



2011 REGULAR SESSION INFORMATION BULLETIN

Convenes at noon on Monday, April 25, 2011
Final Adjournment no later than 6:00 pm on Thursday, June 23, 2011

<p>(1)(a) Subject Matter (Const. Art. III, §2(A)(4))</p> <p>(b) Exceptions</p> <p style="padding-left: 40px;">(i) Local and Special bills-unlimited (Const. Art. III, §2(A)(4))</p> <p style="padding-left: 40px;">(ii) 5 bills not within subject matter</p> <p>(For more detailed information, see Note 9 on reverse side.)</p>	<p>Limited to the following 3 classes of bills:</p> <p>Class I: Measures to enact a general appropriation bill; enact the comprehensive capital budget; make an appropriation; levy or authorize a new tax; increase an existing tax; levy, authorize, increase, decrease, or repeal a fee; dedicate revenue; legislate with regard to tax exemptions, exclusions, deductions, reductions, repeals, or credits; or legislate with regard to the issuance of bonds.</p> <p>Class II: Local or special bills (those which are constitutionally required to be and have been advertised)</p> <p><u>Note regarding Class I and Class II bills:</u> Each member may prefile an unlimited number of Class I and Class II bills and may introduce additional Class I and Class II bills during the first 10 session days; however, the maximum number of bills a member may introduce after session convenes is 5. (See information on prefilling under (5) below)</p> <p>Class III: Any other subject matter not covered by Class I or Class II.</p> <p><u>Note regarding Class III bills:</u> ALL Class 3 bills MUST be PREFILED, and no member may prefile more than 5 such bills. (See information on prefilling under (5) below)</p>
<p>(2) Convening and Final Adjournment (Const. Art. III, §2(A)(4))</p>	<p>Convenes Noon, Monday, April 25, 2011; adjourns not later than 6:00 p.m. on Thursday, June 23, 2011</p>
<p>(3) Length of Session (Const. Art. III, §2(A)(4))</p>	<p>Maximum 45 legislative days during a 60 calendar-day period</p>
<p>(4) Constitutional Amendments (Const. Art. XIII, §1(A))</p>	<p>Must be REQUESTED by April 12 (Senate) or April 13 (House). Must be PREFILED before Thursday, April 14, 2011. House computes in hours and will accept until noon Friday, April 15, 2011. (See Note 1 below.)</p>
<p>(5) Bills (Const. Art. III, §2(A)(2) and (4))</p> <p>See Jt. Rule 18 for exceptions</p> <p>See Sen. Rule 9.1(A) - prefilling Senate retirement bills (See Note 2 below.)</p>	<p>Must be REQUESTED before 5:00 p.m., Wednesday, April 13 and PREFILED before 5:00 p.m., Friday, April 15. After this time, a member may introduce no more than five additional bills REQUESTED by 6:00 p.m., Tuesday, May 3 and INTRODUCED by 6:00 p.m., Wednesday, May 4. (See Note 2 below.)</p>
<p>(6) Advertisement of local and retirement bills (Const. Art. III, §13 and Art. X, §29(C))</p>	<p>Publication on two separate days at least 30 days prior to introduction. (See Note 3 below.)</p>
<p>(7) Compensation notices</p> <p style="padding-left: 20px;">Sheriffs (R.S. 33:1421(E))</p> <p style="padding-left: 20px;">School Board members (R.S. 17:56(D))</p> <p style="padding-left: 20px;">Registrar of Voters and confidential assistants (R.S. 18:55(B) and 59(D))</p>	<p>Publication on two separate days at least 30 days prior to introduction. (See Note 3 below.)</p>
<p>(8) (a) Assessor's salary or other emolument notice (R.S. 47:1907.1)</p> <p style="padding-left: 40px;">(b) Assessor's expense allowance notice (R.S. 47:1908(D))</p>	<p>Publication on two separate days at least 30 days prior to introduction. (See Note 3 below.)</p> <p>Last day to mail notice to school board and governing authority of each affected parish - April 15. (See note 3 below.)</p>
<p>(9) Deadline for 3rd Reading/Final Passage (Const. Art. III, §2(A)(4))</p>	<p>6:00 p.m. of the 42nd legislative day or the 57th calendar day (June 20), whichever occurs first. (Thereafter, if authorized by 2/3 vote of both houses.)</p>
<p>(10) Effective date of Acts</p> <p style="padding-left: 20px;">(a) Statutes (Const. Art. III, §19)</p> <p style="padding-left: 20px;">(b) Constitutional Amendments (Const. Art. XIII, §1(C))</p>	<p>August 15, 2011, unless bill otherwise specifically provides.</p> <p>20 days after governor's proclamation of the election results by which adopted, unless amendment otherwise specifically provides.</p>

NOTE: Deadlines for requesting legislation: Requests for legislation which are to be **prefiled** must be submitted to House or Senate staff no later than 48 hours prior to the prefilling deadline, (House Rule 7.2(F) and Senate Rule 9.1(C)). Requests for legislation which are to be filed on the **last day for introduction** must be submitted to House or Senate staff by 6:00 p.m. of the previous day. (House Rule 7.6(A)(3) and Senate Rule 7.6(K))

CONSTITUTIONAL OR STATUTORY REQUIREMENTS WITH RESPECT TO DATES AND LEGISLATIVE INSTRUMENTS

1. **CONSTITUTIONAL AMENDMENTS:** Must be REQUESTED (received by House Legislative Services or Senate Legislative Services) not later than the prefiling deadlines set by House Rule 7.2(F) and Senate Rule 9.1(C). The deadlines for filing constitutional amendments for 2011 are April 12 (in the Senate) and April 13 (in the House). Must be PREFILED before Thursday, April 14, 2011 (in the Senate). House computes in hours and will accept until **noon** Friday, April 15, 2011. (Const. Art. XIII, §1(A)).
2. **DEADLINES FOR PREFILING AND INTRODUCTION OF BILLS (Regular Session):**
 - (a) Bills must be REQUESTED (received by House Legislative Services or Senate Legislative Services) before 5:00 p.m., Wednesday, April 13, 2011 and PREFILED before 5:00 p.m., Friday, April 15.(Const. Art. III, §2(A)(2)).
 - (b) A member may introduce no more than five bills which were not prefiled. Bills must be REQUESTED (received by House Legislative Services or Senate Legislative Services) before 6:00 p.m., Tuesday, May 3 and INTRODUCED before 6:00 p.m., Wednesday, May 4. Joint Rule No. 18 provides that the following bills are not subject to this five-bill limit: general appropriation bill, judicial branch appropriation, legislative branch appropriation, capital outlay bill, omnibus bond authorization bill, supplemental appropriation bill, revenue sharing bill, and ancillary funds bill.

Senate Bills will be accepted for prefiling on or before Friday, April 15th if the Senate receives proof that local notice has been published and that 30 days after the last publication date will expire prior to the first day for introduction of bills (April 25th).

Senate retirement bills are to be prefiled by 5:00 p.m. of the 45th day (March 11, 2011) prior to the start of a regular session per Senate Rule 9.1(A), This in addition to constitutional requirement for notice publication in official journal.

In order to comply with the constitutional requirements and the Senate rules, each retirement bill submitted for prefiling by March 11 shall be accompanied with evidence that the appropriate bill notices have been published or that the second date of publication will occur prior to the first day of the session.

House Bills will be accepted for prefiling on or before 5:00 p.m., Friday, April 15th if the House receives proof that local notice has been published and that 30 days after the last publication date will expire prior to the last day for introduction of bills (May 4th).

3. NOTICE OF INTENTION TO INTRODUCE CERTAIN KINDS OF BILLS:

- (a) **LOCAL BILLS:** Notice MUST be published on TWO separate days AT LEAST 30 DAYS BEFORE INTRODUCTION, without cost to the state, in the official journal of the locality. Publication need not be on consecutive days, but must be on two separate days. Last two days to advertise in 2011 are March 24 and 25, for introduction on the first day of session (If NOT introduced on the first day, dates are April 2 and 3.) *Newspaper publication days and other newspaper deadlines may require earlier submission to paper. Note particularly that April 2 and 3 fall on a weekend and some newspapers do not publish on weekends.* Notice must state substance of the bill and bill MUST recite that notice was published. At author's instruction staff will send notice to newspaper and obtain certification of publication to attach to the bill. The newspaper will bill publication charges directly to the author or person specified by author. If advertisement is handled locally, author should obtain certification from newspaper and transmit to the staff or House Clerk or Senate Secretary, or staff. (Const. Art. III, §13)
- (b) **RETIREMENT BILLS:** Handled in same manner as local bills (see Paragraph (a) above), except notice must be published in official state journal (*Baton Rouge Advocate*). Due to publication days of *Advocate*, notice must be submitted to the paper by 3:00 p.m. Monday, March 21 (3:00 p.m. Tuesday, March 29, if NOT introduced on the first day of session). The author or person the author specifies will be billed directly by the *Advocate* for publication charges. If bill affects only a city or other strictly local retirement system, LOCAL NOTICE also is necessary, as set forth in Paragraph (a) above. (Const. Art. X, §29(C))
- (c) **ASSESSORS' EXPENSE ALLOWANCE:** R.S. 47:1908(D) prohibits change in the allowance unless notice of intent to do so is sent BY CERTIFIED MAIL BY THE ASSESSOR TO THE SCHOOL BOARD AND PARISH GOVERNING AUTHORITY AFFECTED, stating the amount of the change. Notice must be sent at least 10 days prior to the CONVENING of the legislative session. Evidence of notice must be exhibited to the legislature before passage of the bill. Bill must recite that notice was given. Last day to give notice in 2011 is Thursday, April 14. Author should obtain evidence of notice from assessor.
- (d) **ASSESSORS' COMPENSATION (R.S. 47:1907.1) SHERIFFS' COMPENSATION, (R.S. 33:1421(E)), SCHOOL BOARD MEMBERS' COMPENSATION (R.S. 17:56(D)), AND PARISH PORTION OF REGISTRARS' OF VOTERS COMPENSATION (R.S. 18:55(B) AND 59(D)):** The Sections cited prohibit introduction of a bill to change the compensation of an assessor, sheriff, and school board member, and the parish portion of the salary of a registrar of voters or a chief deputy registrar or a confidential assistant to a registrar unless notice has been published on two separate days at least 30 days before introduction, without cost to the state, in the official journal of the parish. If all assessors, sheriffs, or school board members (but not registrars of voters or their chief deputies or assistants) in the state are affected, then notice must **also** be published on two separate days at least 30 days before introduction without cost to the state in the official state journal (*Baton Rouge Advocate*). (The same dates above in (a) and (b) for local and retirement bills apply.) The notice (except registrars and their chief deputies or assistants) must state the amount of the change. The bill (except registrars, their chief deputies, or assistants) must recite that notice has been given, and certification of such publication must be attached to the bill. If advertisement is handled locally, author should obtain certification and transmit to the House Clerk or Senate Secretary, or staff. If the author wishes, staff will send notice to newspaper and obtain certification of publication for attachment to the bill. The newspaper will bill publication charges directly to the author or person the author specifies.

4. PREFILING OF BILLS AND RESOLUTIONS:

- (a) **HOUSE**

Bills, joint resolutions (constitutional amendments), and simple or concurrent resolutions may be prefiled with the Clerk of the House at any time between regular sessions for introduction at either of the next two regular sessions. (No bills may be prefiled for the regular session after a general election for legislators until after promulgation of the election returns and no bills may be prefiled for any session between the convening of the last regular session prior to the general election for legislators and promulgation of the election returns.) House research staff will transmit legislative instruments to the Clerk of the House for prefiling upon direction of the author. Such direction need not be in writing. The Clerk numbers them in order in which received and

reproduces them for distribution to members, news media, and others. The Speaker refers prefiled instruments to committee and notifies author. Referrals of bills prefiled prior to one week before the session convenes are entered in the Interim Calendar. Within five days after publication of referral in the Interim Calendar, any member may notify the Speaker IN WRITING of his objection to the committee referral, stating reasons. House and Governmental Affairs Committee then determines the committee to which the bill will be referred. Standing committees may hold presession hearings on prefiled instruments. (House Rule 7.2)

SENATE

All legislative instruments must be finally prepared by Senate staff prior to its introduction in the Senate. The staff will draft, or receive, and transmit legislative instruments to the Senate Secretary for prefiling, upon WRITTEN direction of the author. Legislative instruments may be prefiled with the Senate Secretary AT ANY TIME. The Senate Secretary numbers the bills in ORDER IN WHICH RECEIVED (but only with WRITTEN direction of the author to prefile) and reproduces them for distribution to each member, news media, and others. If received by the Secretary PRIOR to three weeks before a session, the President refers the instrument to committee and notifies author. Within 10 days after publication of referral in Interim Calendar, any members may notify the President IN WRITING of his/her objection to the committee referral, stating reasons. The President may reconsider the referral and may refer the bill to another committee. Standing committees may hold pre-session hearings. **Senate Rule 9.1(C) requires that requests for legislation to be prefiled be received by Senate Legislative Services staff not later than 48 hours prior to the prefiling deadline.** (Senate Rules 7.6 and 9.1 through 9.9)

- (b) Interim Calendars are mailed to members by respective houses under their rules. Prefiled bills are mailed to members upon request. (House Rule 12.7 and Senate Rule 14.7)

5. **FISCAL NOTES:** Every bill, joint resolution, and simple or concurrent resolution affecting the receipt, expenditure, or allocation of funds of the state or of a political subdivision, or which would authorize issuance of general obligation bonds or other general obligations of the state for capital outlay, must have attached to it, prior to committee consideration, a fiscal note giving a reliable estimate of the fiscal effect of the measure. House rules also require fiscal notes for consideration of such instruments on final passage. The author of a bill is responsible for obtaining fiscal note from legislative fiscal officer. Staff will request fiscal note on behalf of author upon request.

HOUSE

When author receives bill draft from staff with memo that bill may require fiscal note, author returns form instructing Clerk to request or not to request fiscal note. Instructions received within seven days will be followed until prefiling or introduction. If no response is made within seven days, Clerk will order a fiscal note if he decides one is required. In addition, the chairman of the committee to which the measure is referred may request a fiscal note immediately upon referral of the measure and the House Clerk may request a fiscal note upon prefiling or introduction of the measure and after a bill is reported by committee. On final passage on the floor, a measure requiring a fiscal note which does not have a fiscal note is required to be returned to the calendar. The Clerk determines the need for a fiscal note, upon recommendation of House Legislative Services staff. (Joint Rule 4, House Rule 7.16, and Senate Rule 7.14)

SENATE

Every bill, joint resolution, and simple or concurrent resolution, and every amendment thereto, which appropriates monies for capital outlay purposed must have attached to it, prior to consideration, a fiscal note with the worksheet of each fiscal note to include a feasibility study and needs assessment (Senate Rule 7.14). If directed by the Senator, Senate Documents and Records will order a fiscal note.

6. **ACTUARIAL NOTES:** Every bill, joint resolution, and simple or concurrent resolution proposing a change in the law as to any state, municipal, or parochial retirement system funded in whole or part from public funds must have an actuarial note attached to it at the time of committee consideration. Legislative Actuary prepares actuarial notes (R.S. 24:521). The staff will request actuarial note on behalf of author. Procedure is similar to fiscal notes.
7. **APPROPRIATIONS TO PAY JUDGMENTS AGAINST STATE:** The House Appropriations Committee requires a certified copy of final judgment and proof of finality of judgement before committee action on any such bill. The House Appropriations Committee, pursuant to House Resolution No. 15 of the 1987 Regular Session requires that the Clerk of the House be furnished with the attorney's name or names in the suit, the fees involved, and other pertinent information prior to consideration of the bill for final passage.

8. MISCELLANEOUS REQUIREMENTS REGARDING STATUTORY ENACTMENTS.

(a) *New Judgeships.*

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

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

R.S. 13:62 - No enactment of a law providing for a new court cost or fee or to increase an existing court cost or fee unless first submitted to the Judicial Council of the Supreme Court for review and recommendation to the legislature. *Requests involving court costs should be submitted to the Judicial Council by **October 1st, 5:00 p.m.***

(c) *New Assistant District Attorneys.*

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

(d) *Mandated Health Insurance Benefits.*

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

9. TEXT OF JOINT RULE 20 - ODD-NUMBERED YEAR SESSION BILL AND AMENDMENT LIMITATIONS

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

the legislature does adopt this Joint Rule, as follows:

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

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

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

- (i) Bills to enact court costs or judicial fees levied and collected in support of the judicial system of the state or of any parish or municipality.
- (ii) Bills relative to filing or recordation fees collected by clerks of the various courts of record.
- (iii) The resolution to approve the formula to fund the Minimum Foundation Program.
- (iv) Resolutions suspending law whose object is listed in Article III, Section 2(A)(4)(b)(introductory paragraph) of the Constitution of Louisiana.

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

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

- (i) Bills to enact a statute to create or provide relative to one or more particular school boards.
- (ii) Bills which are enabling legislation relative to the subdivision of a school system.
- (iii) Bills to call elections pursuant to Article XII, Section 6(C)(1)(a) of the Constitution of Louisiana.
- (iv) Bills to allocate revenue dedicated to a local governmental subdivision.
- (v) Bills relative to particular levee districts.
- (vi) Bills relative to particular airport authorities.
- (vii) Bills relative to ports which are not deep water ports under Article VI, Section 43 of the Constitution of Louisiana.
- (viii) Bills relative to local retirement systems.
- (ix) Bills to establish or to amend provisions relative to one or more special districts.
- (x) Resolutions suspending law whose object is a local or special law which is subject to Article III, Section 2(A)(4)(b)(ii) of the Constitution of Louisiana.

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

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

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

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

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

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

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

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

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

(Added by SCR 121 of 2006 RS)