

Regular Session, 2010

HOUSE BILL NO. 39

BY REPRESENTATIVE TALBOT

LEGISLATIVE SESSIONS: Relative to extraordinary sessions convened by the legislative presiding officers, provides for the procedure and the form of the petition to call such a session and provides relative to the time and duration thereof

1 AN ACT

2 To amend and reenact R.S. 24:11, relative to extraordinary sessions of the legislature; to
3 provide for the form of a legislative petition for an extraordinary session of the
4 legislature to be convened by the presiding officers of both houses of the legislature
5 and for procedures relative to such petitions; to provide relative to the time and
6 duration of such extraordinary sessions; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 24:11 is hereby amended and reenacted to read as follows:

9 §11. Extraordinary session; petition of legislature; call; limitations

10 A. The legislature shall be convened in extraordinary session by the
11 presiding officers of both houses upon receipt by the presiding officers of a written
12 petition or petitions, in a form as provided in this Section, of a majority of the elected
13 members of each house.

14 B. The petition of members of the legislature to the presiding officers to call
15 the legislature into extraordinary session shall specify the object or objects of the
16 session, the date and time at which the session shall convene, and the number of days
17 for which the session shall be convened; ~~provided~~ such number of days shall not

1 exceed thirty calendar days. The petition may also specify the particular time the
2 session shall adjourn.

3 C. The petition provided for by this Section may be contained within a
4 concurrent resolution introduced during any session of the legislature or within
5 separate House and Senate resolutions which are duplicate in content and are
6 introduced during the same session of the legislature. Adoption of such a concurrent
7 resolution by a majority of the elected members of each house or adoption of such
8 House and Senate resolutions, each by a majority of the elected members of the
9 respective house, shall constitute a written petition of a majority of the elected
10 members of each house to the presiding officers of each house for the convening of
11 an extraordinary session as required by Article III, Section 2 of the Constitution of
12 Louisiana. The vote on any such resolution shall be a record vote, and a copy of the
13 vote shall be attached to an enrolled copy of the resolution or resolutions, which shall
14 be presented to the presiding officers.

15 D.(1) ~~The~~ If the petition is not in resolution form, the petition shall also
16 provide a designated place for the signature of any member who is in favor of the
17 calling of said ~~the~~ extraordinary session and it may specify the particular time the
18 session shall adjourn. The signatures required need not all be on a single copy of the
19 petition, but a member may sign one of multiple copies of the petition and each
20 individual signature shall be counted towards the majority necessary to call the
21 extraordinary session. Such petition shall be in substantially the following form:

22 PETITION

23 STATE CAPITOL

24 BATON ROUGE, LOUISIANA

25 (DATE)

26 We, the undersigned members of the ~~Legislature~~ legislature constituting a
27 majority of the elected members of the House of Representatives and the Senate
28 thereof, in accordance with the provisions set forth in Article III, Section 2(B) of the
29 Constitution of Louisiana, do hereby petition the speaker of the House and the

1 president of the Senate to call the ~~Legislature~~ legislature into extraordinary session
 2 at the State Capitol in Baton Rouge, Louisiana, commencing at _____ o'clock
 3 ____m. on _____, in the year ~~of our Lord~~ _____, for a period not
 4 to exceed ____ days, after transmittal to you of copies of this petition as signed by
 5 at least a majority of the elected members of each house of the ~~Legislature~~
 6 legislature.

7 Said session shall be convened to consider the following enumerated
 8 object(s):

9 1.

10 (Signed) _____

11 ~~C. (2)~~ The petition and copies thereof may be circulated and transmitted to
 12 the presiding officers by the members themselves, or, alternatively, the petition may
 13 be circulated and transmitted to the presiding officers as provided in ~~Subsection D~~
 14 Paragraph (3) of this Subsection.

15 ~~D. (3)(a)~~ When at least thirteen senators and thirty-five ~~members of the house~~
 16 ~~of~~ representatives determine the necessity for an extraordinary session of the
 17 legislature they may prepare a petition to call the legislature into extraordinary
 18 session and submit it to the chief clerical officers of both houses who shall make
 19 adequate public announcement of its receipt. ~~Such petition shall be in the form~~
 20 ~~specified in Subsection B of this section.~~

21 (b) Within forty-eight hours ~~of the~~ after receipt by the presiding chief clerical
 22 officers of such a petition duly signed by at least thirteen senators and thirty-five
 23 ~~members of the house of~~ representatives, the clerk of the ~~house~~ House of
 24 Representatives and the secretary of the ~~senate~~ Senate shall prepare duplicate copies
 25 of the petition and shall transmit such a copy by certified or registered mail to each
 26 member of ~~their~~ his respective ~~houses~~ house who has not already signed the petition
 27 for the purpose of obtaining the requisite number of signatures required to call the
 28 legislature into extraordinary session. The copies of the petition mailed to ~~all~~

1 members of the legislature shall be postmarked on the same day. Each duplicate
2 copy of the petition shall contain the name of the legislator to whom it is mailed.

3 (c) Each member who is in favor of the call for ~~said the~~ extraordinary session
4 shall sign the copy of the petition mailed to him and shall return it to the respective
5 clerical officer no later than twenty days after the date on which the petition was
6 mailed to the ~~members~~ member or, if the date of the session as stated in the petition
7 is earlier than ~~twenty-seven~~ twenty-nine days after the date that copies were mailed,
8 no later than ~~seven~~ nine days before the date of such session as stated therein. No
9 petition received by a clerical officer after five ~~o'clock~~ p.m. on the twentieth day
10 after the copies were mailed or on the ~~seventh~~ ninth day before the date of the
11 session, whichever is the earlier, shall be counted and the clerical officer shall return
12 it to the member. Any member who signed the petition submitted to the chief
13 clerical officers and any member who has signed and timely returned a copy of a
14 petition may remove his signature from a petition or reclaim the copy he has signed
15 by written notice to the respective clerical officer at any time prior to receipt by the
16 chief clerical officers of a combination of signatures on the petition and signed
17 copies of the petition from a majority of the elected members of each house. No
18 signature so removed or copies of a petition so reclaimed shall be counted.

19 (d) On the day after the final date for return of signed copies of the petition
20 or, if earlier, as soon as a majority of the elected members of each house ~~have~~ has
21 signed the petition or timely returned signed copies, ~~if earlier~~, each of the clerical
22 officers shall separately list the names of the members who have signed the petition
23 and the members who have timely returned signed copies of the petition to him and
24 shall also list the names of those members whose copies of the petition were invalid
25 because they were not signed by the member or because they were not timely
26 received. Each clerical officer shall sign the list of members he has so prepared and
27 shall cause a copy of the petition and a copy of the list to be transmitted to the
28 presiding officers and to each member of the legislature. All costs in connection
29 with preparation, transmittal, handling, and tabulation of petitions and lists of

1 members returning ~~same~~ petitions shall be paid from funds appropriated for the
2 expenses of the two houses.

3 (e) If a majority of the elected members of each house sign the petition or
4 sign and timely return copies of the petition, the extraordinary session shall be held.
5 If a majority of the elected members of each house do not sign the petition or sign
6 and timely return copies of the petition, the chief clerical officers shall return the
7 signed copies of the petition to the members who signed and returned them.

8 E. At least ~~five~~ seven days prior to the date for the convening of an
9 extraordinary session as contained in a petition for such a session duly adopted or
10 signed by a majority of the elected members of each house and transmitted to the
11 presiding officers thereof as provided in this Section, the presiding officers shall
12 issue a proclamation calling the extraordinary session, which proclamation shall state
13 the objects of the session, the date and time at which the session shall convene, the
14 number of days for which it is convened, all as provided in the petition, ~~signed by the~~
15 ~~requisite number of members~~, and the time the session shall adjourn if included in
16 the petition. The power to legislate shall be limited, under penalty of nullity, to the
17 objects specifically enumerated in the proclamation.

18 F. The petition for an extraordinary session called upon petition of a majority
19 of the elected members of each house and a list of members voting on the petition
20 resolution or resolutions or signing ~~said~~ the petition or copies thereof, as the case
21 may be, shall be entered in the journal of ~~said~~ the session.

22 G. When either the governor or the legislature has called an extraordinary
23 session of the legislature, neither the governor nor the legislature shall call another
24 extraordinary session to overlap or run concurrently with the first extraordinary
25 session.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Talbot

HB No. 39

Abstract: Provides relative to special sessions of the legislature convened upon petition of a majority of the elected members of both houses of the legislature, including provisions for procedures for and the form of such petitions and for the time and duration of such sessions. Provides for calling a special session by adoption of a resolution during a session.

Present constitution (Art. III, §2(B)) provides that the legislature may be convened in extraordinary (special) session by the governor and shall be convened in such a session by the presiding officers of both houses upon written petition of a majority of the elected members of each house. Requires the form of the petition to be provided by law. Requires the governor or the presiding officers, as the case may be, to issue a proclamation stating the objects of the session, the date on which it shall convene, and the number of days for which it is convened at least seven days prior to convening of the extraordinary session. Limits such session to no more than 30 calendar days.

Present law (R.S. 24:11) provides for the petition as follows:

- (1) Requires petition to specify the object(s) of the session, the date and time it shall convene, and the number of days for which convened (not to exceed 30 calendar days). Allows petition to specify the time the session will adjourn.
- (2) Requires petition to provide for a designated place for the signature of any member in favor of calling the special session.
- (3) Provides the specific form of the petition.
- (4) Allows the petition to be circulated and transmitted to the presiding officers by the members. Alternatively allows the petition (if signed by at least 13 senators and 35 representatives) to be circulated and transmitted by the chief clerical officers of the Senate and House in accordance with specific procedures and certain deadlines as provided by present law.
- (5) Provides that if the petition is duly signed by the requisite number of members of each house (majority of the elected members), the petition and a list of members signing the petition or copies thereof shall be entered in the journal of the session.

Proposed law specifies that multiple copies of the petition may be circulated to gather the requisite number of signatures.

Proposed law retains present law regarding the form of a petition, but additionally allows the petition to be contained within a concurrent resolution introduced in any session or within separate House and Senate resolutions which are duplicate in content and introduced in the same session. Specifies that adoption of such resolution(s) by a majority of the elected members of each house shall constitute a written petition of the majority of the elected members to the presiding officers of each house for the convening of an extraordinary session as required by the constitution. Requires the vote on any such resolution to be a record vote and requires a copy of the vote to be attached to an enrolled copy of the resolution which shall be presented to the presiding officers.

Present law provides that no extraordinary session, whether called by the governor or the legislature, shall overlap or run concurrently with another extraordinary session. Proposed law retains present law.

Proposed law makes technical changes to clarify procedures for circulation of copies of petitions by the chief clerical officers and to clarify language relative to obtaining the signatures of the necessary majority of the elected members.

(Amends R.S. 24:11)