

THE LEGISLATURE – THE INSTITUTION

Basic Legislative Structure and Functions

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THE LEGISLATURE – THE INSTITUTION

Basic Legislative Structure and Functions

Overview

The legislature is one of the three branches of state government. It is the policymaking branch and makes policy by enacting laws, but it also oversees the implementation of laws and conducts studies necessary to enact laws. Its structure and powers are established primarily by Article III of the Constitution of Louisiana. The constitution also gives the governor certain, albeit limited, powers related to lawmaking, such as submission of the executive budget and veto of bills.

The legislature is a continuous body. It is comprised of the House of Representatives and the Senate. The constitution provides for the number of members and their terms of office, for legislative rules, and for legislative officers.

Legislative sessions are also governed by the constitution. These include the regular sessions, with general regular sessions in even-numbered years and restricted regular sessions in odd-numbered years, extraordinary or special sessions, organizational sessions (which occur every four years when members take office for a regular term), emergency sessions, and veto sessions.

Legislative staff agencies serving the House include **House Legislative Services**, which provides research, bill drafting, committee staffing, library services, and administrative services for the House; the staff of the **Speaker's Office**, which oversee the day-to-day operations of the House, its employees, and its members, and besides the Speaker's staff itself includes the House **Accounting Office**, the House **Communications Office**, the House **Human Resources Office**, **Property Control and Purchasing**, the Louisiana Capitol Foundation, and the House switchboard; the House **Clerk's Office** which processes legislation, maintains official legislative records and schedules, gives notice of House committee meetings, and provides other House services; the House **Sergeant at Arms** which provides security, transportation, and emergency medical services; and **other House offices** such as the Speaker Pro Tempore's office and caucus and delegation offices which assist the members with various services, but particularly with aiding constituents, and acting as liaison with other government offices.

The **Legislative Fiscal Office** provides budget research and fiscal notes to the House and the Senate. The **Legislative Auditor** and his staff also serve both houses. In addition to the office's post audit function, it prepares actuarial notes for retirement bills and certain fiscal notes, performs program evaluations, and reviews performance measures for program budgets of agencies.

The **Louisiana State Law Institute** is the official revisor of statutes for the state and conducts scholarly legal research.

Certain committees have administrative responsibilities. The **Legislative Budgetary Control Council**, created by statute, governs the administration and expenditure of the funds of both houses and of legislative agencies. It reviews budget requests of legislative agencies and must approve them for inclusion in the legislative appropriation bill. It also regulates other fiscal matters for the legislature.

The **House Executive Committee** advises the House Speaker on various matters concerning operation of the House and staff, and also establishes the annual vouchered allotment for House members to be used for expenses of office.

The **Legislative Audit Advisory Council** has certain duties relative to the Legislative Auditor and his staff.

The **Joint Legislative Committee on the Budget** has certain administrative authority relative to the Legislative Fiscal Office.

THE LEGISLATURE – POWERS, COMPOSITION, SESSIONS

A Summary of Major Constitutional Provisions Governing the Legislature

Legislative Powers

The Louisiana Constitution establishes the legislative branch as one of the three coordinate branches of state government. Article II, Section 1 provides for three separate branches of state government: legislative, executive, and judicial and provides that except as otherwise provided in the constitution, no one of these branches, nor any person holding office in one of them, shall exercise power belonging to either of the others. Article III, Section 1(A) vests the legislative power of the state in the legislature, consisting of the Senate and the House of Representatives. The legislature is responsible for determining general policy for the state and its residents through the enactment of laws. The power to enact laws is subject to the substantive and procedural limitations of the federal and state constitutions. Oversight of the actions of the executive branch in administering state programs is also vested in the legislature. This power, closely related to the power to make laws, is exercised in order to assure that legislative policy and intent are carried out. Review of administrative rules of executive branch agencies by legislative oversight committees is an important exercise of this authority. The legislature and its committees also have the power to gather information and investigate as needed.

The governor also exercises certain legislative powers. Const. Art. IV, §5(B) 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 the complete financial condition of the state. Constitution Article IV, Section 5(D) requires the governor to submit to the legislature an operating budget and a capital budget for each fiscal year. The governor is authorized to call the legislature into special session. Additionally, he may veto any bill or any item in an appropriation bill, though the legislature may override a veto by a vote of two-thirds of the elected membership of each house (Const. Art. III, §18 and Const. Art. IV, §5(G)).

Continuous Body

Const. Art. III, §1(B) provides that the legislature is a continuous body during the time for which its members are elected. This continuous authority permits standing committees of the legislature to meet during the interim between sessions.

Composition

Article III, Section 3 of the constitution specifies that the number of members of the legislature shall be provided by law, but establishes the maximum number of senators at 39 and the maximum number of members of the House of Representatives at 105. Representation in both houses of the legislature is based on population in accordance with state constitutional mandate (Const. Art. III, §6) and U.S. Supreme Court decisions. The constitution provides for single-member districts exclusively. The legislature is required to reapportion the representation in each house by the end of the year following the year in which the state's population is reported to the president of the United States for each decennial federal census, on the basis of total population shown by such census.

Terms and Vacancies

Legislators are elected for four-year terms and take office on the same day as the governor and other statewide elected officials. The next term of the legislature begins on January 11, 2016, at 10:00 a.m. A constitutional amendment adopted by the voters in October of 1995, limits the number of consecutive terms a person may serve in each house of the legislature and provides that no person who has been elected to serve as a member of the legislature for more than two and one-half terms in three consecutive terms may be elected for the succeeding term.

A vacancy in the legislature can be filled only by the electors of the district in which the vacancy occurred for the remainder of the term during which the vacancy occurred (Const. Art. III, §4(D)).

Officers

The officers of each house of the legislature are selected at the beginning of each term to serve for four-year terms. 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 its membership and also elects a President Pro Tempore from its membership. It also elects its chief clerical officer, the Secretary of the Senate, who is not a member. Rules of each house provide for the election of these officers (Const. Art. III, §7(C)). The rules of each house also provide for a Sergeant at Arms. In the House of Representatives, the Sergeant at Arms is appointed by the Speaker. In the Senate, the Sergeant at Arms is elected.

Sessions of the Legislature

Legislative sessions are governed by the provisions of Article III, Section 2 of the constitution.

Every four years, at 10:00 a.m. on the day members take office, an **organizational session** is convened, primarily for judging members' qualifications and elections, taking the oath of office, organizing the two houses, and selecting officers. The session is limited to three legislative days; no matter intended to have the effect of law may be introduced.

Regular sessions in even-numbered years convene at noon on the second Monday in March. The legislature may meet for not more than 60 legislative days (a calendar day on which either house is in session) during a period of 85 calendar days. These sessions are general in nature, but no measure levying or authorizing a new tax or increasing an existing tax by the state or a statewide political subdivision, or dealing with tax exemptions, exclusions, deductions or credits, may be introduced or enacted.

Regular sessions in odd-numbered years convene at noon on the second Monday in April. The legislature may meet for not more than 45 legislative days during a period of 60 calendar days. These sessions are restricted sessions. Legislation may be considered if its object is to enact the general appropriation bill or other appropriations; enact the capital budget; levy a new tax or increase an existing tax; 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 issuance of bonds. In addition, each member may prefile up to five bills that are not within these restrictions and may prefile or introduce any number of bills whose object is to enact a local or special law which is required to be and which has been advertised as provided in Article III, Section 13 and is not prohibited by Article III, Section 12. (See the **Annual Regular Legislative Sessions – Key Constitutional Provisions** chart on page E-3.)

Extraordinary sessions may be convened by the governor at other times and must be convened by the presiding officers of both houses upon petition of a majority of the elected members of each house. An extraordinary session may not exceed 30 calendar days, and the power to legislate is limited to the objects specified in the proclamation or call for the session issued by the governor or the presiding officers, as the case may be.

Emergency sessions may be convened by the governor without prior notice or proclamation in the event of a public emergency caused by epidemic, enemy attack, or public catastrophe.

Constitution Article III, Section 18(C) requires the legislature to meet in **veto session** on the fortieth day following final adjournment of the most recent session, to consider all bills vetoed by the governor (or on the succeeding Monday if the fortieth day falls on Sunday). A veto session is limited to five calendar days, and may be finally adjourned prior to the end of the fifth day with approval of two-thirds of the elected members of each house. No veto session is held if a majority of the elected members of either house declare in writing that a veto session is unnecessary and the declaration is received by the presiding officer of the respective houses at least five days prior to the day on which such session would convene. A veto session has never been held.

Constitution Article III, Section 1(B) provides that a bill or resolution not finally passed in any session shall be withdrawn from the files of the legislature.

Privileges and Immunities

A member of the legislature is privileged from arrest, except for felony, during his attendance at sessions and committee meetings of his house and while going to and from them. No member may be questioned elsewhere for any speech in either house (Const. Art. III, §8).

Conflict of Interest

Article III, Section 9 of the constitution provides that legislative office is a public trust, and every effort to realize personal gain through official conduct is a violation of that trust. It requires the legislature to enact a code of ethics for members of the legislature. (See also Const. Art. X, §21, and R.S. 42:1101 et seq. regarding a code of ethics for all public officials and employees.)

Quorum, Attendance, Journal, and Adjournment

The constitution provides that a majority of the elected members of each house (53 members of the House of Representatives and 20 members of the Senate) is required to form a quorum to transact business. A smaller number may adjourn from day to day and may compel attendance of absent members. Each house is required to keep a journal of its proceedings and have it published immediately after the close of each session. The Journal of each house is required to accurately reflect the proceedings, including all record votes. When the legislature is in session, neither house is allowed to adjourn for more than three days or to another place without the consent of the other house. (Const. Art. III, §10)

LEGISLATIVE STAFF

Legislative Staffing Agencies and Their Functions

The House has a full-time, nonpartisan staff, which includes House Legislative Services and general House Staff. Offices within the general House Staff include the office of the Clerk, the House Sergeant at Arms, and the office of the Speaker. House staff units within the office of the Speaker are Communications, Human Resources, Accounting, Property Control and Purchasing, Switchboard, and the La. Capitol Foundation. In addition, there are other agencies which serve both the House and the Senate. Relevant staff resources and services are discussed in each of the other major sections of this guide. (See particularly **Information Resources** beginning on page G-1.)

House Legislative Services

House Legislative Services (HLS) staff serves all house members and committees. The HLS staff drafts legislation and the accompanying summaries, provides research services, staffs committees, prepares floor and committee amendments to legislation, conducts studies and briefings, provides fiscal reports and analyses, prepares **Hot Topics** in advance of sessions and **The Session Wrap** and **Highlights** immediately after session, and is available, year-round, for member inquiries. HLS also provides library reference services and handles much of the publication, copying, record keeping, and other administrative work of the House. HLS has an Executive Director that serves as its administrative officer. House Rule 3.5 provides that HLS is under the general supervision and control of the Subcommittee on Personnel of the House Executive Committee.

HLS is organized into five **research divisions**: Commercial Regulation, Fiscal, Governmental Affairs, Legal, and Resource & Infrastructure, as well as Administrative Services and the David R. Poynter Legislative Research Library. Attorneys and legislative analysts in each research division draft legislation and provide research and analysis in their respective committees and areas of subject matter expertise and, together with the committee secretaries, staff the committees to which they are assigned. Budget analysts provide analysis of the state's budget and, like the drafting staff, are experts in their assigned areas which correspond with the various budgetary units of state government. Each division is supervised by a director who is responsible for its staff including work assignments, quality control, and workflow and is assisted by an administrative secretary. Committees within each of the five divisions are shown in the graphic on the next page.

HLS Research Divisions – Committees	
Division	Committees
Governmental Affairs	<ul style="list-style-type: none"> • House & Governmental Affairs • Education • Retirement • Municipal, Parochial & Cultural Affairs
Commercial Regulation	<ul style="list-style-type: none"> • Commerce • Health & Welfare • Insurance • Labor & Industrial Relations
Legal	<ul style="list-style-type: none"> • Civil Law & Procedure • Judiciary • Administration of Criminal Justice
Fiscal	<ul style="list-style-type: none"> • Appropriations • Ways & Means
Resource & Infrastructure	<ul style="list-style-type: none"> • Natural Resources & Environment • Agriculture, Forestry, Aquaculture & Rural Development • Transportation, Highways & Public Works

Administrative Services provides clerical assistance for the massive amount of typing, proofreading, printing, and other clerical work necessary for the operation of the House. House Docket maintains files of all bills and adopted amendments from current and past legislative sessions. Administrative Services is responsible for engrossing and enrolling all House bills, resolutions, and other legislative instruments.

HLS maintains the **David R. Poynter Legislative Research Library** which provides reference services to legislators and staff of the House and Senate and other legislative offices. It maintains a comprehensive collection of legislative documents, books, and periodical and newspaper articles related to legislative issues and matters of public interest. Librarians conduct searches in legal and news databases upon request. The library operates the PULS line (Public Update Legislative Service), a toll-free telephone line, to provide the public with information on legislation, proceedings, and legislative website navigation. The library also staffs special information lines to respond to questions from House members which are available only to House members and their staff.

Speaker's Office

The Speaker has a staff chosen by him to assist in the running of the day-to-day operations of the House, its employees, and its members. In addition to handling member travel, member services such as assistance with visiting dignitaries and singers and reserving of the Rotunda, the Speaker's schedule, dealing with Pentagon apartment issues, operating the House switchboard, and carrying out administrative duties, the Speaker's staff assist him in implementing his decisions including member committee and Pentagon apartment assignments, supervision of the House chamber and all space allocated to the House, presiding over all House sessions, supervision of all House staff and offices, approval of interim committee meetings, approval of large purchases using state funds, approval of all staff and member travel, appointments to various boards and commissions, developing the House budget and overseeing its expenditures, and the carrying out of any and all duties of the Speaker.

Accounting

The House Accounting Office is responsible for all accounting functions. The office handles all matters relating to the compensation of members, staff, legislative assistants, and temporary session staff. It is also responsible for all payments and reimbursements for district office expenses. The office assists members regarding leases for the district offices and it facilitates rent payments. It also is responsible for administering the members' office allowances. Additionally, it handles all payments related to approved travel, including payment of registration fees, airfare, and reimbursement of travel-related expenses.

Communications

The House Communications Office (HCO) is responsible for assisting House members and staff in communicating with the public, as well as the media. HCO services for the House and its members include production and publication of materials that increase knowledge of and promote public involvement in the legislative process, acting as liaison with schools and community organizations, as well as the media, constituency outreach, direct-mail marketing, providing audio and visual services for the House, maintaining all House websites and social media pages, and developing audio, video, and print communication materials for legislator and staff use concerning media communication.

Human Resources

The House Human Resources Office, which was established to centralize all human resource and personnel functions of the House and is responsible for staffing of the organization, including employee recruitment and selection, as well as orientation of new

employees, employee training and development, compensation, incentives and benefits administration, development of personnel policies and procedures, recordkeeping, and ensuring adherence to all state and federal laws and rules and regulations governing personnel and labor issues.

Property Control and Purchasing

The Property Control and Purchasing Department is responsible for the acquisition and disposal of furniture and equipment for members' district offices and House staff. The department assists in opening and closing members' district offices and also reconciles all House property for inventory purposes.

House Clerk's Office

The Clerk of the House is the constitutional clerical officer of the House of Representatives, the parliamentarian, and the custodian of all records of the House. The House Clerk's Office is staffed to assist the Clerk in processing legislation, receiving reports of standing committees, maintaining and publishing a journal of proceedings, and publishing the Legislative Calendar. This office handles matters relative to the scheduling of committee meetings throughout the year and providing notice of such meetings. The Clerk is also responsible for processing House members' interim emergency appropriation ballots as well as all other ballots for interim votes and for reviewing vouchers submitted for reimbursement of office expenditures by members.

Sergeant at Arms

The Sergeant at Arms is an officer of the House appointed by the Speaker. The Sergeant at Arms' office handles security and transportation matters for the House and also includes staff trained to handle medical emergencies in the Capitol.

Other Offices

Other staff are available to assist House members in the Speaker Pro Tempore's Office and in the various caucus and delegation offices, such as the Acadiana Delegation, Black Caucus, Capital Region, Democratic Caucus, Independent Caucus, Jefferson Delegation, Orleans Delegation, Republican Delegation, Rural Caucus, and Women's Caucus. These offices help members in a variety of ways, but particularly with constituent services and with obtaining information and assistance from state, local, and federal offices.

Legislative Fiscal Office

The Legislative Fiscal Office was established on July 1, 1974, (Act No. 169 of the 1993 R.S.) to provide the legislative branch with its own independent fiscal staff to advise both houses of the legislature on all financial matters. The Legislative Fiscal Officer, elected by the majority vote of the members of both the House and Senate,

administers and directs the work of the fiscal office. The primary responsibilities of the fiscal office include: review and analysis of the proposed Executive Budget; program review; preparation of fiscal notes and review of legislation with projections of costs and revenues associated with the proposed laws; long- and short-range revenue projections; and review of performance-based budgeting in the executive branch. The office also makes recommendations to the Joint Legislative Committee on the Budget (JLCB) of monthly requests to amend agency budgets (BA-7 process); evaluates requests submitted to the Interim Emergency Board (IEB) and makes recommendations to the Legislature relative to those requests; and reviews and approves fiscal and economic impact statements of proposed administrative rule changes submitted by the executive branch. (Also see **Joint Legislative Committee on the Budget** on page A-14.)

**Legislative
Auditor's Office**

The Legislative Auditor's office is a constitutionally created office (Const. Art. III, §11). The Legislative Auditor serves as fiscal advisor to the legislature and performs duties related to auditing the fiscal records of the state, its agencies, and political subdivisions. The Auditor prepares an annual report to the legislature highlighting significant audits and important fiscal matters. The Auditor prepares fiscal notes for legislation affecting local political subdivisions. He also prepares fiscal actuarial notes for legislation affecting public retirement systems. The Auditor is mandated to conduct performance audits, which include reviewing data used by state agencies and departments for fulfilling their legislative mandates. The Auditor is elected by a majority of the elected members of each house and has no set term. (See **Legislative Audit Advisory Council** on page A-14.)

**Louisiana State Law
Institute**

The Louisiana State Law Institute is an official advisory law revision, law reform, and legal research agency of the state, composed of attorneys, judges, and law professors. The law institute was created to promote and encourage the clarification and simplification of state law and its better adaptation to present social needs, to secure the better administration of justice, and to conduct scholarly legal research. After each legislative session, the law institute prepares the printer's copy of the official text of the enacted laws for incorporation into the Louisiana Revised Statutes and other codes.

COMMITTEES WITH CERTAIN ADMINISTRATIVE FUNCTIONS

Committees that Help Administer the Legislature

There are several legislative committees that play a role in administration of the legislature, the House, and legislative or House staff. These include the Legislative Budgetary Control Council, the House Executive Committee, the House Legislative Services Council, the Legislative Audit Advisory Council, and the Joint Legislative Committee on the Budget.

Legislative Budgetary Control Council

The Legislative Budgetary Control Council establishes rules to govern the administration and expenditure of all legislative branch funds. The council reviews budgetary requests for the two houses and all legislative agencies and must approve them before they are included in the legislative appropriation bill. It sets requirements for financial statements and accounting systems and for deposits and transfers of funds. Legislative facilities management is another council responsibility. The council is composed of the Senate President and President Pro Tempore; the House Speaker and Speaker Pro Tempore; the chairmen of the Senate Finance Committee, House Appropriations Committee, Senate and Governmental Affairs Committee, and House and Governmental Affairs Committee; one member of the House and Governmental Affairs Committee and one member of the Senate and Governmental Affairs Committee appointed by the respective chairman; and, ex officio but nonvoting, the House Clerk and Senate Secretary.

House Executive Committee

The House Executive Committee is created by House Rule (House Rule 6.26) to make recommendations to the Speaker, other House officers, and the Committee on House and Governmental Affairs concerning internal House matters such as space and facilities, officers and employees, rules, administration, litigation, and budgetary and financial questions. The committee is divided into three standing subcommittees: Affairs of the House, Litigation and Legal Issues, and Personnel. It also has authority to establish an annual vouchered allotment for House members, to be drawn monthly, for expenses as a House member such as office rent, utilities, communications, supplies, salary supplements for legislative assistants, and travel. The committee has 19 members, including the Speaker and the Speaker Pro Tempore and 17 members appointed by the Speaker with at least one from each congressional district.

Legislative Audit Advisory Council

The Legislative Audit Advisory Council (LAAC) advises and consults with the Legislative Auditor concerning his functions, duties, and responsibilities. It makes recommendations to the Auditor and to the legislature regarding auditing of all public monies. The salary of the Legislative Auditor is fixed by LAAC. LAAC reviews the budget of the Legislative Auditor prior to submission to the legislature. It has authority to subpoena witnesses, books, and records; to compel testimony; and to punish for contempt. The Auditor reports to LAAC remedial action taken when there are audit findings or indications of fraud in a state or local audit. LAAC has 10 members, including five House members appointed by the House Speaker and five Senators appointed by the Senate President. (See **Legislative Auditor's Office** on page A-11.)

Joint Legislative Committee on the Budget

The Joint Legislative Committee on the Budget (JLCB) was created and established as the budgetary and fiscal representative of the legislature to assist the body in its responsibilities under the state constitution and to provide the legislature with information. During the interim, the committee is authorized to approve or disapprove transfers of funds and to approve requests for use of interest earnings and for change orders for capital constructions projects. The committee is often extended broad authority to interpret and oversee implementation of legislative intent in regard to fiscal and budgetary matters. The JLCB also has certain administrative authority with respect to the Legislative Fiscal Office and the Legislative Fiscal Officer. The committee is the governing council of the Legislative Fiscal Office for the purposes of rules and regulations adopted by the legislature to govern expenditure of legislative funds and related matters.

The committee is composed of the members of the House Committee on Appropriations, Senate Committee on Finance, and the chairman of the House Committee on Ways and Means and chairman of the Senate Committee on Revenue and Fiscal Affairs. The chairman of the committee rotates every two years between the chairman of the House Committee on Appropriations and the Senate Committee on Finance. The committee staff rotates every two years between the House Legislative Services Fiscal Division and Senate Fiscal Services. Additionally, the Legislative Fiscal Office and the Legislative Auditor assists the committee in the performance of its functions and duties.