

2022 Regular Session

HOUSE BILL NO. 166

BY REPRESENTATIVE GREGORY MILLER

GOVERNOR/POWERS-VETO: (Constitutional Amendment) Provides relative to the timing of gubernatorial action on a bill

1 A JOINT RESOLUTION

2 Proposing to amend Article III, Section 18 of the Constitution of Louisiana, to provide
3 relative to gubernatorial action on a bill and matters related thereto; to provide
4 relative to veto sessions; to provide for submission of the proposed amendment to
5 the electors; and to provide for related matters.

6 Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members
7 elected to each house concurring, that there shall be submitted to the electors of the state of
8 Louisiana, for their approval or rejection in the manner provided by law, a proposal to
9 amend Article III, Section 18 of the Constitution of Louisiana, to read as follows:

10 §18. Gubernatorial Action on Bills; Sign, Failure to Sign, Veto; Veto Session

11 Section 18.(A) Gubernatorial Action. If the governor does not approve a
12 bill, he may veto it. A bill, except a joint resolution, shall become law if the
13 governor signs it or if he fails to sign or veto it within ten days after delivery to him
14 if the legislature is in the session in which the bill passed on the tenth day after such
15 delivery, or within twenty days after delivery if the tenth day after delivery occurs
16 after the ~~legislature~~ legislative session in which the bill passed is adjourned.

17 (B) Veto Message. If the governor vetoes a bill, he shall return it to the
18 legislature, with his veto message, within twelve days after delivery to him if the
19 legislature is in the session in which the bill passed. If the governor returns a vetoed

1 bill after the legislature adjourns legislative session in which the bill passed is
2 adjourned, he shall return it, with his veto message, as provided by law.

3 (C) Veto Session. (1) A bill vetoed and returned and subsequently approved
4 by two-thirds of the elected members of each house shall become law. The
5 legislature shall meet in veto session in the state capital at noon on the fortieth day
6 following final adjournment of ~~the most recent~~ each session in which a bill that
7 finally passed was vetoed, to consider all bills passed during that session that were
8 vetoed by the governor and that were not reconsidered by the house of origin during
9 the session in which the bill passed. If the fortieth day falls on Sunday, the session
10 shall convene at noon on the succeeding Monday. No veto session shall exceed five
11 calendar days, and any veto session may be finally adjourned prior to the end of the
12 fifth day upon a vote of two-thirds of the elected members of each house.

13 (2) No veto session shall be held if a majority of the elected members of
14 either house declare in writing that a veto session is unnecessary. The declaration
15 must be received by the presiding officer of the respective houses at least five days
16 prior to the day on which the veto session is to convene.

17 (3) If a veto session is to be held and the time period for the conduct of the
18 veto session occurs during a regular or extraordinary session of the legislature, the
19 legislature may reconsider all bills vetoed by the governor and not previously
20 reconsidered by the legislature as part of the business of the regular or extraordinary
21 session during the time period set forth in Subparagraph (1) of this Paragraph
22 without the necessity of convening or adjourning a separate veto session.

23 Section 2. Be it further resolved that this proposed amendment shall be submitted
24 to the electors of the state of Louisiana at the statewide election to be held on November 8,
25 2022.

26 Section 3. Be it further resolved that on the official ballot to be used at the election,
27 there shall be printed a proposition, upon which the electors of the state shall be permitted
28 to vote YES or NO, to amend the Constitution of Louisiana, which proposition shall read as
29 follows:

1 Do you support an amendment to clarify that the timing of gubernatorial
 2 action on a bill and his return of a vetoed bill to the legislature is based upon
 3 the legislative session in which the bill passed and to authorize the
 4 legislature, if it is in session, to reconsider vetoed bills without convening a
 5 separate veto session? (Amends Article III, Section 18)

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 166 Reengrossed

2022 Regular Session

Gregory Miller

Abstract: Clarifies that the deadline for gubernatorial action on a bill is based upon the legislative session in which the bill passed, provides that veto sessions, if necessary, convene on the 40th day after final adjournment of the session in which the vetoed bill passed, and provides that if already in session, the legislature may consider vetoed bills without the necessity of convening a separate veto session.

Present constitution 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.

Proposed constitutional amendment relates the deadline for gubernatorial action on a bill and the deadline for the governor returning a vetoed bill to the legislature to the session in which the bill passed and otherwise retains the present constitution.

Present constitution 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.

Proposed constitutional amendment relative to the timing of veto sessions, changes "most recent session" to "each session in which a bill that finally passed was vetoed". Specifies that the purpose of a veto session is to consider all bills passed that were vetoed by the governor and that were not reconsidered by the house of origin during the session in which the bill passed. Further authorizes the legislature, 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, to reconsider the vetoed bills not previously reconsidered, as part of the business of the regular or extraordinary session without the necessity of convening or adjourning a separate veto session.

Provides for submission of the proposed amendment to the voters at the statewide election to be held Nov. 8, 2022.

(Amends La. Const. Art. III, §18)

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Add veto session provisions to clarify timing, to specify the vetoed bills to be considered are those not previously reconsidered, and to authorize the legislature, if already in session during the veto session time period, to reconsider vetoed bills without convening a separate veto session.