

2022 Regular Session

SENATE BILL NO. 225

BY SENATOR HEWITT

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

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A JOINT RESOLUTION

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

Section 1. Be it 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, for their approval or rejection in the manner provided by law, a proposal to amend Article XII, Section 11 of the Constitution of Louisiana, to read as follows:

§11. Continuity of Government

Section 11. The legislature ~~shall provide for~~ **is authorized by law and rules to provide for the** 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

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

8 Section 2. Be it further resolved that this proposed amendment shall be submitted
 9 to the electors of the state of Louisiana at the statewide election to be held on
 10 November 8, 2022.

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

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

19 (Amends Const. 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 225 Engrossed 2022 Regular Session Hewitt

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 present 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 constitutional provision 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 November 8, 2022.

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

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Senate and Governmental Affairs to the original bill

1. Make technical corrections.