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 DIGEST

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SB 225 Reengrossed

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.

Present constitution further provides specific provisions regarding sessions of the legislature in the state capital and further provides for the requirements for passage of bills during such sessions, including a requirement that action on any matter intended to have the effect of law being taking only in open, public meeting.

Proposed constitutional amendment retains the provisions of the present constitution and further specifies that notwithstanding any provision in the present constitution (Art. III) to the contrary, the legislature may utilize remote participation and voting in open, public meetings via electronic means during a gubernatorially declared public emergency if the presiding officers of each house of the legislature agree that the conditions of the gubernatorially declared public emergency necessitate remote participation and voting via electronic means. Prohibits a measure from being enacted or adopted by remote participation unless at least a majority of the elected members of either house are unable to meet in person at the state capital solely due to circumstances directly related to the emergency. Specifies that the proposed constitutional amendment provisions are applicable only while a gubernatorially declared public emergency is in effect.

Specifies submission of the amendment to the voters at the statewide election to be held on Nov. 8, 2022.

(Adds Const. Art. III, Sec. 15(H))

#### Summary of Amendments Adopted by Senate

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

1. Makes technical corrections.

##### Senate Floor Amendments to engrossed bill

1. Changes from mandatory to permissive the legislature responsibility to provide for the orderly and temporary continuity of state government and operation of the legislature.
2. Requires that such actions may be accomplished by law and the adoption of rules of procedures.
3. Provides that continuity of state government includes "the operation of the legislature".
4. Provides that remote governing action by the legislature must be dependent solely upon the circumstances being directly related to the emergency.

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on House and Governmental Affairs to the reengrossed bill:

1. Remove proposed changes to the provisions of the present constitution requiring the legislature to provide for orderly and temporary continuity of state government, including those making those provisions permissive and specifically including remote operations of the legislature.
2. Authorize the legislature to utilize remote participation and voting in open, public meetings via electronic means during a gubernatorially declared public emergency upon agreement of the presiding officers while the emergency is in effect.