

State and Local Government in Louisiana: An Overview 2012-2016 Term

CHAPTER 1 — ORGANIZATION OF STATE GOVERNMENT

Part A. The Legislative Branch

Legislative Powers

The Constitution of Louisiana establishes the legislative branch as one of the three branches of state government, vests it with the legislative power of the state, and provides that it consists of the Senate and the House of Representatives. Subject to limitations provided by the federal and state constitutions, the legislature is responsible for determining general policy for state government and the state's residents by the enactment of laws. The legislature and its committees also have the power to gather information and make investigations needed to enact laws. (Const. Art. II, §1 and Art. III, §1(A))

Legislative responsibility does not end with enactment; the legislature has an obligation to assure that legislative policy and intent are carried out by the executive branch. Therefore, oversight of the actions of the executive branch in administering state programs is another traditional legislative power. Two common ways the legislature exercises such oversight are hearings in which agency personnel and others discuss the implementation of the law and committee review of administrative rules proposed by executive branch agencies.

Members

The constitution sets the maximum number of senators at 39 and the maximum number of members of the House of Representatives at 105. (Const. Art. III, §3) Currently both houses are composed of the maximum number of members. The constitution requires single-member legislative districts; that is, each member of each chamber represents a separate district. (Const. Art. III, §1) The representation in both houses is based on population in accordance with state constitutional mandate and U.S. Supreme Court decisions. The legislature is required to redraw its districts by the end of the year following a decennial census year. (Const. Art. III, §6)

Terms, Vacancies, and Temporary Successors

Legislators are elected for four-year terms. Anyone who has been elected to serve more than two and one-half terms in three consecutive terms may not be elected to the succeeding term in the same house. (Const. Art. III, §4(E))

A legislative vacancy may be filled only for the remainder of the term during which it occurred and only by election of the voters of the district in which the vacancy occurred. (Const. Art. III, §4(D))

The state constitution and state law adopted pursuant to the constitution provide for an appointed, temporary member to succeed to the powers of an elected member who is ordered to active duty in the U.S. armed services. (Const. Art. III, §4(F); R.S. 24:77.1 et seq.)

Officers

The officers of each house of the legislature are elected at the beginning of each term to serve for the term. The House of Representatives elects from among its members a speaker and speaker pro tempore. It also elects its chief clerical officer, the clerk of the House, who is not a member. The Senate elects its presiding officer, the president of the Senate, from among its membership and also elects a president pro tempore from its membership. It selects its chief clerical officer, the secretary of the Senate, who is not a member of the Senate. The rules of the respective houses provide for such elections. (Const. Art. III, §7(C); R.S. 24:501 et seq.; House Rules 2.1 - 2.10; Senate Rules 3.1-3.11)

The rules of the respective chambers also provide for a sergeant at arms. The sergeant at arms of the House of Representatives is appointed by the speaker and serves at his pleasure. The Senate's sergeant at arms is elected by the senators. (House Rule 2.11; Senate Rule 3.8)

Sessions of the Legislature

The constitution requires that an organizational session be convened on the day the members take office (the second Monday in January after the quadrennial election). Organization of the two houses, including selection of officers, is the major purpose of an organizational session. Resolutions and rules can be adopted, but no matter intended to have the effect of law may be introduced. Such a session cannot exceed three legislative days. (Const. Art. III, §2(D)) A legislative day is a calendar day on which either house is in session. (Const. Art. III, §2(A)(1))

The state constitution provides that the legislature shall meet in regular annual sessions as follows:

- Even-numbered years: Convene at noon on the second Monday in March for not more than 60 legislative days within 85 calendar days. During such sessions, the legislature may consider legislation on almost any topic except certain matters related to state taxes.
- Odd-numbered years: Convene at noon on the second Monday in April for not more than 45 legislative days within 60 calendar days. During such sessions, the legislature may consider various fiscal matters, including tax issues that are prohibited during even-numbered year sessions, and most local issues. The legislature may also consider other matters during such sessions, but bills dealing with other matters must be prefiled, and a member may prefile not more than five such bills.

The table on page 1A-4 summarizes constitutional provisions applicable to regular legislative sessions and discusses the differences between sessions in even-numbered years and those in odd-numbered years.

Extraordinary sessions, commonly referred to as special sessions, may be convened by the governor at other times. Also, an extraordinary session is called by the presiding officers of the legislature if a petition signed by a majority of the members of each house requests them to do so. An extraordinary session is called by issuance of a proclamation which states the date on which it will convene, its maximum duration, and the objects on which legislation may be considered. (Const. Art. III, §2(B))

The constitution also requires that the legislature meet in a veto session after any regular or extraordinary session unless a majority of the members of either house declare in writing that a veto session is unnecessary. (Const. Art. III, §18(C))

Continuous Body

Though the legislature is not always in session, the constitution provides that the legislature is a continuous body during the time for which its members are elected. (Const. Art. III, §1(B)) Thus, legislative rules continue to be effective even when the legislature is not in session, and standing committees of the legislature have authority to conduct studies and hearings during the interim between sessions.

The Governor and the Legislature

Though the executive branch is separate and distinct from the legislative branch, the governor exercises certain powers that affect the legislature. In addition to calling extraordinary sessions, as discussed above, the constitution directs the governor, at the beginning of each regular session and at other times, to make reports and recommendations and to give information to the legislature concerning “the affairs of state, including its complete financial condition.” It also requires that he submit to the legislature an operating budget and a capital budget for each fiscal year. (Const. Art. IV, §5) The governor may veto any item in an appropriation bill and any bill passed by the legislature, except proposed constitutional amendments. The legislature can override a gubernatorial veto with a two-thirds vote of both houses. (Const. Art. III, §18 and Art. IV, §5)

Additional Information About the Legislature

As suggested by the title of this publication, this Part is not intended as a comprehensive review of legislative organization and procedure; rather, it provides an overview of the legislature. A separate publication, "Orientation Guide for Louisiana House Members", provides detailed information concerning the legislative branch.

The rules governing House procedure are contained in a body of rules officially adopted by the House of Representatives. These rules remain continuously in effect and are subject to amendment by the House as provided in the rules. They are published in a separate publication, "Rules of Order of the House of Representatives". The rules, together with the state constitution, comprise the major primary sources for specific information about the powers and functions of the legislature and its officers, as well as legislative organization and procedure.

In addition to the publications discussed above, the "Quick Guide to Committee Procedure in the Louisiana House of Representatives" and "Quick Guide to Floor Procedure in the Louisiana House of Representatives" provide practical, detailed information about House procedure. They include examples of the actual language used in making motions and in other parliamentary practice.

Annual Regular Legislative Sessions ~ Key Constitutional Provisions

Provision	Regular Sessions Even-Numbered Years	Regular Sessions Odd-Numbered Years
When session convenes	Noon, second Monday in March	Noon, second Monday in April
Maximum session length	60 legislative days in 85 calendar days	45 legislative days in 60 calendar days
Subject matter limitations	Prohibition on introducing or enacting any measure levying or authorizing a new tax or a tax increase by the state or by a statewide political subdivision or legislating with regard to state tax exemptions, exclusions, deductions, or credits	Prohibition on introduction or consideration of measure having effect of law (including suspension) unless its object is to enact a general appropriations 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. Restrictions do not apply if: (1) The matter is prefiled by the pre-filing deadline (this exception is limited to five such matters per member per session); or (2) The object of the matter is to enact a local or special law which is required to be and has been advertised in accordance with Const. Art. III, Sec. 13 and is not prohibited by Const. Art. III, Sec. 12
Number of bills member may introduce	Unlimited, except no more than five bills after pre-filing deadline ¹	
Deadline for pre-filing of bills (except constitutional amendments)	5 p.m. on the 10th calendar day prior to 1st day of session	
Deadline for bill introduction (except constitutional amendments)	6 p.m. of the 23rd calendar day; bill introduction after deadline not permitted	6 p.m. of the 10th calendar day; bill introduction after deadline not permitted
Deadline for constitutional amendments	Noon on the 10th day prior to the 1st day of session; introduction during session not permitted	
Deadline for 3rd Reading / Final Passage	6 p.m. of 57th legislative day or 82nd calendar day, whichever occurs first (except by 2/3 vote of both houses)	6 p.m. of 42nd legislative day or 57th calendar day, whichever occurs first (except by 2/3 vote of both houses)
Latest time for adjournment sine die	6 p.m. on 85th calendar day or midnight on 60th legislative day, whichever occurs first	6 p.m. on 60th calendar day or midnight on 45th calendar day, whichever occurs first

¹ Joint Rule No. 18 provides that the following bills are not subject to five-bill limit: general appropriation bill; judicial branch appropriation; legislative branch appropriation; capital outlay bill; omnibus bond authorization bill; supplemental appropriations bill; revenue sharing bill; ancillary funds bill.