

2020 First Extraordinary Session

HOUSE CONCURRENT RESOLUTION NO. 5

BY REPRESENTATIVE FREEMAN

LEGISLATIVE AFFAIRS: Requests a study of the continuity of government provisions by the house and senate governmental affairs committees, meeting jointly

1 A CONCURRENT RESOLUTION

2 To urge and request the House Committee on House and Governmental Affairs and the
3 Senate Committee on Senate and Governmental Affairs to meet and function as a
4 joint committee to study the provisions of law relative to continuity of government
5 in periods of emergency and to make recommendations relative thereto.

6 WHEREAS, Article XII, Section 11 of the Constitution of Louisiana requires the
7 legislature to provide for the "orderly and temporary continuity of state government, in
8 periods of emergency, until normal processes of government can be reestablished in
9 accordance with the constitution and laws of the state; and, except as otherwise provided by
10 this constitution, for the prompt and temporary succession to the powers and duties of public
11 offices when incumbents become unavailable to perform their functions"; and

12 WHEREAS, since the adoption of the constitution, which became effective at
13 midnight on December 31, 1974, the legislature has not updated the provisions of law
14 relative to the continuity of the legislative branch, the executive branch, or the judicial
15 branch of state government or of local government, all of which were enacted in 1963; and

16 WHEREAS, the worldwide outbreak of COVID-19 has illustrated the need for an
17 examination of the continuity of government provisions beyond the planning for the
18 possibility of an attack; and

19 WHEREAS, extenuating circumstances such as a natural disaster, pandemic, or
20 attack may make access to public buildings and seats of government, including the state
21 capitol, impractical, undesirable, or impossible; and

1 WHEREAS, the functionality of government must continue in order to accomplish
2 the essential business of the state and of local government in periods of emergency,
3 regardless of limitations and circumstances.

4 THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby
5 urge and request the House Committee on House and Governmental Affairs and the Senate
6 Committee on Senate and Governmental Affairs to meet and function as a joint committee
7 to study the provisions of law relative to continuity of government in periods of emergency
8 and to make recommendations relative thereto.

9 BE IT FURTHER RESOLVED that the joint committee shall solicit the input,
10 recommendations, and advice of any person or organization it deems necessary including
11 the following:

- 12 (1) The president of the Senate, or his designee.
- 13 (2) The speaker of the House of Representatives, or his designee.
- 14 (3) Each statewide elected official, or his designee.
- 15 (4) The chief justice of the supreme court, or her designee.
- 16 (5) A representative of the Louisiana District Judges Association.
- 17 (6) A representative of the Louisiana District Attorneys Association.
- 18 (7) A representative from each organization which represents parishwide elected
19 officials.
- 20 (8) A representative from the Louisiana Municipal Association.
- 21 (9) A representative from the Police Jury Association of Louisiana.
- 22 (10) A representative from the Louisiana School Boards Association.

23 BE IT FURTHER RESOLVED that the joint committee shall review the applicable
24 continuity of government provisions of other states.

25 BE IT FURTHER RESOLVED that the joint committee shall make a written report
26 of its findings, together with any specific proposals for legislation, to the legislature no later
27 than thirty days prior to the 2021 Regular Session of the Legislature.

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)]

HCR 5 Engrossed

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Freeman

Requests the house and senate governmental affairs committees to meet and function as a joint committee to study the provisions of law relative to continuity of government in periods of emergency and to make a written report of its findings, together with any specific proposals for legislation, no later than 30 days prior to the 2021 R.S.