2022 Regular Session

HOUSE BILL NO. 969

BY REPRESENTATIVE SEABAUGH

LEGISLATIVE SESSIONS: Provides procedures relative to vetoed bills

AN ACT

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

Be it enacted by the Legislature of Louisiana:

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

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

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

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

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

CODING: Words in struck through type are deletions from existing law; words underscored are additions.
appropriation bill to the chief clerical officer of the house of origin. Such statement
shall contain the bill number and title of each such vetoed bill, information regarding
any vetoed line item in an appropriation bill, and the veto message for each stating
the reasons for the veto of the particular bill or item. No later than midnight of the
second day after receipt of such statement the secretary of the senate and the clerk
of the house shall transmit by certified or registered mail, or by any other received
written means, to each member of their respective houses a copy of the governor's
statement, a list of all bills and items in an appropriation bill vetoed by the governor
that have not previously been reconsidered during the session in which the bill
passed, and a form for declaration by the member that a veto session for
reconsideration of the listed vetoed bills and items is not necessary. The form for
such declaration shall contain a statement that the undersigned member finds that a
veto session to reconsider the bills listed in the governor's statement is not necessary
and shall also provide a designated place for the signature of the member responding.

D. B. Upon receipt of the copy of the governor's statement and the
declaration form, each legislator who finds that a veto session to reconsider the bills
listed in the governor's statement vetoed bills and items is not necessary shall sign
the form for such declaration and shall immediately return such the signed
declaration form to the presiding officer of the house of which he is a member. Each
presiding officer shall note the date and hour of receipt of each signed form he
receives and shall tabulate the number of members who have by return of such
signed form declared that a veto session is not necessary. Any other written
declaration by a member that such a session is not necessary which is received by
one of the presiding officers; shall be treated in the same manner as those received
on the form provided and shall be included in such tabulation. No declaration
received after twelve o'clock midnight noon of the thirty-fifth calendar day after sine
die adjournment of the legislature shall be counted and declarations received after
that time shall be null and void.
E. C. The presiding officers shall jointly transmit to each member of the legislature the results of the tabulation of the declarations returned by the members of the respective houses together with an announcement that the veto session is or is not to be held and the date and time such session shall convene if it is to be held. No veto session shall be held if a majority of the elected members of either house have declared in writing that a veto session is unnecessary.

E. D. 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 fortieth day following final adjournment of the most recent session, as provided in Article III, Section 18 of the Constitution of Louisiana to consider all bills and items vetoed by the governor not previously reconsidered by the legislature during the session in which the vetoed bill or item in an appropriations bill passed. If the fortieth day falls on Sunday, the session shall convene at noon on the succeeding Monday. 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.

E. However, 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 of the legislature, the legislature may reconsider all bills and items vetoed by the governor not previously reconsidered by the legislature during the session in which the vetoed bill or item in an appropriations bill passed as part of the business of that regular or extraordinary session during the time period set forth in Article III, Section 18(C) of the Constitution of Louisiana without the necessity of convening a separate veto session.

E. F. A law enacted with the approval of a vetoed bill or item by two-thirds of the elected members of each house during a veto session shall take effect on the sixtieth 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 as provided in Article III, Section 19 of the Constitution of Louisiana. If the Act contains a
If 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.

Requires that the clerical officers 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)