

## 2009 Regular Session - Fact Sheet

Revised 11/5/08

<p>(1)(a) Subject matter - restricted; fiscal in nature</p> <p>(b) Exceptions</p> <p style="padding-left: 20px;">(i) Local &amp; Special bills - unlimited</p> <p style="padding-left: 20px;">(ii) Five bills not within session subject matter</p>	<p>Restricted to consideration of legislation which provides for enactment of the General Appropriation Bill; enacts the comprehensive capital budget; makes an appropriation; levies or authorizes a new tax; increases an existing tax; levies, authorizes, increases, decreases, or repeals a fee; dedicates revenue; legislates with regard to tax exemptions, exclusions, deductions, reductions, repeals, or credits; or legislates with regard to the issuance of bonds.</p> <p>Each member may prefile an unlimited number of local and special bills (those which are constitutionally required to be, and that have been, advertised) and may introduce up to five such bills that have not been prefiled.</p> <p>Each member may prefile up to, but not more than 5 bills whose subject matter is outside the subject matter restrictions of this session.</p>
<p>(2) March 26, 2009, Thursday March 27, 2009, Friday</p>	<p><u>Last two publication dates</u> for bills requiring local advertisement if you wish <u>to prefile and introduce on the first day</u> of the regular session - Monday, April 27, 2009.</p>
<p>(3) April 3, 2009, Friday April 4, 2009, Saturday</p>	<p><u>Last two publication dates</u> for bills requiring local advertisement if you wish <u>to introduce the bill on the last day for introduction</u> of bills - Wednesday, May 6, 2009.</p>
<p>(4) <b>April 14, 2009, Tuesday</b></p>	<p><b><u>Deadline to submit requests to Senate staff to draft constitutional amendments for prefiling.</u></b> - Senate Rule 9.1(C)</p>
<p>(5) <b>April 16, 2009, Thursday</b></p>	<p><b><u>Deadline to prefile Constitutional Amendments in Senate.</u></b> House computes in hours and accepts prefiling until noon, Friday, April 17, 2009.</p>
<p>(6) <b>April 15, 2009; Wednesday, 5:00 PM</b></p>	<p><b><u>Deadline to submit requests to Senate staff to draft bills for prefiling.</u></b> - Senate Rule 9.1(C)</p>
<p>(7) <b>April 17, 2009; Friday, 5:00 P.M.</b></p>	<p><b><u>Deadline to prefile Bills.</u></b> After the 5:00 P.M. deadline, each member is limited to the introduction of five bills within the session subject matter restrictions, or which are local or special laws constitutionally required to be advertised.</p>
<p>(8) <b>April 27, 2009, Noon</b></p>	<p><b><u>Session Begins.</u></b> 45 legislative days during 60 calendar-day period</p>
<p>(9) <b>May 6, 2009; Wednesday, 6:00 P.M.</b></p>	<p><b><u>Last day for introduction of bills after session begins.</u></b> See Item (4) above for limitation on introduction of bills after passage of prefile deadline.</p>
<p>(10) <b>June 22, 2009 - Constitutional Limitation on Third Reading and Final Passage.</b> No matter intended to have the effect of law, except a measure proposing a suspension of law, shall be considered on THIRD READING AND FINAL PASSAGE in either house after 6:00 P.M. of the 42<sup>nd</sup> legislative day or 57<sup>th</sup> calendar day, whichever occurs first, except by a favorable record vote of two-thirds of the elected members of each house. (Const Art. III, Sec. 2(A)(4)(a))</p>	
<p>(11) <b>June 25, 2009, Thursday</b></p>	<p><b><u>Adjournment Sine Die</u></b> - no later than 6:00 P.M.</p>
<p>(12) August 15, 2009</p>	<p>Effective Date of Acts (statutes, codes, &amp; general acts) unless bill specifically provides otherwise.</p> <p>Constitutional amendments - effective 20 days after governor's proclamation of favorable election results, unless otherwise specified in the amendment.</p>

**2009 Regular Session  
Requirements for Legislative Instruments**

- 1. Session Subject Matter Restriction.** (Const. Art. III, Sec. 2(A)(4)(b))  
Matters intended to have the effect of law are restricted to consideration of legislation which provides for enactment of the General Appropriation Bill; enacts the comprehensive capital budget; makes an appropriation; levies or authorizes a new tax; increases an existing tax; levies, authorizes, increases, decreases, or repeals a fee; dedicates revenue; legislates with regard to tax exemptions, exclusions, deductions, reductions, repeals, or credits; or legislates with regard to the issuance of bonds.

Each member may prefile an unlimited number of local and special bills (those which are constitutionally required to be, and that have been, advertised) and may introduce up to five such bills that have not been prefiled.

Each member may prefile up to, but not more than 5 bills whose subject matter is outside the subject matter restrictions of this session. (See Joint Rule 20 - included at end of this document)

- 2. Constitutional Amendments - Prefiling Required.** (Const. Art. XIII, Sec. 1(A))
- (a) **Submission to Staff: Senate Rule 9.1(C) requires that requests for legislation to be prefiled be received by Senate Legislative Services staff not later than 48 hours prior to the prefiling deadline - Tuesday, April 14, 2009.**
  - (b) Senate prefiling of amendments required at least ten days before the regular session begins - Thursday, April 16, 2009.
  - (c) House of Representatives computes this ten-day period in 24-hour increments and will accept prefiling of constitutional amendments until Noon on Friday, April 17, 2009.

- 3. Bills, other than Constitutional Amendments.** (Const. Art. III, Sec. 2(A)(2))
- (a) **Submission to Staff: Senate Rule 9.1(C) requires that requests for legislation to be prefiled be received by Senate Legislative Services staff not later than 48 hours prior to the prefiling deadline - Wednesday, April 15, 2009; 5:00 P.M.**
  - (b) **PREFILE DEADLINE:** Friday, April 17, 2009; 5:00 P.M.  
Bills (which are not constitutional amendments) are required to be prefiled no later than 5:00 P.M. on tenth calendar day - Friday, April 17, 2009 - before the start of the regular session.
  - (c) Deadline to introduce *bills* that were *not prefiled* is 6:00 P.M., Wednesday, May 6, 2009.  
No member may introduce more than five bills within the session subject matter restrictions, or which are local or special bills constitutionally required to be advertised, after prefile deadline except as provided in Joint Rule No. 18. (Const. Art. III, Sec. 2(A)(2))
  - (d) **RETIREMENT AND LOCAL NOTICE BILLS:**  
General Rule - Notice to be published on two separate days in official journal of locality without cost to the state with the last publication date being at least thirty days prior to introduction of the bill. If an instrument is prefiled, the date of introduction is the first day of the session. Notice must state the substance of the bill and the bill itself must recite that notice was published.

*Senate Bills will be accepted for prefiling on or before Friday, April 17th if the Senate receives proof that local notice has been published and that 30 days after the last publication date will expire prior to the first day for introduction of bills (April 27th).*

*House Bills will be accepted for prefiling on or before Friday, April 17th if the House receives proof that local notice has been published and that 30 days after the last publication date will expire prior to the last day for introduction of bills (May 6th).*

If instructed by the requesting Senator, staff will prepare and send the notice to the local newspaper, instruct the newspaper to bill the publication costs per instructions from the Senator, and ask that the newspaper send a certification of publication to the Senate Office once the notice is published.

If the local notice is being handled by the requesting Senator, then the certificate of publication should be obtained from newspaper by that Senator and transmitted to the Senate Office for attachment to the bill.

**IMPORTANT NOTE:** *Publication dates listed are based on official journals that are published on a "daily" basis. If your locality has an official journal that is published "weekly" then the deadlines for publication should be adjusted accordingly.*

*Some newspapers require submission of an item to the newspaper a number of days in advance of the actual*

publication date - you should be aware of these time lines.

If the retirement bill affects only a city or other strictly local retirement system, then a "local notice" is also necessary in the official journal of the locality.

(i) **Local Bills** - Const. Art. III, Sec. 13.

(ii) **Retirement Bills** - Const. Art. X, Sec 29(C).

Retirement notice to be published in Baton Rouge's *The Advocate* (the official state journal) on two separate days without cost to the state with the last publication date being at least thirty days prior to introduction of the bill.

Due to publication dates of *The Advocate*, notice must be submitted three working days before the first publication date.

Dual Publication - if affects **only** a city or strictly local system, then publication required in both local and state official journals.

(iii) **Assessor's Expense Allowance Notice** - R.S. 47:1908(D).

No change in an assessor's expense allowance unless the assessor sends notice of intent to the school board and parish governing authority that are affected stating the amount of the change.

Notice to be sent by certified mail at least ten days prior to convening of the legislative session - last day to give this notice is Thursday, April 16, 2009. Evidence of notice to be exhibited to the legislature before passage of the bill and the bill must recite that notice was given.

(iv) **Assessor's Salary or Other Emolument Notice** - R.S. 47:1907.1.

**Sheriff's Compensation Notice** - R.S. 33:1421(E).

**School Board Member's Compensation Notice** - R.S. 17:56(D).

**Registrar of Voters & Confidential Assistant Compensation Notice** - R.S. 18:55(B) and 59(D).

No change in compensation unless notice published on two separate days in official journal of locality without cost to the state with the last publication date being at least thirty days prior to introduction of the bill.

If all assessors, sheriffs, or school board members in the state are affected, then notice shall *also* be published in the official journal of the state on two separate days without cost to the state - Baton Rouge's *The Advocate*. Each notice is to state the amount of the change and certification of publication is to be attached to the bill.

#### 4. **Pre-Session Filing of Bills & Resolutions.**

All legislative instruments are to be prepared by legislative staff. (Senate Rule 7.6; also Senate Rules 9.1 - 9.9) Staff will draft, or receive, and transmit legislative instruments to Senate Secretary for pre-filing, upon WRITTEN direction of author.

*Senate Rule 9.1(C) requires that requests for legislation to be prefiled be received by Senate Legislative Services staff not later than 48 hours prior to the pre-filing deadline.*

#### 5. **Fiscal Notes.**

Every bill, joint resolution, and simple or concurrent resolution affecting the receipt, expenditure, or allocation of funds of the state or of a political subdivision, or which would authorize issuance of general obligation bonds or other general obligations of the state for capital outlay, must have attached to it, prior to committee consideration, a fiscal note giving a reliable estimate of the fiscal effect of the measure. Author of bill is responsible for obtaining fiscal note from legislative fiscal officer, either directly or through the staff. (Joint Rule No. 4)

Additionally, every bill, joint resolution, and simple or concurrent resolution, and every amendment thereto, which appropriates monies for capital outlay purposed must have attached to it, prior to consideration, a fiscal note with the worksheet of each fiscal note to include a feasibility study and needs assessment (Senate Rule No. 7.14). If directed by the Senator, Senate Documents and Records will order a fiscal note.

#### 6. **Actuarial Notes.**

Every bill, joint resolution, and simple or concurrent resolution proposing a change in the law as to any state, municipal, or parochial retirement system funded in whole or part from public funds must have an actuarial note attached to it prior to committee consideration. Legislative auditor prepares actuarial notes (R.S. 24:521). If directed by the Senator, Senate Documents and Records will order an actuarial note.

#### 7. **Appropriations to Pay Judgments Against State.**

The House Appropriations Committee requires a certified copy of final judgment and proof of finality of judgement

before committee action on any such bill. The House Appropriations Committee, pursuant to House Resolution No. 15 of the 1987 Regular Session requires that the Clerk of the House be furnished with the attorney's name or names in the suit, the fees involved, and other pertinent information prior to consideration of the bill for final passage.

## **8. Miscellaneous Requirements Regarding Statutory Enactments.**

(a) *New Judgeships.*

R.S. 13:61 - Judicial Council of the Supreme Court of Louisiana determines necessity of creating any new judgeship and provides information to appropriate legislative standing committee as to the necessity of creating a new judgeship. *Requests for new judgeships should be submitted to the Judicial Council by October 1<sup>st</sup>.*

(b) *New court cost or fee or increase in existing court cost or fee.*

R.S. 13:62 - No enactment of a law providing for a new court cost or fee or to increase an existing court cost or fee unless first submitted to the Judicial Council of the Supreme Court for review and recommendation to the legislature. *Requests involving court costs should be submitted to the Judicial Council by November, 2008.*

(c) *New Assistant District Attorneys.*

R.S. 16:54 - creates the Governor's Advisory and Review Commission on Assistant District Attorneys within the office of the governor. Determines necessity for additional assistant district attorneys in each judicial district and prohibits payment of state portion of compensation for such position unless approved by the commission.

(d) *Mandated Health Insurance Benefits.*

R.S. 24:603.1 - Prior to consideration by legislative committee, an impact report is to be attached to any instrument imposing a health insurance mandate. Impact report to include reliable estimate of the negative or positive fiscal effect of such measure, including costs and savings.

## **9. Text of Joint Rule 20 - Odd-numbered year session bill and amendment limitations**

In order to place the restrictions and limitations of Article III, Section 2(A)(4)(b) of the Constitution of Louisiana into the rules, procedures, and practices of the Senate and the House of Representatives and to provide guidance to the members of the legislature through the application of Louisiana case law as well as the logical extrapolations which arise from such case law, the legislature does adopt this Joint Rule, as follows:

A. During any regular session convening in an odd-numbered year, no matter intended to have the effect of law, including any suspension of law, shall be introduced, considered, or adopted unless it meets one of the following criteria:

(1)(a) Its object is to enact the General Appropriation Bill; enact the comprehensive capital budget; make an appropriation; levy or authorize a new tax; increase an existing tax; levy, authorize, increase, decrease, or repeal a fee; dedicate revenue; legislate with regard to tax exemptions, exclusions, deductions, reductions, repeals, or credits; or legislate with regard to the issuance of bonds.

(b) Bills or resolutions which may be considered pursuant to this Subparagraph shall include but not be limited to:

(i) Bills to enact court costs or judicial fees levied and collected in support of the judicial system of the state or of any parish or municipality.

(ii) Bills relative to filing or recordation fees collected by clerks of the various courts of record.

(iii) The resolution to approve the formula to fund the Minimum Foundation Program.

(iv) Resolutions suspending law whose object is listed in Article III, Section 2(A)(4)(b)(introductory paragraph) of the Constitution of Louisiana.

(2)(a) Its object is to enact a local or special law which is required to be and has been advertised in accordance with Article III, Section 13 of the Constitution of Louisiana and is not prohibited by the provisions of Article III, Section 12 of the Constitution of Louisiana.

(b) Bills or resolutions which may be considered pursuant to this Subparagraph shall include but not be limited to:

(i) Bills to enact a statute to create or provide relative to one or more particular school boards.

(ii) Bills which are enabling legislation relative to the subdivision of a school system.

(iii) Bills to call elections pursuant to Article XII, Section 6(C)(1)(a) of the Constitution of Louisiana.

(iv) Bills to allocate revenue dedicated to a local governmental subdivision.

(v) Bills relative to particular levee districts.

(vi) Bills relative to particular airport authorities.

(vii) Bills relative to ports which are not deep water ports under Article VI, Section 43 of the Constitution of Louisiana.

(viii) Bills relative to local retirement systems.

(ix) Bills to establish or to amend provisions relative to one or more special districts.

(x) Resolutions suspending law whose object is a local or special law which is subject to Article III, Section 2(A)(4)(b)(ii) of the Constitution of Louisiana.

(3)(a) Its object is not within the subject matter restrictions provided in Article III, Section 2(A)(4)(b)(introductory paragraph) of the Constitution of Louisiana or within the exception provided by Article III, Section 2(A)(4)(b)(ii) of the Constitution of Louisiana, but it is prefiled no later than the deadline provided in Article III, Section 2(A) of the Constitution of

Louisiana, provided that a member shall not prefile more than five such matters.

(b) Bills or resolutions which may be considered pursuant to this Subparagraph, including those which have applicability in a particular locale but which are not required to be advertised as provided by Article III, Section 13 of the Constitution of Louisiana which shall be considered only pursuant to this Subparagraph, shall include but shall not be limited to:

- (i) Bills relative to institutions and officers for which provision is made in Article V of the Constitution of Louisiana.
- (ii) Bills relative to deep water ports, as defined in Article VI, Section 43 of the Constitution of Louisiana.
- (iii) Bills relative to gaming, pursuant to Article XII, Section 6(C) of the Constitution of Louisiana, except a bill pursuant to Article XII, Section 6(C)(1)(a) of the Constitution of Louisiana providing with respect to elections.
- (iv) Bills relative to state agencies, institutions, entities, facilities, property, roads, or bridges.
- (v) Bills which provide relative to local or city school systems pursuant to Article VIII, Section 13(D)(2) of the Constitution of Louisiana.
- (vi) Bills, the effects of which are limited to a local classification established by a population range description, which is based upon the latest decennial census.
- (vii) Bills relative to protecting the state's natural resources or environment.
- (viii) Joint resolutions whose object is not listed in Article III, Section 2(A)(4)(b)(introductory paragraph) of the Constitution of Louisiana.
- (ix) Resolutions suspending law whose object is not listed in Article III, Section 2(A)(4)(b)(introductory paragraph) of the Constitution of Louisiana nor subject to Article III, Section 2(A)(4)(b)(ii) of the Constitution of Louisiana.

B. During any regular session convening in an odd-numbered year, no substitute bill nor amendment, including an amendment proposed pursuant to a conference committee report, shall be considered or adopted that:

(1) Would cause a matter intended to have the effect of law introduced in accordance with Article III, Section 2(A)(4)(b)(introductory paragraph) of the Constitution of Louisiana to be changed so that such matter should have been prefiled in accordance with provisions of Article III, Section 2(A)(4)(b)(i), thereby circumventing the limitations of such provisions.

(2) Would cause a matter intended to have the effect of law introduced in accordance with Article III, Section 2(A)(4)(b)(ii) of the Constitution of Louisiana to be changed so that such matter should have been prefiled in accordance with provisions of Article III, Section 2(A)(4)(b)(i), thereby circumventing the limitations of such provisions.

(3) Would introduce a new matter intended to have the effect of law into another matter, which new matter was not prefiled in accordance with the provisions of Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana, thereby circumventing the limitations of such provisions.

(4) Would introduce a new local or special matter intended to have the effect of law which is subject to Article III, Section 2(A)(4)(b)(ii) of the Constitution of Louisiana into another matter, which new matter was not introduced pursuant to Article III, Section 2(A)(4)(b)(ii) of the Constitution of Louisiana.

(5) Would change the lead author of a matter prefiled in accordance with the provisions of Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana, thereby circumventing the limitations of such provisions.

Added by SR 121 of 2006 RS

### **2010 Regular Session**

**Convenes: March 29, 2010**

**Adjourns no later than: June 21, 2010**