

Regular Session, 2008

HOUSE BILL NO. 183

BY REPRESENTATIVES LORUSSO AND FOIL

LEGISLATORS: (Constitutional Amendment) Requires the legislature to provide for temporary successors for legislators ordered to active duty

1 A JOINT RESOLUTION

2 Proposing to add Article III, Section 4(F) of the Constitution of Louisiana, to require the
3 legislature to provide by law for the succession to the powers and duties of a member
4 of the legislature when the incumbent member becomes unavailable for certain
5 reasons; to provide for submission of the proposed amendment to the electors; and
6 to provide for related matters.

7 Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members
8 elected to each house concurring, that there shall be submitted to the electors of the state of
9 Louisiana, for their approval or rejection in the manner provided by law, a proposal to add
10 Article III, Section 4(F) of the Constitution of Louisiana, to read as follows:

11 §4. Qualifications; Residence and Domicile Requirements; Term; Election
12 Limitations; Vacancies; Temporary Successors

13 Section 4.

14 * * *

15 F. Temporary Successors. The legislature shall provide by law for the prompt
16 and temporary succession to the powers and duties of a member of the legislature if
17 the incumbent member is unavailable to perform his functions or duties due to being
18 ordered to active duty in the armed services of the United States.

1 Section 2. Be it further resolved that this proposed amendment shall be submitted to
2 the electors of the state of Louisiana at the statewide election to be held on November 4,
3 2008.

4 Section 3. Be it further resolved that on the official ballot to be used at said election
5 there shall be printed a proposition, upon which the electors of the state shall be permitted to
6 vote FOR or AGAINST, to amend the Constitution of Louisiana, which proposition shall read
7 as follows:

8 To require the legislature to provide by law for the prompt and temporary
9 succession to the powers and duties of a legislator if the legislator is
10 unavailable to perform his functions or duties due to being ordered to active
11 duty in the armed services of the United States. (Adds Article III, Section
12 4(F))

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)]

Lorusso

HB No. 183

Abstract: Requires the legislature to provide by law for the prompt and temporary succession to the powers and duties of a legislator who is unavailable to perform his functions or duties due to being ordered to active duty in the armed services of the U.S.

Present constitution (Art. III, §4(C) and (D)) provides that a member of the legislature shall be elected for a four-year term and that a vacancy in the legislature shall be filled for the remainder of the term only by election by the electors of the respective district as provided by law. Present constitution (Art. XII, §11) requires the legislature to 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 constitution and further requires the legislature to provide by law for the prompt and temporary succession to the powers and duties of a member of the legislature if the incumbent member is unavailable to perform his functions or duties due to being ordered to active duty in the armed services of the U.S.

Provides for submission of the proposed amendment to the voters at the statewide election to be held Nov. 4, 2008.

(Adds Const. Art. III, §4(F))