, and veto message for all vetoed bills not previously returned to the legislature in session. Requires the clerical officers to transmit to each member of their respective houses a copy of the statement and a form for declaration

by the member that a veto session is not necessary. Requires each member who finds a veto session unnecessary to immediately return the signed declaration to the presiding officer of his house. Provides that any declaration received after midnight of the 35th calendar day after sine die is null and void. Requires each presiding officer to new the date and hours of receipt of each declaration he receives and to tabulate the number of members who have declared a veto session unnecessary. Requires the presiding officers to jointly transmit to each member the results of the tabulation. Provides that unless a majority of either house declare a veto session unnecessary, the legislature shall meet in veto session to consider all bills vetoed by the governor.

Proposed law removes from present law language unnecessarily duplicative of the present constitution and makes other technical changes. Proposed law further specifically includes line item vetoes within the provisions and requires the clerical officers to compile a list of all vetoed bills and line items that have not previously been reconsidered during the session in which they passed and requires the clerical officers to send that information to members with the governor's statement and the declaration form. Proposed law changes the deadline to return the form *from* midnight *to* noon of the 35th calendar day after sine die adjournment

Present constitution (Art. III, §19) specifies that all laws enacted during a regular session of the legislature shall take effect on Aug. first of the calendar year in which the regular session is held and all laws enacted during an extraordinary session of the legislature shall take effect on the 60th day after final adjournment of the extraordinary session in which they were enacted. Further provides that any bill may specify an earlier or later effective date.

Present law (R.S. 24:10) provides that law enacted with the approval of a vetoed bill during a veto session shall take effect on the 60th day after final adjournment of the session in which it was originally finally passed by both houses, unless such Act contains a different effective date. If the Act contains a different effective date, it shall become effective on said date, unless the date is prior to the time of approval by both houses during a veto session by the required vote, in which case it shall become effective upon such approval.

Proposed law provides instead that the vetoed bill or item shall become effective as provided in the present constitution and if the Act contains a specific effective date, it shall become effective on said date, unless the date is prior to the veto session approval, in which case it shall become effective upon such approval.

Effective Aug. 1, 2022.

Proposed law further provides that if a veto session is to be held and the time period for the conduct of the veto session occurs during a regular or extraordinary session, the legislature may reconsider all vetoed bills and items not previously reconsidered by the legislature during the session in which they passed as business of that regular or extraordinary session during the time period for veto sessions set forth the present constitution without the necessity of convening a separate veto session. Provides that this provision is effective if and when the proposed amendment of Article III, Section 18(C) of the Constitution of La. contained in the Act which originated as House Bill No. 166 of this 2022 R.S. of the Legislature is adopted at a statewide election and becomes effective.

(Amends R.S. 24:10)