

2020 Second Extraordinary Session

SENATE BILL NO. 40

BY SENATOR HEWITT

LEGIS POWERS/FUNCTIONS. Constitutional Amendment to provide for remote operations of the legislature during a declared emergency. (2/3 - CA13s1(A)) (Item #5)

1 A JOINT RESOLUTION

2 Proposing to amend Article XII, Section 11 of the Constitution of Louisiana, relative to
3 continuity of government during periods of emergency; to provide relative to
4 sessions, meetings, and proceedings of the legislature and legislative bodies; to
5 provide relative to member participation and voting; to provide certain procedures,
6 terms, conditions, and requirements; and to specify an election for submission of the
7 proposition to electors and provide a ballot proposition.

8 Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members
9 elected to each house concurring, that there shall be submitted to the electors of the state, for
10 their approval or rejection in the manner provided by law, a proposal to amend Article XII,
11 Section 11 of the Constitution of Louisiana, to read as follows:

12 §11. Continuity of Government

13 Section 11. The legislature, **by law** shall provide for orderly and temporary
14 continuity of state government, in periods of emergency, until normal processes of
15 government can be reestablished in accordance with the constitution and laws of the
16 state; and, except as otherwise provided by this constitution, for the prompt and
17 temporary succession to the powers and duties of public offices when incumbents

1 become unavailable to perform their functions. To preserve continuity of
 2 government, remote participation and voting in open, public meetings may be
 3 authorized for members of the legislature to transact business during a public
 4 emergency. No measure shall be enacted or adopted by remote action unless at
 5 least a majority of the elected members of either house are unable to meet in
 6 person at the state capitol due to the emergency.

7 Section 2. Be it further resolved that this proposed amendment shall be submitted
 8 to the electors of the state of Louisiana at the statewide election to be held on
 9 December 5, 2020.

10 Section 3. Be it further resolved that on the official ballot to be used at said election
 11 there shall be printed a proposition, upon which the electors of the state shall be permitted
 12 to vote YES or NO, to amend the Constitution of Louisiana, which proposition shall read as
 13 follows:

14 Do you support an amendment to preserve continuity of government by
 15 authorizing members of the legislature under certain circumstances to
 16 remotely participate and vote in order to transact business during a public
 17 emergency?

18 (Amends Art. XII, Sec. 11)

The original instrument and the following digest, which constitutes no part
 of the legislative instrument, were prepared by Matt DeVille.

DIGEST

SB 40 Engrossed

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Present constitution provides that the legislature shall provide for orderly and temporary continuity of state government, in periods of emergency, until normal processes of government can be reestablished in accordance with the constitution and laws of the state; and, except as otherwise provided by this constitution, for the prompt and temporary succession to the powers and duties of public offices when incumbents become unavailable to perform their functions.

Proposed constitutional amendment retains present language and adds that to preserve continuity of government, remote participation and voting in open, public meetings may be authorized for members of the legislature to transact business during a public emergency. Further provides that no measure shall be enacted or adopted by remote action unless at least a majority of the elected members of either house are unable to meet in person at the state capitol due to the emergency.

Specifies submission of the amendment to the voters at the statewide election to be held on December 5, 2020.

(Amends Const. Art. XII, Sec. 11)