

## RÉSUMÉ DIGEST

HB 969

2022 Regular Session

Seabaugh

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 note the date and hour 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 would have removed from present law language unnecessarily duplicative of the present constitution and made other technical changes. Proposed law would have further specifically included line item vetoes within the provisions of present law and would have required the clerical officers to compile a list of all vetoed bills and line items that had not previously been reconsidered during the session in which they passed and required the clerical officers to send that information to members with the governor's statement and the declaration form. Proposed law would have changed 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 would have provided that the vetoed bill or item would become effective as provided in the present constitution and if the Act contained a specific effective date, it would have become effective on that date, unless the date was prior to the veto session approval, in which case it would have become effective upon such approval.

Proposed law would have provided that if a veto session was to be held and the time period for the conduct of the veto session occurred during a regular or extraordinary session, the legislature could have reconsidered all vetoed bills and items not previously reconsidered 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. Would have provided that such authorization would have become 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 was adopted at a statewide election and became effective.

(Proposed to amend R.S. 24:10)

**VETO MESSAGE:**

"This bill violates Article 3, [sic] Section 1 8(C) of the Louisiana Constitution which provides:

Veto Session. (1) A bill vetoed and returned and subsequently approved by two-thirds of the elected members of each house shall become law. 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, to consider all bills vetoed by the governor. 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 a vote of two-thirds of the elected members of each house.

This provision makes it very clear that vetoed bills may only be considered in a veto session. Further, Article 4, [sic] Section 5(G)(J) clearly provides that a line item veto may be overridden as "prescribed for the passage of a bill over a veto."

Further, Representative Greg Miller passed House Bill 166 in the 2022 Regular Session which provides for a constitutional amendment to clarify procedures for passage of a bill over the Governor's veto. This amendment will go to the voters in 2023, and if passed, will further clarify this constitutional provision."