

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~~ **may provide by law and may adopt rules of procedure to provide for the** orderly and temporary continuity of state government **and operation of the legislature**, 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

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

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

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

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

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

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The original instrument was prepared by Matt Deville. The following digest,  
 which does not constitute a part of the legislative instrument, was prepared  
 by Ann S. Brown.

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DIGEST

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.

Proposed constitutional amendment changes from mandatory to permissive the legislature

responsibility to provide for the orderly and temporary continuity of state government and operation of the legislature. Such actions may be accomplished by law and the adoption of rules of procedures.

Proposed constitutional amendment adds that to preserve continuity of state government and operation of the legislature, 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 solely due to circumstances directly related 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. 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.