

2020 Regular Session

HOUSE BILL NO. 868

BY REPRESENTATIVE IVEY

LEGISLATIVE AFFAIRS: Provides relative to the continuity of the legislature in times of emergency or disaster

1 AN ACT

2 To amend and reenact Part IV of Chapter 1 of Title 24 of the Louisiana Revised Statutes of  
3 1950, comprised R.S. 24:61 through 75, relative to the continuity of the legislature  
4 and its functions during times of attack, emergency, or disaster; to provide for the  
5 powers, functions, and duties of legislators and other public officials relative thereto;  
6 to provide for the suspension of certain legal and vote requirements, deadlines, and  
7 limitations relative thereto; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. Part IV of Chapter 1 of Title 24 of the Louisiana Revised Statutes of 1950,  
10 comprised R.S. 24:61 through 75, is hereby amended and reenacted to read as follows:

11 PART IV. ~~EMERGENCY INTERIM~~

12 LEGISLATIVE ~~SUCCESSION~~ CONTINUITY

13 §61. Short title

14 This Part shall be known as the "~~Emergency Interim Legislative Succession~~  
15 Continuity Act."

16 §62. Declaration of policy

17 A. The legislature declares the following:

18 (1) ~~that recent technological~~ Technological and biological developments  
19 make possible an enemy attack of unprecedented destructiveness, which may result

1 in the death or inability to act of a large proportion of the membership of the  
2 legislature;

3 (2) Disasters and public health emergencies may create situations during  
4 which it is unsafe for persons to gather in the state capital or at the state capitol for  
5 the conduct of legislative business.

6 (3) ~~that to conform in time of attack~~ To require the legislature to strictly  
7 adhere to existing legal requirements pertaining to the legislature during times of  
8 attack or during certain disasters and public health emergencies would be  
9 impracticable, would ~~admit of~~ cause undue delay in appropriate response, would  
10 place the legislature and the public in harm's way, and would jeopardize continuity  
11 of operation of a legally constituted the legislature; and would disrupt its ability to  
12 function.

13 (3) ~~that it is therefore necessary to adopt special provisions as hereinafter set~~  
14 ~~out for the effective operation of the legislature.~~

15 B. Therefore, in accordance with Article XII, Section 11 of the Constitution  
16 of Louisiana, the legislature provides for legislative continuity in the manner  
17 provided in this Part and further declares that the provisions of this Part shall be  
18 construed liberally to effectuate the purposes for which it is enacted until the normal  
19 processes of the legislature can be reestablished in accordance with the constitution  
20 and laws of the state.

21 §63. Definitions

22 As used in this Part:

23 (1) "Attack" means any action or series of actions taken by an enemy of the  
24 United States resulting in substantial damage or injury to persons, processes, or  
25 property in this state, whether through sabotage, bombs, missiles, shellfire, or  
26 atomic, radiological, chemical, bacteriological or biological means or other weapons  
27 or methods.

28 (2) "Disaster" means the result of a natural or man-made event which causes  
29 loss of life, injury, and property damage, including but not limited to natural

1 disasters such as hurricanes, tornadoes, storms, floods, high winds, and other  
2 weather-related events, forest and marsh fires, and man-made disasters, including but  
3 not limited to nuclear power plant incidents, hazardous materials incidents, oil spills,  
4 explosion, civil disturbances, public calamity, acts of terrorism, hostile military  
5 action, and other events related thereto.

6 (3) "Unavailable" means absent from the place of session (other than on  
7 official business of the legislature), or unable for physical, mental or legal reasons  
8 to exercise the powers and discharge the duties of a legislator, whether or not such  
9 absence or inability would give rise to a vacancy under existing constitutional or  
10 statutory provisions.

11 (4) "Public health emergency" means a pandemic or like situation where  
12 extraordinary measures, including isolation and quarantine, are necessary to protect  
13 human life and control the spread of human disease.

14 §64. Designation of emergency interim successors to legislators

15 Each legislator shall designate a panel of not less than three nor more than  
16 seven emergency interim successors to his powers and duties. Each legislator shall  
17 review and, as necessary, promptly revise such panel of emergency interim  
18 successors to his powers and duties to insure that at all times there are at least three  
19 such qualified emergency interim successors on said panel. Such panels and all  
20 revisions thereof shall be filed both with the chief clerical officer of the house of the  
21 legislator and in the office of the secretary of state.

22 §65. Status, qualifications and term of emergency interim successors

23 An emergency interim successor is one who is designated for possible  
24 temporary succession to the powers and duties, but not the office, of a legislator. No  
25 person shall be designated or serve as an emergency interim successor unless he may  
26 under the constitution and statutes hold the office of the legislator to whose powers  
27 and duties he is designated to succeed, but no constitutional or statutory provision  
28 prohibiting a legislator from holding another office or prohibiting the holder of  
29 another office from being a legislator shall be applicable to an emergency interim

1 successor. An emergency interim successor shall serve at the pleasure of the  
2 legislator designating him or of any subsequent incumbent of the legislative office.

3 However, an emergency interim successor shall be subject to discipline and  
4 expulsion by the house of the legislature in which he serves.

5 §66. Contingent method of designating emergency interim successors

6 Prior to an attack, disaster, or public health emergency, if a legislator fails to  
7 designate a panel containing the required minimum number of emergency interim  
8 successors within thirty days ~~following July 31, 1968 or, after such period~~ after the  
9 organizational session of the legislature or, if for any reason the number of  
10 emergency interim successors on said panel for any legislator falls below the  
11 required minimum and remains below such minimum for a period of thirty days, the  
12 ~~governor~~ presiding officer of the appropriate house of the legislature shall promptly  
13 designate as many emergency interim successors as are required to achieve such  
14 minimum number. Each emergency interim successor designated by the ~~governor~~  
15 presiding officer shall serve at the pleasure of the ~~governor~~ presiding officer, but the  
16 legislator for whom the emergency interim successor is designated or any subsequent  
17 incumbent of his office may replace at his pleasure any emergency interim successor  
18 so designated by the ~~governor~~ presiding officer.

19 §67. Recording

20 Each designation of an emergency interim successor on the panel provided  
21 for in R.S. 24:64 shall become effective when the legislator or the ~~governor~~ presiding  
22 officer making the designation files with the chief clerical officer and the secretary  
23 of state the successor's name and address. The removal of an emergency interim  
24 successor from said panel shall become effective when the legislator or the ~~governor~~  
25 presiding officer so acting files this information with the chief clerical officer and the  
26 secretary of state. All such data shall be open to public inspection.

27 ~~§69~~ §68. Duty of emergency interim successors

28 Each emergency interim successor shall keep himself generally informed as  
29 to the duties, procedures, practices and current business of the legislature, and each

1 legislator shall assist his emergency interim successors to keep themselves so  
2 informed.

3 ~~§70~~ 69. Place of legislative session

4 Whenever, in the event of an attack, disaster, or public health emergency or  
5 upon finding that an attack or disaster may be imminent, the governor, the speaker  
6 of the House of Representatives, and the president of the Senate ~~deems~~ deem the  
7 ~~place of session then prescribed to be~~ state capitol or state capital unsafe, ~~he~~ they  
8 may change it the place of session to any place within or without the state which ~~he~~  
9 ~~deems~~ they deem safer and convenient.

10 ~~§71~~ 70. Convening of legislature in event of attack; disaster, or public health  
11 emergency

12 A. In the event of an attack, the governor shall call the legislature into  
13 session as soon as practicable, and in any case within ninety days following the  
14 inception of the attack. If the governor fails to issue such call, the legislature shall,  
15 on the ninetieth day from the date of inception of the attack, automatically convene  
16 at the place where the governor then has his office. Each legislator and each  
17 emergency interim successor, if the legislator for whom he was designated is  
18 unavailable, shall proceed to the place of session as expeditiously as practicable.  
19 When the legislature is convened as provided in this Section, the secretary of state  
20 shall deliver the panel designating emergency interim successors for each legislator  
21 who is unavailable due to attack to the house of representatives or the senate, as the  
22 case may be, and from said panel a final emergency interim successor to perform the  
23 duties of such unavailable legislator shall be chosen by lot from said panel under a  
24 procedure prescribed and conducted by the officers of the respective houses. The  
25 final emergency interim successor thus chosen shall then subscribe to the oath of  
26 office prescribed by the constitution and proceed to perform the duties of the  
27 legislator who is unavailable due to attack.

28 B. At ~~such a~~ session convened pursuant to Subsection A of this Section or  
29 at any session in operation at the inception of ~~the~~ an attack, or certain declared

1        disasters or public health emergencies and at any subsequent sessions convened to  
2        respond to the attack, disaster, or emergency, deadlines on prefiling, introduction,  
3        and final passage and limitations on the length of sessions and on the subjects which  
4        may be acted upon shall be suspended.

5        ~~§72~~ 71. Assumption of powers and duties of legislator by emergency interim  
6        successor

7                A final emergency interim successor shall exercise the powers and assume  
8        the duties until the incumbent legislator elected and legally qualified can act. Each  
9        house of the legislature shall, in accordance with its own rules, determine who is  
10       entitled under the provisions of this Part to exercise the powers and assume the duties  
11       of its members. All constitutional and statutory provisions pertaining to ~~ouster~~  
12       discipline and expulsion of a legislator shall be applicable to a final emergency  
13       interim successor who is exercising the powers and assuming the duties of a  
14       legislator.

15       ~~§73~~ 72. Privileges, immunities and compensation of emergency interim successors

16                When a final emergency interim successor exercises the powers and assumes  
17       the duties of a legislator, he shall be accorded the privileges and immunities,  
18       compensation, allowances and other perquisites of office to which a legislator is  
19       entitled. In the event of an attack, each emergency interim successor, whether or not  
20       called upon to exercise the powers and assume the duties of a legislator, shall be  
21       accorded the privileges and immunities of a legislator while traveling to and from a  
22       place of session and shall be compensated for his travel in the same manner and  
23       amount as a legislator. This Section shall not in any way affect the privileges,  
24       immunities, compensation, allowances or other perquisites of office of an incumbent  
25       legislator.

26       ~~§74~~ 73. Quorum and vote requirements

27                In the event of an attack:

28                (1) Quorum requirements for the legislature shall be suspended, and

1 (2) Where the affirmative vote of a specified proportion of members for  
2 approval of a bill, resolution or other action otherwise would be required, the same  
3 proportion of those voting thereon shall be sufficient.

4 §74. Use of technology for remote sessions and voting during certain disasters and  
5 emergencies

6 A. If an attack, public health emergency, or disaster involving the state  
7 capital occurs or is imminent and the nature of the attack, emergency, or disaster  
8 would cause the convening of the legislature, either house, or any legislative  
9 committee at the state capitol to be detrimental to the health, safety, or welfare of the  
10 public, the legislature, either house, and any legislative committee may conduct and  
11 its members may attend and participate in a meeting via electronic means.

12 B. The presiding officers of the legislature shall, to the fullest extent possible  
13 under the circumstances, provide for public notice and for the ability for the public  
14 to observe the deliberations of the each house of the legislature and any legislative  
15 committee conducting a meeting pursuant to this Section.

16 §75. Termination of operation of provisions of this Part

17 The authority of emergency interim successors to succeed to the powers and  
18 duties of legislators, and the operation of the provisions of this Part relating to  
19 quorum, the number of affirmative votes required for legislative action, remote  
20 sessions and voting, deadlines, and limitations on the length of sessions and the  
21 subjects which may be acted upon, shall expire no later than two years following a  
22 disaster or public health emergency or the inception of an attack, but nothing herein  
23 shall prevent the resumption of normal operations before such time of the filling of  
24 legislative vacancies and the calling of elections for the legislature in accordance  
25 with applicable constitutional and statutory provisions. The governor, acting by  
26 proclamation, or the legislature, acting by concurrent resolution, may from time to  
27 time extend or restore such authority or the operation of any of such provisions upon  
28 finding that events render the extension or restoration necessary, but no extension or  
29 restoration shall be for a period of more than one year.

1           Section 2. This Act shall become effective upon signature by the governor or, if not  
2 signed by the governor, upon expiration of the time for bills to become law without signature  
3 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
4 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
5 effective on the day following such approval.

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#### 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)]

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HB 868 Engrossed

2020 Regular Session

Ivey

**Abstract:** Provides for the Legislative Continuity Act rather than the Emergency Interim Legislative Succession Act.

Present law provides for the Emergency Interim Legislative Succession Act. Provides definitions, provides for the appointment of emergency interim successors and their qualifications and duties, provides for the place of the legislative session and the convening of the legislature in the event of an attack, provides relative to quorum and vote requirements in the event of an attack, provides for the suspension of certain legal requirements and subject matter limitations, and provides for the termination of the provisions.

Proposed law provides instead for the Legislative Continuity Act, adds definitions for "disaster" and "public health emergency". Includes additional provisions for the operation of the legislature in cases of disasters or public health emergencies and provides for the ability for the legislature to utilize technology for remote sessions and voting during certain disasters and emergencies. Provides that, if a legislator fails to name his successors, the appropriate presiding officer provides for the successors rather than the governor and authorizes the presiding officers and the governor to change the place of the session in cases of attack or disaster or emergency rather than only the governor. Otherwise retains present law.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 24:61-75)