

THE LEGISLATOR AS LAWMAKER – THE SESSION

Being Effective During Session – In Committee and on the Floor

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THE LEGISLATOR AS LAWMAKER – THE SESSION

Being Effective During Session – In Committee and on the Floor

Overview

The legislator's role during the session is to carry out the lawmaking function of the legislative branch. The Legislature of Louisiana exercises the power of the citizenry. The legislature may enact any law not specifically prohibited by the state or federal constitution or preempted by federal law.

Floor debate and voting on legislation during a session are the traditional roles perceived for legislators. Today, however, the legislator's role during session involves far more and is far more visible, as technology and the media have opened the legislative process to wider public access.

A chart which summarizes significant constitutional provisions governing legislative sessions introduces this Part. Areas of particular importance during a legislative session, all of which are explained more fully in the following pages, are:

- **Legislative Instruments and Documents**

Various official documents are used in the course of legislative business during a legislative session. The name of each document and a general description of each are provided.

- **Legislative Procedure in Committees**

The committee system is explained, together with the role of committees in the legislative process. Also included are the roles members and staff play, an explanation of parliamentary procedure in committee, and public access to hearings.

- **Legislative Procedure on the House Floor**

A discussion of legislative procedure used by the House to accomplish debating and voting on instruments is included.

- **Broadcast of Legislative Proceedings**

How the House provides broadcasts of committee and floor proceedings is discussed.

- **Staff Services to Assist Legislators during a Session**

The services offered members by the various components of the legislative staff, including research, bill drafting, fiscal information for members and committees, media and constituent services, and administrative support, are detailed.

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 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 the 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 prefiling deadline (this exception is limited to five of 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 | Five, unless prefiled by prefiling deadline ¹ | Five, unless prefiled by prefiling deadline ¹ |
| Deadline for prefiling of bills (Does not apply to constitutional amendments or retirement bills) | 5 p.m. on the 10th calendar day prior to 1st day of session (Constitutional amendments must be prefiled at least 10 days before session) (Any retirement bills to be prefiled must be prefiled no later than 5 p.m. of the 45th calendar day prior to the 1st day of session) | 5 p.m. on the 10th calendar day prior to 1st day of session (Constitutional amendments must be prefiled at least 10 days before session) (Any retirement bills to be prefiled must be prefiled no later than 5 p.m. of the 45th calendar day prior to the 1st day of session) |
| Deadline for bill introduction (Does not apply to constitutional amendments) (Bill introduction after deadline not permitted) | 6 p.m. of the 23rd calendar day (Constitutional amendments must be prefiled at least 10 days before session) | 6 p.m. of the 10th calendar day (Constitutional amendments must be prefiled at least 10 days before session) |
| 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) |
| Time of adjournment sine die | No later than 6 p.m. on the 85th calendar day | No later than 6 p.m. on the 60th calendar day |

¹ Exceptions permitted by joint rule. 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 appropriation bills; revenue sharing bill; ancillary funds bill.

LEGISLATIVE INSTRUMENTS AND DOCUMENTS

The following are the names and brief descriptions of various legislative instruments and documents. Additional information regarding their uses is covered in other portions of this guide.

Bills

Bills are instruments proposing changes in either statutory law or the state constitution.

A bill designated as a **Joint Resolution** proposes to change the constitution by adding new provisions or by amending or repealing existing provisions. It requires the favorable vote of 2/3 of the elected members of each house for final passage and subsequent placement on the election ballot. It is not subject to veto by the governor.

A bill designated as an **Act** proposes to enact new statutory or uncodified law or amend or repeal existing law.

A **local bill** is one which applies only in a limited area, such as one or more designated parishes, municipalities, or political subdivisions. The constitution prohibits the enactment of a local law unless notice of intention to introduce a bill to enact such a law has been published in the official journal of the locality to be affected on **two** separate days at least 30 days prior to introduction of the bill. If the bill provides relative to the creation of a special district, the primary purpose of which includes aiding in crime prevention and adding to the security of district residents, the notice of intention to introduce the bill must be published on **three** separate days in the official journal of the locality where the special district is to be situated at least 30 days prior to introduction of the bill. Each publication of notice of intention to introduce a bill relative to the creation of a crime prevention/security district must include certain information as specified in the constitution. (Const. Art. III, §13). The constitution also prohibits the enactment of a local or special law on certain matters (Const. Art. III, §12).

A **retirement bill** is one which would change the law relating to any retirement system for public employees. Because of constitutional requirements, retirement bills are generally drafted and filed earlier than other types of bills, typically 45 days prior to introduction. Further, **notice** of intention to introduce a retirement bill must be

advertised in the official **state journal** on two separate days at least 60 days prior to introduction of the bill. If the proposed change in law is relative to a local retirement system, notice must also be published in the official journal of the locality where the system is domiciled. The legislative auditor's office must prepare an actuarial note for each retirement bill. The actuarial note contains an analysis of the proposed legislative changes and must accompany the bill through the legislative process to provide legislators at every step with a reasonably accurate estimate of the cost of the proposal to the state, system, or locality.

A **substitute bill** (including a joint resolution) is a new bill reported by a committee to substitute for a bill or bills on the same subject matter.

The **general appropriation bill** is itemized and contains only appropriations for the ordinary operating expenses of the executive branch of state government. The **capital outlay bill** contains the projects in the comprehensive state capital construction program.

Resolutions

Resolutions are designated **concurrent** when they are considered by both houses of the legislature and are designated **simple** when considered by only one house. Except for a concurrent resolution which suspends a law, enacts the Minimum Foundation Program (MFP) formula for funding public elementary and secondary education, or affects an administrative rule, a resolution generally does not have the force and effect of law.

A **concurrent** resolution is used for a matter of interest to both houses and may originate in either the House of Representatives or the Senate. It may be used to express the sentiment of the legislature, to "urge and request" agency action, to establish certain joint committees, or to provide for joint rules of procedure.

A "suspension" resolution is a concurrent resolution used to suspend a law for a fixed period of time. It is subject to many of the procedures and formalities required for the enactment of the law, but it is not subject to veto by the governor.

A **simple** resolution is used to provide for rules of procedure or to address some other matter of interest to only one house.

Amendments

An amendment is a device for changing the wording of a bill or resolution. An amendment proposed by a committee of a house is designated a **committee amendment**, and an amendment proposed by an individual legislator during floor debate is designated a **floor amendment**.

Versions of Legislative Instruments

Legislative instruments are given the labels of **original**, **engrossed**, **reengrossed**, **re-reengrossed**, or **enrolled** to indicate their status throughout the course of a session.

The **original** bill or resolution means the form of the instrument at the time of its introduction. Following a favorable action on a bill by a committee in the house of origin, it is ordered by the full house to be **engrossed**. If a bill is amended on the floor, it is ordered **reengrossed**. After a bill has been reengrossed, if it is amended again in the house of origin, it will be **re-reengrossed**. This happens most often when house committee amendments from two different committees have been added and then floor amendments are adopted. (In some instances a bill may be reengrossed prior to third reading and final passage.) When an instrument is ordered to be engrossed or reengrossed, it is retyped to incorporate any amendments which have been adopted by the house of origin. A bill or resolution is not reengrossed to incorporate amendments in the second house.

The final version of an instrument which has been passed by both houses, or by the one house in the case of a simple resolution, is the **enrolled** version; and it incorporates all amendments which have been adopted during the process. If an enrolled bill is approved by the governor, it becomes an **Act** and is given an Act number by the secretary of state.

Abstracts and Digests

The **abstract** is a generalization of the content of a bill or resolution. The **digest** is a summary of the contents of a bill or resolution. The abstract and digest are prepared by the staff. The digest is usually in a form which states the existing law and the changes proposed by the instrument. For the sake of easy reference, both are printed at the end of the instrument; but these are not actually a part of the legislation. A redigest is prepared when a bill has been amended. The redigest also contains a summary of substantive amendments which have been adopted.

Conference Committee Reports

This document, used when the house of origin does not concur in the amendments from the second house, is essentially a proposed compromise between the chambers as to the language of the legislative instrument. It includes a statement of those amendments in the second house to be accepted and those to be rejected and any additional proposed amendments. The rules of each house provide for the appointment of three conferees to a conference committee. The members from each house on the conference committee determine the content of the conference committee report. A conference committee report must be adopted in each house by the same vote required for final passage of the instrument.

Resumé

The Resumé is a compilation of digests of acts, resolutions, and enrolled bills vetoed by the governor, together with tables and other statistical data, for an entire legislative session.

Study Requests

An instrument requesting that a committee study an issue during the interim between legislative sessions is called a study request and, like a resolution, may be a **simple** study request if it concerns a committee of only one house, or a **concurrent** study request if it concerns committees of both. Study requests are circulated on lists periodically during the session and are approved if not objected to by one-third of the membership of the house in question. Study requests are used only to request studies by standing committees. Resolutions sometimes request special studies.

Commendations and Condolences

Commendations, other tributes, and condolences may be expressed by either house in the form of a simple resolution or by both houses in the form of a concurrent resolution. In addition, during the interim between sessions, individual House members may ask staff to prepare a so-called Interim Commendation or Interim Condolence to be signed only by the particular member.

Journal and Legislative Calendar

Each house keeps a daily **journal** of its floor proceedings, including record votes, and compiles a final version for an entire session. The **Legislative Calendar** publication contains a listing of all House and Senate bills and resolutions in numerical order and a listing of the actions taken on each in chronological order, referenced to a Journal entry.

**Calendar
and
Order of the Day**

The term "calendar" also refers to the listing of instruments which are pending in either house at a given time. Bills are listed in the order in which they may be taken up for consideration under the rules of the particular house. In general usage, it usually refers to instruments on third reading and final passage, i.e., the regular calendar and special order calendar. The **Order of the Day** in the House is a document prepared daily by the office of the clerk, organized according to the usual order of business and listing each instrument in the appropriate order in which it may be acted upon. The **Senate Daily Digest**, prepared by the Senate Secretary, is similar.

LEGISLATIVE PROCEDURE – THE COMMITTEE

How Committees Function in the Lawmaking Process

The role of the committee in screening legislation during the session, particularly the respective roles of its officers, members, and staff and of authors, proponents, and opponents of legislation before the committee, is discussed below. Additional information on this topic can be found in the **Rules of Order of the House of Representatives** and in the **Quick Guide to Committee Procedure and Related Committee Information**.

Referral and Recommittal

The session work of the House is divided among its 16 standing committees, permanent committees which have subject matter jurisdictions as prescribed in the rules of the House. During session, all legislation, except perfunctory resolutions, is referred to committees by the Speaker based upon this jurisdiction. Some instruments are required to be recommitted to a second committee after the first committee hearing: proposed constitutional amendments are recommitted to the Civil Law and Procedure Committee; the Capital Outlay Bill, the concurrent resolution to adopt the Minimum Foundation Program formula for school systems, bills creating special funds or amending the law relative to a special fund, and bills with a fiscal cost of \$100,000 or more of state general funds are recommitted to the Appropriations Committee; Senate Bills with an impact on fees or taxes in excess of \$500,000 are recommitted to the Ways and Means Committee; and resolutions relative to committee studies, instruments providing exceptions to the laws relative to public records, and instruments providing that the state join an interstate compact are recommitted to the House and Governmental Affairs Committee (House Rules 6.5, 6.6, and 6.8).

Meeting Schedule

Each committee holds its hearings on legislation according to a uniform meeting schedule (certain day(s) of the week) and is assigned a permanent meeting room for its hearings. House Rule 6.7 designates committees as "Morning," "Afternoon," or "Weekly" committees. Morning committees usually meet on Mondays and Afternoon committees usually meet on Wednesdays, and they alternate meeting on Tuesday depending on workload. Weekly committees usually meet on Thursdays. All, however, is subject to scheduling changes.

Membership

Each committee, except Appropriations, is limited to 18 members, excluding the chairman. The membership of the Appropriations Committee is specifically provided for in the rules. No member may serve on more than three standing committees or more than one committee which meets regularly at the same time (House Rules 6.3 and 6.4).

Officers and Members

The officers and members of each House committee are appointed by the Speaker, except for those members of the Appropriations Committee who are elected by the membership of the House from congressional districts (House Rules 6.3 and 6.4).

The duties of the chairman include: deciding the agenda of all committee meetings; calling and presiding at such meetings; explaining rules of order and deciding points of order; allocating the time available in an equitable manner among persons testifying before the committee; recognizing committee members for questions and motions; and overseeing preparation of committee reports on legislative instruments. The vice chairman carries out the duties of the chairman in his absence.

The rights and duties of committee members include: attending all committee meetings; participating freely in committee discussions and debates; offering motions and asserting points of order; questioning witnesses; and offering amendments to and voting upon any legislative instrument before the committee (House Rules 14.2, 14.3, and 14.6).

Staff

Committee staff is comprised of one or more legislative analysts or attorneys and a committee secretary.

The duties of the legislative analyst or attorney include: reviewing all legislative instruments to be considered by the committee; preparing necessary amendments, background materials, and analyses of such legislation; and compilation of committee reports.

The committee secretary is generally responsible for preparation of committee minutes and completion and maintenance of all committee documents and files.

**Rules/
Parliamentary
Procedure**

Committee proceedings are governed by uniform rules of committee procedure as stated in the House Rules. A committee may also adopt supplementary rules to govern its procedure. Generally, parliamentary procedure in committee is less formal than that required on the House floor (House Rule 14.1 and Chapter 14 of the House Rules).

**Quorum
and Voting**

Presence of a quorum, that is a majority of the current membership of a committee, is required for a committee to transact business and to take official action on a matter. Except as otherwise provided by the constitution or rules, approval of a motion requires a majority of the quorum present and voting (House Rules 14.36, 14.38, 14.39, and 14.40).

Recusal

A committee member may recuse himself from all proceedings relating to any question in which he believes he has a conflict of interest. Members recused are not counted in determining the number required for a quorum. (House Rules 14.9 and 14.40).

Proxy Voting

Proxy voting by a committee member is not allowed, nor may any member vote on a matter if he was not in the committee room before the vote was announced by the chairman (House Rule 14.42).

Roll Call Votes

Votes on instruments and amendments to which an objection is raised are taken by roll call. Any other vote is taken by roll call if demanded by any member. All roll call votes are record votes. They appear in the records of the committee. (House Rule 14.43). (All votes on instruments, matters, and motions in committee are recorded in the records of the committee.)

Public Hearings

The Louisiana Constitution requires that a committee hold a public hearing and report on a bill before it is considered for final passage. (Article III, Section 15).

The constitutional requirement for a public hearing is satisfied by due notice of the committee meeting given within the time limits prescribed by the House Rules, opportunity at the meeting for interested persons to appear before the committee to testify for or against proposed legislation, and all votes being taken in meetings open to the public (See Article III, Section 15; House Rules 14.11, 14.23, 14.24, 14.25, 14.26, 14.27, 14.28, 14.29, and 14.32 and applicable provisions of R.S. 42:4.1 et seq.).

Minutes

Minutes of each committee meeting are kept as a public record (House Rules 14.47 and 14.48. See also R.S. 42:7.1 and 7.2.). The House also maintains audio recordings of committee meetings and, since 1997, the House maintains video recordings of committee meetings held in House committee rooms in the State Capitol.

Scheduling Legislation

Exact procedures for scheduling legislation to be heard by a committee vary among committees. Committee staff should be contacted for the scheduling system of that committee. Committee staff is also available to assist any member with legislation to be heard by the committee, including notifying interested persons, preparing amendments, and ensuring the member's presence when the instrument is heard.

Fiscal Notes

Joint Rule No. 4 requires that a fiscal note be prepared by the legislative fiscal office for a committee to consider bills and joint resolutions: (1) affecting receipt, expenditure, allocation, or dedication of \$100,000 or more of state funds; (2) authorizing issuance of general obligation bonds of the state; (3) concerning federally funded programs involving expenditure of \$100,000 or more of state funds; (4) providing a minimum or maximum mandatory prison sentence; or (5) affecting receipt, allocation, or dedication of any political subdivision's funds.

A fiscal note prepared by the Legislative Auditor is also required for a committee to consider bills and joint resolutions: (1) affecting receipt, expenditure, allocation, or dedication of funds of state entities to which funds are not appropriated; (2) affecting expenditure of a political subdivision's funds; or (3) concerning federally funded programs involving expenditure or allocation of any political subdivision's funds.

The instrument's author, the chair of the committee to which the bill is referred, or the chief clerical officer of either house is responsible for obtaining these notes.

Fiscal notes must show a reliable estimate of the fiscal effect of the measure. Also, if a committee reports a measure with any amendment that alters the fiscal effect, the committee chair must request a revised fiscal note.

Actuarial Notes

R.S. 24:521 requires that, at the time of consideration in committee of a bill or resolution proposing any change in the law relative to any state, parochial, or municipal retirement system funded in whole or in part by public funds, an actuarial note must be attached to the instrument. The note is to provide a reliable estimate of the financial and actuarial effect of the proposed change in any such retirement system. The legislative auditor is responsible for preparation of actuarial notes and the legislative actuary is the person on the auditor's staff who performs this function.

The instrument's author, the chair of the committee to which the bill is referred, or the chief clerical officer of either house is responsible for obtaining these notes.

When a floor amendment is offered that would substantially affect the cost to or the revenues of any retirement system as stated in the most recent actuarial note and the member proposing such amendment does not present an actuarial note on his proposed amendment, any member may offer a motion that the proposed amendment be withdrawn. If the motion is adopted by the favorable vote of a majority of the quorum present the amendment is withdrawn, but the amendment may be proposed again at any time it would otherwise be in order, provided that the required actuarial note is presented at that time. (House Rule 7.17)

R.S. 24:521(E) requires that prior to prefiling (prior to introduction if the instrument is not prefiled), the subject matter of bills or resolutions submitted to the legislative auditor for preparation of actuarial notes must be kept in strict confidence, and no information relating thereto or relating to the fiscal or actuarial effect of any such instrument shall be divulged by the legislative auditor or any of his employees, except to: the instrument's author(s); the House Clerk for House instruments and Senate Secretary for Senate instruments; the legislative fiscal officer and his staff. The same law also provides that after prefiling (after introduction if an instrument is not prefiled), copies of the actuarial note must be furnished to the author, the House Clerk for House instruments and Senate Secretary for Senate instruments, and the committee to which the instrument is referred. Actuarial notes which are no longer confidential are available on the Internet with the bill history.

Order of Consideration

The order of consideration of legislative instruments scheduled to be heard at a committee meeting generally follows that listed in the committee notice and agenda for that meeting, but the committee may alter the order of consideration of such instruments or defer action on any of them. The agenda must adhere as closely as possible to the matters listed in the meeting notice and the meeting notice may not include any instrument not included on the committee's weekly committee schedule unless the rules are suspended. (House Rules 14.23 and 14.30)

Author's Presence Required

Committees are prohibited from taking up a House bill or instrument unless its author or coauthor is present or has given written consent to allow the bill to be taken up in his absence (House Rule 14.12).

Amendments

Although the author of a bill may present amendments to it for consideration, amendments must be formally offered for adoption by a committee member (House Rule 14.7).

Committee Reports

It is the duty of the committee to consider the merits of a legislative instrument and determine whether to report it to the House as a part of its committee report.

Neither the constitution nor the House Rules require a committee to report every legislative instrument referred to it. However, legislative instruments prefiled and voted on by a committee during the interim must be reported in the same manner once they are formally introduced during the session unless otherwise authorized by the House. (House Rule 6.11(C)(2)) (See **The Committee System – The Interim Between Sessions** beginning on page D-3.)

Legislation not reported by committee, including any instruments which the committee votes to defer, may be referred to as have "died in committee."

The report of a legislative instrument must be affirmatively adopted by a majority of the quorum of the committee present and voting. Failure to adopt any report simply means the instrument remains in the committee (House Rule 6.9).

Committee Report

A committee may report a legislative instrument in only one of the following ways:

- Favorably *
- Unfavorably *
- With amendments
- By substitute (substituting a different bill on the same subject)
- Either favorably, with amendments, by substitute, or without action with recommendation that it be recommitted to another committee

* No amendments are included in the report.

(House Rule 6.11)

The contents of the committee report are: the report of the committee on each legislative instrument upon which the committee took action at the meeting, including the vote by which the report on the instrument was decided; the committee's recommendation on whether the instrument should be placed in Special Order, if the committee has so voted; and any amendments recommended by the committee. The report does not state any reasons for the actions taken by the committee.

Committee reports are recommendations only and must be approved by the membership of the House. Although adoption of committee reports is usually routine, a committee report is occasionally challenged on the House floor in an attempt to "override the committee". Adoption of a motion that would have the effect of rejecting the committee report, except a motion to recommit, to postpone indefinitely, or to withdraw from the files of the House, requires the favorable vote of a majority of the elected members of the House (House Rule 6.11).

Engrossments

Upon adoption of the committee report, any committee amendments in the house of origin to a legislative instrument become part of that instrument. The process of incorporating the amendments into the instrument is called "engrossment," and the instrument itself is said to be "engrossed" for consideration by the full House (House Rule 7.8, 7.9, and 7.10). (Also see "engrossment" and "reengrossment" in the **Glossary** beginning on page H-1.)

Senate Committees

Senate committees operate in a manner similar to House committees; however, some differences do exist. The *Rules of Order of the Senate* should be consulted.

LEGISLATIVE PROCEDURE – THE FLOOR

The purpose of legislative sessions is to allow elected representatives the opportunity to propose, debate, and vote on legislative instruments. The rules of parliamentary procedure exist as guidelines controlling the progress of legislation, the legislative process, and the debate and voting by representatives. The guidelines control what is debated and voted on, when the debates and votes take place, and how the debates and votes are conducted. These rules of parliamentary procedure are contained in five sources listed below in relative order of importance and precedence.

- **The Louisiana Constitution**
- **The Rules of Order of the House of Representatives and *Joint Rules of the Senate and House of Representatives***
- **Custom, Usage and Practice of the House of Representatives** (A list of many of the customs, usages, and practices of the House of Representatives is maintained and may be found in the book containing the **Rules of Order of the House of Representatives**)
- **Mason’s Manual of Legislative Procedure**
- **The Louisiana Revised Statutes**

Louisiana Constitution

In Article III, the constitution sets out the basic requirements for passage of a legislative act. These are eight in number, as follows:

- Introduction during the session.
- Single object and title indicative of that object.
- Reading of the instrument at least by title on three separate legislative days in each house.
- Public committee hearing and report.
- All actions to be taken in open public meetings.
- Favorable vote by at least a majority of the elected members of each house.
- Record vote on final passage.

- Concurrence in amendments and conference committee reports by record vote of same number required to pass the bill.

These requirements **cannot** be altered or suspended. Failure by either body to follow these requirements renders a bill null as unconstitutional.

Rules of Order

Rules of the House of Representatives are adopted solely by the House; the Senate has its own separate rules. The rules control the daily workings of the House and especially the process by which bills proceed from introduction to final passage. This process takes a bill through a series of “Orders of Business.” These “Orders” are numerically differentiated and represent each parliamentary step between introduction and final passage. Each different type of instrument, i.e., bill or resolution, has its separately designated “Orders.” These “Orders” are divided into the Morning Hour and the Regular Order. The Morning Hour contains all of the orders preliminary to final passage; the Regular Order contains the orders for final passage, concurrence in amendments, and consideration of conference committee reports. These orders are listed in House Rules Nos. 8.1 and 8.2. (See also Special Order in House Rule 8.4.)

The Rules of Order also prescribe various procedural motions that members may make. Those commonly made during a legislative session are found in Chapter 9 of the rules, which, while not an exclusive listing, explains the most common motions.

House Rule 9.5 sets out the precedence of certain motions. When one of these nine motions has been made, only a motion of higher precedence is in order to be considered in advance of the original motion. For example, if a member moves to table a matter, another member may not move the previous question (lower order), but may move to return the bill to the calendar (higher order).

The Rules of Order may be altered or suspended. To alter the rules, the body must adopt a resolution amending the rules. To suspend the rules, a member simply moves to suspend the rules to do a certain thing. With the concurrence of two-thirds of the members present and voting, the rules are suspended.

The Joint Rules of the Senate and House of Representatives govern the holding of joint sessions, the functioning of joint committees, fiscal notes, and limitations on the introduction and consideration of bills.

Rules, Customs, and Mason's Manual

When the rules are silent, the House reverts to its customary practice to govern proceedings. If no custom exists, then the House will consult **Mason's Manual of Legislative Procedure** to determine the appropriate procedure. Mason's is seldom relied upon, because the House has well-developed rules and customs.

The purpose of parliamentary procedure is to allow the body to perform its work of proposal, debate, and voting within an orderly framework. Parliamentary procedure should be designed and implemented to facilitate that purpose. The simplest procedure or solution to a parliamentary question which leads to a furtherance of the purpose is always the preferred one.

Statutes

Louisiana's statutes generally do not govern procedure during sessions as such. However, the statutes do provide procedures for certain legislative functions, including procedures for the legislature to call itself into extraordinary session, oversight of agency rules, "sunset" review of departments and procedure for adoption of laws re-creating agencies and departments, voting by mail ballot on certain matters between sessions, requirements for public notice of introduction of certain legislation, requirements for actuarial notes, and the powers and duties of joint legislative committees created by statute.

Special Topics

Subject Matter Limitations: Const. Art. III, §2 dictates the types of subject matters that the legislature may consider in odd-numbered (fiscal session) and even-numbered (general session) years. (See **Annual Regular Legislative Sessions - Key Constitutional Provisions** on page E-3 and Joint Rule No. 20.)

Prefiling: Const. Art. III, §2 provides that members may prefile any number of bills until 5:00 p.m. of the 10th calendar day preceding a regular session. In fiscal sessions, non-fiscal general bills must be prefiled. House Rule 7.2(A) requires prefiling of retirement bills and joint resolutions not later than 45 days prior to the first day of a regular session. Const. Art. XIII, §1 provides that constitutional amendments must be prefiled at least 10 days prior to a regular session and may be prefiled or introduced within the first five days of an extraordinary session.

Most bills are prefiled. A prefiled bill will be provisionally referred to a committee and may be debated in the committee prior to session. (See **The Committee System – The Interim Between Sessions** beginning on page D-3.) These bills are introduced on the

first day of the session and re-referred at that time.

Advertising: Const. Art. III, §13 and Article X, §29 provides that local bills and bills affecting retirement systems must be advertised prior to introduction. The advertisements must be published twice at least 30 days prior to introduction for most local bills, three times at least 30 days prior to introduction for security district bills, and twice at least 60 days prior to introduction for retirement bills. These notices must be published without cost to the state. (See **local bill** and **retirement bill** beginning on page E-4.)

Session Introduction: After the prefiling deadline, no member may introduce more than five bills, except as provided by the joint rules of the legislature (Joint Rule 18). In a regular session in an even-numbered year, no bill may be introduced after 6:00 p.m. of the 23rd calendar day; in an odd-numbered year, the deadline is 6:00 p.m. of the 10th calendar day. There is no such deadline for bill introduction in an extraordinary session, except for constitutional amendments as noted above.

**Additional
Information**

Additional information about House Floor procedure can be found in the House publication **Quick Guide to Floor Procedure in the Louisiana House of Representatives**.

BROADCAST OF LEGISLATIVE PROCEEDINGS

The House of Representatives utilizes state of the art audio and video systems for its committee rooms and chamber. As presently configured, the proceedings are available in several formats, both to persons in the Capitol and to the general public.

Audio

Through directly wired audio stations in the Capitol, persons may listen to live House and Senate committee proceedings, as well as live audio from the House and Senate chambers.

Video

Three video services are produced by the House.

First, closed circuit television (CCTV) coverage of the House committee rooms and chamber, as well as the Senate chamber and Senate committee rooms, is provided in the Capitol building. This system includes the press offices, as well as anyone in the Capitol complex subscribing to the local cable television service. The legislative channels are also provided to the members' desks in the House chamber.

Second, all committee and chamber proceedings of the House of Representatives are available live on the Internet through the House of Representatives home web page (<http://house.louisiana.gov/>) or the joint legislative web page (www.legis.la.gov). This service uses streaming audio and video technology to allow anyone connected to the Internet to watch the proceedings live on any desktop and on most modern tablets and smart phones. Similar services are provided by the Senate. The House proceedings, meetings and chamber sessions, are also archived on the House's Internet server and available for viewing any time after the event.

Third, either a live or tape-delayed broadcast is provided to many cable television systems in the state through a cooperative effort with Louisiana Public Broadcasting (LPB) and the Louisiana Cable Telecommunications Association. The signals originating from the Capitol are distributed by LPB via satellite to the cable systems during a four-hour time block each legislative day. These systems may air the signals when received or tape them for later broadcast.

STAFF SERVICES TO ASSIST THE LEGISLATOR DURING SESSION

House Legislative Services (HLS) Staff

The following is an outline of HLS staff assistance available to House members throughout the process of legislating, from the initial request for legislation to enacted law.

Request for Legislation

The process of legislating begins when a member requests that a legislative instrument, a bill or resolution, be prepared by House Legislative Services (HLS). The member may contact any HLS staff member to make a drafting request.

Assignment of Request

The appropriate HLS division director will make every effort to assign the request to a member of the staff who has experience with the particular subject matter area and whose primary assignment is to staff the standing committee to which the final instrument is likely to be referred by the speaker. The standing committees of the House of Representatives are divided among the five research divisions of the House staff. (See **House Legislative Services** beginning on page A-7.) (See House Rule 6.6 for committee subject matter.)

Drafting and Digesting

The drafter will not only draw from his own training and experience, but will have the benefit of the experience of other members of the staff of his division and other divisions of House Legislative Services, as well as the Poynter Library. Subject to the rules of confidentiality, the drafter may also take advantage of information or expertise available from the staffs of the Speaker, the House Clerk, the Legislative Fiscal Office, the Louisiana State Law Institute, the Attorney General's Office, the Legislative Auditor, the appropriate executive department, or any other governmental agency or private organization, including sources in other states or such national organizations as the National Conference of State Legislatures (NCSL).

The drafter will make every effort to ensure that the bill achieves the intent of the author and that the proposed changes in law are properly integrated into present law. It is the drafter's duty to explore and raise questions of constitutionality, practicality, and policy regarding the implementation of the request, but it is the province of the legislator to decide such questions. To that end, it

is highly desirable that a free flow of information exist between the drafter and requestor or the drafter and someone with whom the requestor authorizes communication. Communication of sensitive information to a drafter should not be a concern to the requestor, since the staff operates under a rule of strict confidentiality that provides that legislative requests are confidential between the legislator and the staff.

In addition to the draft of the requested legislation, the drafter also will prepare a "digest" or explanation of the contents of the legislative instrument.

**Review
or Checking**

Next, a senior drafter, usually a division director, will review the work of the drafter to ensure that the draft satisfies the requestor's purpose and is substantively and technically correct. The reviewer may suggest changes to improve the draft.

**Proofing
and Correction**

After being checked, the instrument is forwarded to the Administrative Services section of HLS for proofreading and correction of technical errors and for final printing and processing for transmission to the author.

**Transmittal
To Author**

**Prefiling/
Introduction**

If the instrument is drafted prior to the session in time for prefiling, it is transmitted to the author in his district office. At this point, the author may ask the staff to make changes to the bill. The author must authorize the prefiling of the instrument or the filing of the instrument with the clerk for introduction. When a bill is prefiled or introduced it is given a number, becomes public, and copies are available. It also becomes available on the Internet. After prefiling (or introduction if not prefiled), all versions of the bill through the process are available on the legislature's website (www.legis.la.gov).

**Referral
to Committee**

Following prefiling or introduction, an instrument is referred to one of the standing committees in accordance with the House Rules governing subject matter jurisdiction of committees. With the committee staff assistance, the chairman may decide to schedule the instrument for hearing at an appropriate point in the session or may schedule only those instruments for which the author has requested a hearing. (See House Rule 6.10.) The committee secretary, with the assistance of the committee clerk, will notify the author of an instrument concerning a proposed hearing date.

Committee Hearing

Formal notices for all session committee hearings are posted in various public locations and on the Internet, and reasonable efforts are made by the committee secretary and committee clerk to notify any person who has requested notice of the committee hearing on specified instruments.

Committee Staff

The committee staff usually is composed of one or more legislative analysts or attorneys, and a secretary, and is supported by other staff members of the division and its administrative secretary and division director. The committee legislative analysts or attorneys are available to provide research and information not only to the committee members but to any other House member and to prepare amendments for instruments referred to the committee. The more advance notice the staff has for needed research or preparation of amendments, the better the system works. This is particularly true for complex, major, or controversial instruments, including the general appropriation bill.

Fiscal and Actuarial Notes

It is at this point that a fiscal note, estimating the fiscal impact of the proposed legislation (Joint Rule 4), or an actuarial note, estimating the actuarial effect in the case of a bill affecting retirement (R.S. 24:521 and House Rule 7.17), may be required by a committee under certain conditions. (See **Fiscal Notes** on page E-12 and **Actuarial Notes** on page E-13.)

Amendments and Redigests

Following the hearing, the legislative analyst or attorney will ensure that all committee amendments are in proper order and will revise the digest of the instrument to reflect the changes contained in the committee amendments and include a list of changes proposed by the committee amendments. The amendments and redigests are reviewed by the division director. The committee secretary will prepare the committee's report to the full House.

The House Floor

Prior to the expected day of floor debate and action on a legislative instrument, the committee staff for the committee that reported the instrument is available to assist with the gathering of information or preparation of floor amendments. On the day of expected floor debate and action, a request for floor amendments can be made to the staff on floor amendment duty in the amendment room in the southeast corner of the House Chamber.

Senate Action

Once the legislative instrument has passed the House and is received and referred to committee in the Senate, it is important for the author to contact not only the Senate committee chairman but the committee staff as well to request that the instrument be heard. The author may handle the bill himself in the Senate committee, or he may prefer to arrange for a Senator to handle it for him, but he must arrange for a Senator to handle the bill on the Senate floor. Senate staff is responsible for preparing amendments to bills in the Senate. However, HLS staff is available to assist during these steps in the process by drafting amendments or providing information.

Conference Committee

If the Senate passes and returns a legislative instrument to the House with amendments, the HLS staff will prepare an analysis thereof and discuss these changes with the author in advance of the instrument being further considered by the House. Should the House fail to concur in the amendments, a conference committee is appointed to consider the differences and report its recommendations to both houses. Usually, the staff of the committee that heard and reported the bill will prepare the conference committee report, at the direction of conference committee members, and will also prepare a digest of the instrument for use in floor action on the conference committee report.

Other Legislative Staff

Each of the following components of other legislative staff provides the Louisiana House of Representatives with a significant service directly related to the business of a legislative session.

Speaker's Office

The Speaker is the presiding officer at all sessions of the House. As such, his staff assists him in fulfilling his duties by providing services to the Speaker and to the members of the House during the legislative process. The Speaker's staff handles reserve seating in the Chamber; assists with visiting dignitaries; coordinates singers and those to say the prayer and the pledge of allegiance; takes care of reservations in the Rotunda; coordinates the Speaker's schedule; operates the House switchboard; advises the Speaker as requested on committee assignments of bills, procedural issues, and appointees to conference committees; aids in the supervision of all House allocated space and all House employees; acts as a liaison between the Speaker and members and other departments and offices as requested; and carries out all the administrative duties of the Speaker with regard to the House, its employees, and its members and their offices.

Office of the Clerk

The main duties of the House Clerk involve prefiling, filing, and distributing all legislative instruments; maintaining the daily floor calendar; recording proceedings for the House Journal; serving as custodian of legislative instruments; engrossing instruments that have been amended; enrolling instruments that have passed; reading the daily journal and all motions presented to the House; receiving committee reports; informing members of pending amendments; assisting the speaker, other members, and staff with parliamentary procedure and House rules; supervising his staff and session employees, including pages; and other duties as prescribed by rule or law.

Sergeant at Arms

The duties of the sergeant at arms are generally to be present when the House is in session and maintain order in the chamber and all legislative meeting rooms, to supervise all assistant sergeants at arms, to provide assistant sergeant at arms at each committee meeting to assist the chairman, to provide transportation between the House offices and the local airport and to and from out-of-town committee meetings, to accept deliveries, and to execute all process issued by the House. The sergeant at arms also maintains the

security of all House facilities and assists in providing security for the State Capitol. The sergeant at arms staff includes emergency responders who are able to respond to medical emergencies in the Capitol.

**House
Communications
Office**

The purpose of the House Communications Office (HCO) is to assist House members and staff in communicating with the public, as well as the media. The HCO designs and prints new marketing strategies, such as publications or videos, to promote current and upcoming services; develops policies for producing media services; provides still photographs for legislators and staff; creates publications that increase knowledge of and promote public involvement in the legislative process; acts as liaison with schools and community organizations as well as the media, provides constituency outreach and direct-mail marketing services, supports audio and visual services for the House, maintains all House websites and social media pages, and develops audio, video, and print communication materials for legislator and staff use concerning media communication.

**Caucuses
and
Delegations**

While the services provided vary among the caucuses, most serve their members as a source to assist legislative district offices, perform constituent services and special projects, and serve as liaison to other state agencies and the executive and judicial branches of government. Of particular value is the ability of the caucus or delegation staff to work with local and congressional-level officials, lobbyists, and the general public.

**Legislative
Fiscal Office**

The Legislative Fiscal Office serves both the House and Senate by analyzing budgets and performance of the state and its agencies, preparing most fiscal notes on proposed legislation and regulations, answering fiscal information requests of individual legislators, and preparing revenue estimates for the Revenue Estimating Conference.

Legislative Auditor

As a constitutionally created office, 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 actuarial notes for legislation affecting public retirement systems. The Auditor

**Legislative
Computer
Center**

conducts performance audits, which include reviewing data used by state agencies and departments for fulfilling their legislative mandates.

The Legislative Computer Center provides a full array of technical support services for the Louisiana Legislature. This includes software support services, network infrastructure and operations support, and development of customized software programs written for and used by the Legislature.

The Legislative Helpdesk provides support both onsite (in the State Capitol Building) and by phone during regular business hours. After regular business hours, on weekends, and on holidays, they provide 24-hour support via an on-call system. For assistance, contact the **Legislative Helpdesk** at (225) 342-4000.

Software programs of particular interest are described below:

- **The Joint Legislative Web Page** (www.legis.la.gov) provides a variety of information to the public, including quick access to bill information (including current status, related documents, votes, and history) and a "Today at the Capitol" section listing all meetings occurring that day at the Capitol. During the legislative session, it provides interactive committee and floor agendas displaying the bill currently under consideration. The "**My Legis**" section of the legislative website offers additional information for legislators (with a computer password) including private bill tracking lists, emailed bill status reports, quick lists of authored bills being heard that day, personal bill notes, House and Senate staff telephone lists, and registered lobbyist information.
- **Microsoft Outlook** provides email, contacts, and calendar management for both the legislator and the district office.
- **LEGISlative Office** is a constituent management program designed specifically for use in a legislator's district office. It uses voter registration data from the member's district, and provides tools to easily search for information on constituents, track communications with constituents, create mass mailings, and manage issues and groups.
- **LEGISuite Reporting** provides a variety of predefined reports on the current status of bills such as "Instruments in a Selected Step" (for example, all bills that are waiting to be signed by the

governor) or "Instruments Pending in Committee" (all bills that have not yet been reported out of a specific committee). In addition, it allows a user to customize reports to provide certain specific information such as "all bills authored by Representative Doe which have been referred to the Committee on Commerce."

- **Legislative Search System (LSS)** allows text searches on law bodies such as the Revised Statutes, U.S. and State Constitutions, Civil Code, House/Senate/Joint Rules, etc, as well as bill and journal text for current and past sessions.
- **PREMISE®** is a West program used for searching Louisiana cases, statutes and attorney general's opinions. It is available by connecting to the Capitol Network, but works best in the Capitol. This application is installed on the legislator's laptop. For assistance searching Premise and additional West information, contact the Poynter Library at: (225) 342-2430.

Poynter Library

The David R. Poynter Legislative Research Library (Poynter Library) is part of House Legislative Services (HLS) and is staffed by House personnel, but the Poynter Library also serves the Senate and all legislative agencies. Library staff provides members and staff copies of newspaper or journal articles, statistics, help with on-line database and Internet searches, and other information used in committee presentation and floor debate. The library is responsible for the PULS line, a toll-free telephone service to respond to questions from the public about the status of legislation, and also operates special information lines to respond to the questions of the House members and their district office staffs. The library staff also prepares subject indexes for all House and Senate instruments and Acts.

Docket

House Docket, an office within the Administrative Services section of House Legislative Services, places constitutionally required public notices for local and retirement bills with the proper official parish or state journal(s) (usually prepared by HLS staff) when requested to do so by the author. Docket prepares the introductory packets of representatives' bills for introduction when the legislature is in session. The introduction packages are delivered to members at their desk in the House chamber for final approval before introduction.

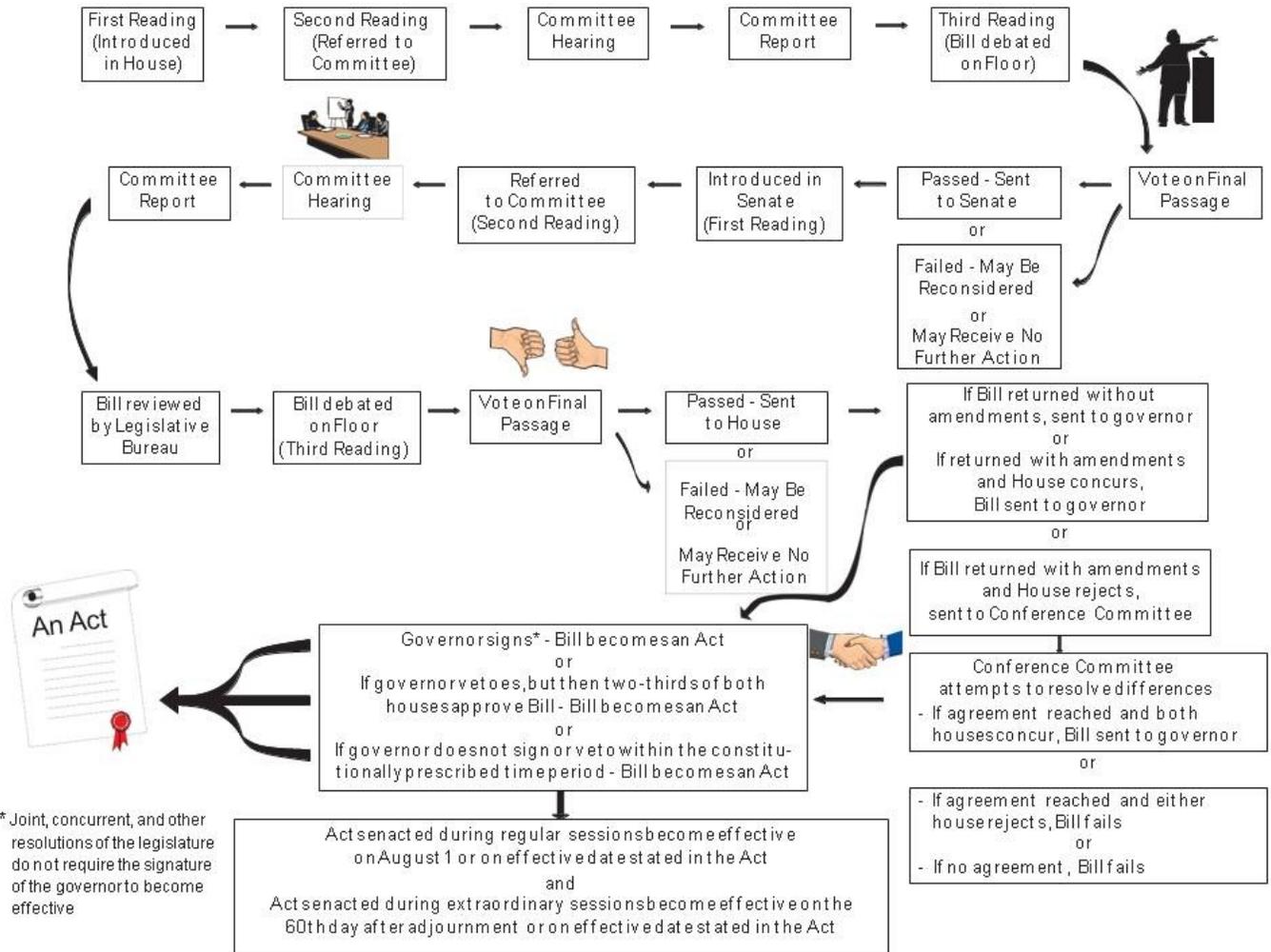
**Legislative
Bill Room**

During session, the Legislative Bill Room is located in the basement of the Capitol in Duval Hall next to the first-aid station. Its function is to make available to the public copies of all legislative instruments, daily journals, orders of the day, committee schedules and agendas, and bill status reports for the current session. There is a charge to the public for these documents to defray printing costs.

Law Institute

The Louisiana State Law Institute (See **Louisiana State Law Institute** on page A-11 periodically submits recommendations for legislation, much of which has been enacted as major bodies of Louisiana law. Additionally, following each legislative session, the institute edits the Acts of the legislature and directs the manner of printing the official text of the general laws of Louisiana.

How a Bill Becomes a Law



* Joint, concurrent, and other resolutions of the legislature do not require the signature of the governor to become effective