HLS 10RS-261 ENGROSSED

Regular Session, 2010

HOUSE BILL NO. 391

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BY REPRESENTATIVE ROBIDEAUX AND SENATOR B. GAUTREAUX

LEGISLATION/INSTRUMENTS: (Constitutional Amendment) Provides for prefiling and notice deadlines for bills affecting public retirement systems

A JOINT RESOLUTION

2	Proposing to amend Article III, Section 2(A)(2), Article X, Section 29(C), and Article XIII,
3	Section 1(A) of the Constitution of Louisiana, relative to Acts of the legislature
4	relative to public retirement systems; to provide relative to the prefiling deadline for
5	retirement legislation; to provide relative to the public notice requirement for
6	retirement legislation; to provide for submission of the proposed amendment to the
7	electors; and to provide for related matters.
8	Notice of intention to introduce this Act has been published
9	as provided by Article X, Section 29(C) of the Constitution
10	of Louisiana.
11	Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members
12	elected to each house concurring, that there shall be submitted to the electors of the state of
13	Louisiana, for their approval or rejection in the manner provided by law, a proposal to
14	amend Article III, Section 2(A)(2) of the Constitution of Louisiana, to read as follows:
15	§2. Sessions
16	Section 2.(A) Annual Session.
17	* * *
18	(2)(a) Any bill to effect any change in laws relating to any retirement system
19	for public employees to be introduced in either house shall be prefiled no later than

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five o'clock in the evening of the forty-fifth calendar day prior to the first day of a 2 regular session. 3 (b) Any bill other than a bill to effect any change in laws relating to any 4 retirement system for public employees to be introduced in either house shall be 5 prefiled no later than five o'clock in the evening of the tenth calendar day prior to the first day of a regular session; session. 6 7 (c) thereafter After five o'clock in the evening of the tenth calendar day prior 8 to the first day of a regular session no member of the legislature may introduce more 9 than five bills, except as provided in the joint rules of the legislature. The legislature 10 is authorized to provide by joint rule for the procedures for passage of duplicate or 11 companion instruments. 12 13 Section 2. Be it further resolved by the Legislature of Louisiana, two-thirds of the 14 members elected to each house concurring, that there shall be submitted to the electors of 15 the state of Louisiana, for their approval or rejection in the manner provided by law, a 16 proposal to amend Article X, Section 29(C) of the Constitution of Louisiana, to read as 17 follows: §29. Retirement and Survivor's Benefits 18 19 Section 29. 20 21 (C) Retirement Systems; Change; Notice. No proposal to effect any change 22 in existing laws or constitutional provisions relating to any retirement system for 23 public employees shall be introduced in the legislature unless notice of intention to 24 introduce the proposal has been published, without cost to the state, in the official state journal on two separate days. The last day of publication shall be at least thirty 25 26 sixty days before introduction of the bill. The notice shall state the substance of the 27 contemplated law or proposal, and the bill shall contain a recital that the notice has 28 been given. 29

Section 3. Be it further resolved by the Legislature of Louisiana, two-thirds of the members elected to each house concurring, that there shall be submitted to the electors of the state of Louisiana, for their approval or rejection in the manner provided by law, a proposal to amend Article XIII, Section 1(A) of the Constitution of Louisiana, to read as follows:

§1. Amendments

Section 1.(A)(1) Procedure. An amendment to this constitution may be proposed by joint resolution at any regular session of the legislature, but the resolution shall be prefiled, at least ten days before the beginning of the session or as provided in Subparagraph (2) of this Paragraph, in accordance with the rules of the house in which introduced. An amendment to this constitution may be proposed at any extraordinary session of the legislature if it is within the objects of the call of the session and is introduced in the first five calendar days thereof. If two-thirds of the elected members of each house concur in the resolution, pursuant to all of the procedures and formalities required for passage of a bill except submission to the governor, the secretary of state shall have the proposed amendment published once in the official journal of each parish within not less than thirty nor more than sixty days preceding the election at which the proposed amendment is to be submitted to the electors. Each joint resolution shall specify the statewide election at which the proposed amendment shall be submitted. Special elections for submitting proposed amendments may be authorized by law.

(2) Any joint resolution proposed at a regular session of the legislature which effects any change in constitutional provisions relating to any retirement system for public employees shall be prefiled no later than five o'clock in the evening of the forty-fifth calendar day prior to the first day of session.

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Section 4. Be it further resolved that this proposed amendment shall be submitted to the electors of the state of Louisiana at the statewide election to be held on November 2, 2010.

1 Section 5. Be it further resolved that on the official ballot to be used at said election 2 there shall be printed a proposition, upon which the electors of the state shall be permitted 3 to vote FOR or AGAINST, to amend the Constitution of Louisiana, which proposition shall 4 read as follows: 5 To require legislation effecting any change to laws concerning retirement systems for public employees to be filed no later than forty-five days before 6 7 the start of a regular legislative session and to require the completion of 8 public notice requirements regarding such bills no later than sixty days 9 before introduction of the bill. (Amends Article III, Section 2(A)(2), Article 10 X, Section 29(C), and Article XIII, Section 1(A))

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)]

Robideaux HB No. 391

Abstract: Provides earlier prefiling and public notice requirements for proposed retirement legislation.

<u>Present constitution</u> requires proposed legislation to be prefiled no later than five o'clock in the evening of the tenth calendar day prior to the first day of a regular session.

<u>Proposed constitutional amendment</u> retains <u>present constitution</u> for all proposed legislation except bills effecting a change in retirement systems for public employees. <u>Proposed constitutional amendment</u> requires retirement instruments to be prefiled no later than five o'clock in the evening of the forty-fifth calendar day prior to the first day of a regular session.

<u>Present constitution</u> provides that, with limited exception, after five o'clock on the tenth calendar day prior to session, no legislator may introduce more than five bills. <u>Proposed constitutional amendment</u> retains <u>present constitution</u>.

<u>Present constitution</u> requires public notice to be given of intent to introduce legislation effecting public retirement systems. <u>Proposed constitutional amendment</u> retains <u>present constitution</u>.

<u>Present constitution</u> further requires the last date of publication of such notice to be at least 30 days prior to introduction of the bill. <u>Proposed constitutional amendment</u> changes this requirement to 60 days prior to introduction of the bill.

<u>Present constitution</u> requires any joint resolution to amend the constitution to be filed at least 10 calendar days prior to the beginning of a regular session. <u>Proposed constitutional amendment</u> requires all joint resolutions effecting retirement systems to be prefiled no later than the forty-fifth day prior to the first day of session.

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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

Provides for submission of the proposed amendment to the voters at the statewide election to be held Nov. 2, 2010.

(Amends Const. Art. III, §2(A)(2), Art. X, §29(C), and Art. XIII, §1(A))

Summary of Amendments Adopted by House

Committee Amendments Proposed by <u>House Committee on House and Governmental</u> <u>Affairs</u> to the <u>original</u> bill.

- 1. Changed proposed prefiling deadline for retirement legislation and constitutional amendments in a regular session <u>from</u> 60 days prior to the first day of session <u>to</u> 45 days prior to the first day of session.
- 2. Changed proposed notice deadline for retirement legislation in a regular session from 90 days prior to introduction to 60 days prior to introduction.