

2023 Regular Session

HOUSE BILL NO. 165

BY REPRESENTATIVE LANDRY

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

ELECTIONS/INITIATIVE-REF: (Constitutional Amendment) Provides for an initiative and referendum process

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A JOINT RESOLUTION

Proposing to amend Article III, Section 1 and Article XIII, Section 1 of the Constitution of Louisiana, to authorize the people to propose constitutional amendments and to propose laws by initiative; to provide relative to adoption of such proposals; to provide for the powers of the legislature relative thereto; to provide for submission of the proposed amendment to the electors; 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 of Louisiana, for their approval or rejection in the manner provided by law, a proposal to amend Article III, Section 1 and Article XIII, Section 1 of the Constitution of Louisiana, to read as follows:

ARTICLE III. LEGISLATIVE BRANCH

§1. Legislative Power; Composition; Continuous Body

Section 1.(A) Legislative Power of State. The legislative power of the state is vested in a legislature, consisting of a Senate and a House of Representatives, subject to the power reserved to the people to propose by initiative a new law, an amendment to or repeal of an existing law, or an amendment to the constitution and to adopt or reject the proposal through or independent of the legislature. No law shall be proposed by initiative that the legislature is prohibited by this constitution from enacting or passing. The legislature shall provide by law for the procedure,

1 form, and manner by which the people may exercise the rights reserved to them in
2 this Paragraph.

3 (B) Composition of the Legislature. The Senate shall be composed of one
4 senator elected from each senatorial district. The House of Representatives shall be
5 composed of one representative elected from each representative district.

6 ~~(B)~~ (C) Continuous Body. The legislature is a continuous body during the
7 term for which its members are elected; however, a bill or resolution not finally
8 passed in any session shall be withdrawn from the files of the legislature.

9 * * *

10 ARTICLE XIII. CONSTITUTIONAL REVISION

11 §1. Amendments

12 Section 1.(A)(1) Procedure. An amendment to this constitution may be
13 proposed by initiative of the people as provided in Article III, Section 1 or by joint
14 resolution at any regular session of the legislature, ~~but the resolution.~~ A joint
15 resolution proposed by the legislature shall be prefiled, at least ten days before the
16 beginning of the session or as provided in Subparagraph (2) of this Paragraph, in
17 accordance with the rules of the house in which introduced. An amendment to this
18 constitution may be proposed by the legislature at any extraordinary session of the
19 legislature if it is within the objects of the call of the session and joint resolution
20 containing the proposed amendment is introduced in the first five calendar days
21 thereof. If two-thirds of the elected members of each house concur in the resolution,
22 pursuant to all of the procedures and formalities required for passage of a bill except
23 submission to the governor, the secretary of state shall have the proposed amendment
24 published once in the official journal of each parish within not less than thirty nor
25 more than sixty days preceding the election at which the proposed amendment is to
26 be submitted to the electors. Each joint resolution shall specify the statewide
27 election at which the proposed amendment shall be submitted. Special elections for
28 submitting proposed amendments may be authorized by law.

1 (2) Any joint resolution proposed by the legislature at a regular session of
2 the legislature which effects any change in constitutional provisions relating to any
3 retirement system for public employees shall be prefiled no later than five o'clock in
4 the evening of the forty-fifth calendar day prior to the first day of session.

5 (B) Form of Proposal. A ~~proposed amendment~~ joint resolution proposed by
6 the legislature shall have a title containing a brief summary of the proposed
7 constitutional changes ~~proposed~~; shall be confined to one object; and shall set forth
8 the entire article, or the sections or other subdivisions thereof, as proposed to be
9 revised or only the article, sections, or other subdivisions proposed to be added.
10 However, the legislature may propose, as one amendment, a revision of an entire
11 article of this constitution which may contain multiple objects or changes. A section
12 or other subdivision may be repealed by reference. When more than one amendment
13 is submitted at the same election, each shall be submitted so as to enable the electors
14 to vote on them separately.

15 (C) Ratification of amendments proposed by the legislature. If a majority
16 of the electors voting on the proposed amendment approve it, the governor shall
17 proclaim its adoption, and it shall become part of this constitution, effective twenty
18 days after the proclamation, unless the amendment provides otherwise. A proposed
19 amendment directly affecting not more than five parishes or areas within not more
20 than five parishes shall become part of this constitution only when approved by a
21 majority of the electors voting thereon in the state and also a majority of the electors
22 voting thereon in each affected parish. However, a proposed amendment directly
23 affecting not more than five municipalities, and only such municipalities, shall
24 become part of this constitution only when approved by a majority of the electors
25 voting thereon in the state and also a majority of the electors voting thereon in each
26 such municipality.

27 Section 2. Be it further resolved that this proposed amendment shall be submitted
28 to the electors of the state of Louisiana at the statewide election to be held on October 14,
29 2023.

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

5 Do you support an amendment to authorize the people of Louisiana to
6 propose new laws, amend or repeal existing laws, or amend the Constitution
7 of Louisiana by initiative in the manner provided by law by the legislature?

8 (Amends Article III, Section 1 and Article XIII, Section 1)

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 165 Original

2023 Regular Session

Landry

Abstract: Authorizes the people to propose constitutional amendments and propose, amend, or repeal laws by initiative in the manner provided by law

Present constitution provides that the legislative power of the state is vested in a legislature, composed of a Senate and a House of Representatives.

Proposed constitutional amendment retains present constitution but adds that the legislative power of the state is subject to the power reserved to the people to propose by initiative a new law, an amendment to or repeal of an existing law, or an amendment to this constitution and to adopt or reject such a proposal, through or independent of the legislature.

Proposed constitutional amendment provides that the legislature shall provide by law for the procedure, form, and manner by which the people may exercise the rights reserved to them by proposed constitutional amendment.

Present constitution provides for the procedure and form in which an amendment to the constitution may be proposed by the legislature and how such an amendment is ratified.

Proposed constitutional amendment retains such procedures for an amendment to the constitution proposed by the legislature and additionally specifies that an amendment to the constitution may be proposed by initiative of the people and adopted as provided by the legislature, all as provided in the proposed constitutional amendment.

Provides for submission of the proposed amendment to the voters at the statewide election to be held Oct. 14, 2023.

(Amends Const. Art. III, §1, and Art. XIII, §1)