

STORAGE NAME: h0765.prc.doc
DATE: January 30, 2002

HOUSE OF REPRESENTATIVES
PROCEDURAL & REDISTRICTING COUNCIL
ANALYSIS

BILL #: HJR 765
RELATING TO: Passage of Bills
SPONSOR(S): Representative(s) Byrd, Goodlette and Kottkamp
TIED BILL(S):

ORIGINATING COMMITTEE(S)/COUNCIL(S)/COMMITTEE(S) OF REFERENCE:

- (1) RULES, ETHICS & ELECTIONS (PRC) YEAS 10 NAYS 2
 - (2) PROCEDURAL & REDISTRICTING COUNCIL
 - (3)
 - (4)
 - (5)
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I. SUMMARY:

THIS DOCUMENT IS NOT INTENDED TO BE USED FOR THE PURPOSE OF CONSTRUING STATUTES, OR TO BE CONSTRUED AS AFFECTING, DEFINING, LIMITING, CONTROLLING, SPECIFYING, CLARIFYING, OR MODIFYING ANY LEGISLATION OR STATUTE.

HJR 765 proposes an amendment to Art. III, s. 7, of the Florida Constitution to require that bills, joint resolutions, concurrent resolutions, resolutions, memorials and conference reports be provided in their final form to each member of the house hearing the measure *at least 48 hours prior to final passage by that house.*

The proposal would exempt from the 48-hour requirement general appropriations bills and their conference reports, concurrent resolutions or resolutions relating to extension of a session, legislative organization or procedures.

The amendment to the Florida Constitution will be submitted to the electorate at the November 2002 general election.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|------------------------------|-----------------------------|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

B. PRESENT SITUATION:

Art. III, s. 7, of the Florida Constitution provides, in pertinent part:

Any bill may originate in either house and after passage in one may be amended in the other. It shall be read in each house on three separate days, unless this rule is waived by two-thirds vote; provided the publication of its title in the journal of a house shall satisfy the requirement for the first reading in that house.

House Rule 10.7 provides:

Each bill shall receive three readings on three separate days previous to a vote upon final passage unless two-thirds of the Members decide otherwise.

There is a separate requirement for passage of general appropriations bills. Art. III, s. 19(d), of the Florida Constitution provides, in pertinent part:

All general appropriation bills shall be furnished to each member of the legislature, each member of the cabinet, the governor, and the chief justice of the supreme court at least seventy-two hours before final passage by either house of the legislature of the bill in the form that will be presented to the governor.

Joint Rule 2.1(1) provides:

A general appropriations bill shall be subject to a 72-hour public review period before a vote is taken on final passage of the bill in the form that will be presented to the Governor.

C. EFFECT OF PROPOSED CHANGES:

HJR 765 proposes an amendment to Art. III, s. 7, of the Florida Constitution to require that bills, joint resolutions, concurrent resolutions, resolutions, memorials and conference reports be provided in final form to each member of each house *at least 48 hours prior to final passage by that house.*

The amendment exempts general appropriation bills and their conference reports, which are subject to a separate 72-hour public review or "cooling off" period before final passage, referred to above. [Art. III, s. 19(d), Fla. Const.]. It also exempts concurrent resolutions or resolutions relating to extension of a legislative session or legislative organization or procedures.

The title and substance of the proposed Constitutional amendment will appear on the November 2002 general election ballot in the following form:

**REVIEW PERIOD FOR PROPOSED LEGISLATION
BEFORE FINAL PASSAGE; EXEMPTIONS**

Requires all bills, joint resolutions, concurrent resolutions, resolutions, memorials, and conference reports to be furnished in their final form to each member of the house hearing the measure at least forty-eight hours prior to final passage by that house of the Legislature. Exempts all general appropriation bills and their conference reports, which are subject to a separate seventy-two hour public review period under the State Constitution, and exempts concurrent resolutions or resolutions relating to extension of a session or legislative organization or procedures.

D. SECTION-BY-SECTION ANALYSIS:

N/A

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

N/A

2. Expenditures:

Article XI, s. 5, Fla. Const. requires that each proposed amendment to the Constitution be published in a newspaper of general circulation in each county two times prior to the general election. The Division of Elections estimates that the cost of compliance would be approximately \$58,767.¹

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

N/A

2. Expenditures:

N/A

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

N/A

¹ Telephone conference with Secretary of State, Division of Elections on November 11, 2001.

D. FISCAL COMMENTS:

N/A

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

N/A

B. REDUCTION OF REVENUE RAISING AUTHORITY:

N/A

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

N/A

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

N/A

B. RULE-MAKING AUTHORITY:

N/A

C. OTHER COMMENTS:

There are three states that have similar constitutional provisions: Hawaii, Michigan and New York.² Hawaii's provision is almost identical to that contained in HJR 765. Art. III, s. 15, of the Hawaii Constitution requires that a bill be printed in its final form and made available to each member at least forty-eight hours before final passage.³ Art. IV, s. 26, of the Michigan Constitution requires that a bill must be printed or reproduced and in the possession of each house for at least five days before passage.⁴ Art. III, s. 14, of the New York Constitution requires that a bill be printed and in its final form and on each member's desk at least three legislative days prior to final passage.⁵

² According to the National Conference of State Legislatures' *Inside the Legislative Process 1991*, there are ten states that require a bill to lay on a Senate member's desk for at least one day before it can be considered on the floor for final passage. There are eight states with a similar requirement for bills in the House. The requirements are provided either by constitution or legislative rule.

³ Art. III, s. 15, specifically provides, "No bill shall pass third or final reading in either house unless printed copies of the bill in the form to be passed shall have been made available to the members of that house for at least forty-eight hours."

⁴ Art. IV, s. 26, specifically provides, "No bill shall be passed or become a law at any regular session of the legislature until it has been printed or reproduced and in the possession of each house for at least five days."

⁵ Art. III, s. 14, specifically provides, "No bill shall be passed or become a law unless it shall have been printed and upon the desks of the members, in its final form, at least three calendar legislative days prior to its final passage."

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A number of states provide by legislative rule a review period before third reading or final passage.⁶ Most states require that a bill be read three times and place restrictions on when those readings must take place.⁷

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

VII. SIGNATURES:

COMMITTEE ON RULES, ETHICS & ELECTIONS:

Prepared by:

Emmett Mitchell, IV

Staff Director:

Richard Hixson

AS REVISED BY THE PROCEDURAL & REDISTRICTING COUNCIL:

Prepared by:

Susan Brouwer

Council Director

P.K. Jameson, J.D.

⁶ A report prepared by the National Conference of State Legislatures (January 16, 2002) lists examples of eighteen states that have rules requiring that a bill be read a minimum number of times (usually three) and often, a certain period of time between each reading (usually one day).

⁷ For example, North Carolina House Rule 41 requires that "No bill shall be read more than once on the same day without the concurrence of two-thirds (2/3) of the members present and voting..."