

2016 Regular Session

HOUSE BILL NO. 113

BY REPRESENTATIVE BROADWATER

CONSTITUTION/AMENDMENT: (Constitutional Amendment) Requires legislative approval of a proposed constitutional amendment in two sessions before being submitted to the electors for ratification

1

A JOINT RESOLUTION

2

Proposing to amend Article III, Section 1(B) and Article XIII, Section 1(A)(1) of the

3

Constitution of Louisiana, relative to procedures for amending the constitution; to

4

require a proposed constitutional amendment to be approved by the legislature in two

5

legislative sessions in successive years before being submitted to the electors for

6

ratification; to provide relative to submission of a proposed constitutional

7

amendment to the electors for ratification; to provide for submission of the proposed

8

amendment to the electors; and to provide for related matters.

9

Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members

10

elected to each house concurring, that there shall be submitted to the electors of the state of

11

Louisiana, for their approval or rejection in the manner provided by law, a proposal to

12

amend Article III, Section 1(B), to read as follows:

13

§1. Legislative Power; Composition; Continuous Body

14

Section 1.

15

* * *

16

(B) Continuous Body. The legislature is a continuous body during the term

17

for which its members are elected; however, except for a joint resolution referred to

18

the legislature in a subsequent session as provided in Article XIII, Section 1 of this

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 constitution, a bill or resolution not finally passed in any session shall be withdrawn
2 from the files of the legislature.

3 * * *

4 Section 2. Be it resolved by the Legislature of Louisiana, two-thirds of the members
5 elected to each house concurring, that there shall be submitted to the electors of the state of
6 Louisiana, for their approval or rejection in the manner provided by law, a proposal to
7 amend Article XIII, Section 1(A)(1) of the Constitution of Louisiana, to read as follows:

8 §1. Amendments

9 Section 1.(A)(1) Procedure. An amendment to this constitution may be
10 proposed by joint resolution at any regular session of the legislature, but the
11 resolution shall be prefiled, at least ten days before the beginning of the session or
12 as provided in Subparagraph (2) of this Paragraph, in accordance with the rules of
13 the house in which introduced. An amendment to this constitution may be proposed
14 at any extraordinary session of the legislature if it is within the objects of the call of
15 the session and is introduced in the first five calendar days thereof. If two-thirds of
16 the elected members of each house ~~concur in~~ agree to the resolution, pursuant to all
17 of the procedures and formalities required for passage of a bill except submission to
18 the governor, the resolution shall be entered on their journals, the name and vote of
19 each member recorded, and be referred to the legislature for concurrence or rejection
20 at the regular session in the next year. If at such regular session two-thirds of the
21 elected members of each house concur in the resolution, the legislature shall submit
22 the proposed amendment to the electors for their ratification or rejection in such
23 manner and at such time as the legislature shall prescribe and not sooner than ninety
24 days after concurrence by the legislature. The secretary of state shall have the
25 proposed amendment published once in the official journal of each parish within not
26 less than thirty nor more than sixty days preceding the election at which the proposed

1 amendment is to be submitted to the electors. ~~Each joint resolution shall specify the~~
2 ~~statewide election at which the proposed amendment shall be submitted.~~ Special
3 elections for submitting proposed amendments may be authorized by law.

4 * * *

5 Section 3. Be it further resolved that this proposed amendment shall be submitted
6 to the electors of the state of Louisiana at the statewide election to be held on November 8,
7 2016.

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

12 Do you support an amendment to require a proposed constitutional
13 amendment to be approved by the legislature in two legislative sessions in
14 successive years before being submitted to the electors for ratification?

15 (Amends Article III, Section 1(B) and Article XIII, Section 1(A)(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 113 Original

2016 Regular Session

Broadwater

Abstract: Requires a proposed constitutional amendment to be approved by the legislature in two legislative sessions in successive years before being submitted to the electors for ratification.

Present constitution (Art. III, § 1) provides that constitutional amendments may be proposed by joint resolution at any regular session of the legislature if prefiled at least 10 days before the beginning of the session or 45 days if it affects a public retirement system. Provides that an amendment may be proposed at any extraordinary session of the legislature if it is within the objects of the call of the session and is introduced in the first five calendar days of the session.

Present constitution requires approval of two-thirds of the elected members of each house to pass the resolution, pursuant to all of the procedures and formalities required for passage of a bill except submission to the governor.

Proposed constitutional amendment retains present constitution.

Present constitution provides that after the legislature passes the joint resolution, it is submitted to the electors for ratification.

Proposed constitutional amendment provides instead that after the legislature passes the joint resolution, it is entered on their journals, the name and vote of each member recorded. Requires the resolution to be referred to the legislature for concurrence or rejection at the regular session in the next year. Provides that if at such regular session two-thirds of the elected members of each house concur in the resolution, the legislature submits the proposed amendment to the electors for their ratification or rejection in such manner and at such time as the legislature shall prescribe and not sooner than 90 days after concurrence by the legislature.

Present constitution requires each joint resolution to specify the statewide election at which the proposed amendment is to be submitted to the electors. Proposed constitutional amendment repeals present constitution.

Present constitution requires the secretary of state to have the proposed amendment published once in the official journal of each parish within not less than 30 nor more than 60 days preceding the election at which the proposed amendment is to be submitted to the electors. Authorizes the legislature to provide by law for special elections for submitting proposed amendments to the people.

Present constitution provides that if a majority of the electors voting on the proposed amendment approve it, the governor must proclaim its adoption, and the amendment becomes part of the constitution, effective 20 days after the proclamation, unless the amendment provides otherwise. Provides that a proposed amendment directly affecting not more than five parishes or areas within not more than five parishes becomes part of the constitution only when approved by a majority of the electors voting thereon in the state and also a majority of the electors voting thereon in each affected parish. Provides, however, that a proposed amendment directly affecting not more than five municipalities, and only such municipalities, becomes part of the constitution only when approved by a majority of the electors voting thereon in the state and also a majority of the electors voting thereon in each such municipality.

Present constitution provides for the form of a joint resolution that proposes an amendment to the constitution.

Proposed constitutional amendment retains present constitution.

Present constitution (Art. III, § 1) provides that a bill or resolution not finally passed in any session shall be withdrawn from the files of the legislature. Proposed constitutional amendment retains present constitution and adds an exception for a joint resolution referred to the legislature in a subsequent session as provided in proposed constitutional amendment.

Provides for submission of the proposed amendment to the voters at the statewide election to be held November 8, 2016.

(Amends Art. III, § 1(B) and Art. XIII, § 1(A)(1))