

2017 Regular Session

HOUSE BILL NO. 560

BY REPRESENTATIVE HUNTER

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CIVIL/PROCEDURE: Provides with respect to legislative continuance

1 AN ACT

2 To amend and reenact R.S. 13:4163(B), (E)(1)(b) and (I) and to enact R.S. 13:4163(E)(1)(c),
3 relative to legislative continuances; to provide for the filing of a motion for
4 legislative continuance by electronic means; to provide relative to the required
5 documents to be filed; to provide relative to the delays for filing the motion; and to
6 provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 13:4163(B), (E)(1)(b) and (I) are hereby amended and reenacted and
9 R.S. 13:4163(E)(1)(c) is hereby enacted to read as follows:

10 §4163. Ex parte motion for legislative continuance or extension of time; legislators
11 or employees engaged in legislative or constitutional convention activities

12 * * *

13 B. The peremptory grounds for continuance or extension is available to and
14 for the benefit of a member or legislative employee and may only be asserted or
15 waived by a member or employee, except as provided by Subsection I of this
16 Section.

17 * * *

18 E.(1)

19 * * *

1 (b) If the grounds for a legislative continuance or extension are founded
 2 upon any provision of Subparagraph (C)(1)(c) of this Section or upon the issuance
 3 of a call for an extraordinary session of the legislature, the motion for legislative
 4 continuance or extension shall be timely if filed no later than five calendar days prior
 5 to the hearing or proceeding to be continued or no later than two days following the
 6 issuance of the notice of the meeting or of the call for the extraordinary legislative
 7 session, which ever occurs last. ~~An affidavit of the clerk of the House of~~
 8 ~~Representatives or the secretary of the Senate verifying the issuance and date of the~~
 9 ~~issuance of the notice or of the call shall be attached to the motion.~~

10 (c) The provisions of this Paragraph shall not be applied so as to impede the
 11 peremptory nature of this Section.

12 * * *

13 I.(1) ~~For sufficient cause shown,~~ Notwithstanding the delays provided by
 14 Subsection E of this Section, the court may consider a motion for legislative
 15 continuance or extension at any time ~~prior to the hearing or proceeding,~~ provided
 16 advance notice is given to opposing counsel and the court.

17 (2) The motion for a legislative continuance may be filed by electronic means
 18 such as facsimile transmission or electronic mail, or any other means authorized by
 19 law, provided that the mover shall provide all opposing counsel or parties with a
 20 copy of the motion, simultaneously with the transmission of the motion to the court.

21 Section 2. This Act shall become effective upon signature by the governor or, if not
 22 signed by the governor, upon expiration of the time for bills to become law without signature
 23 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 24 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 25 effective on the day following such approval.

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)]

HB 560 Reengrossed

2017 Regular Session

Hunter

Abstract: Authorizes the court to grant a legislative continuance or extension on its own motion upon receiving consent from the member of the legislature.

Present law provides that a member of the legislature and a legislative employee shall have peremptory grounds for continuance or extension of a criminal case, civil case, or administrative proceeding.

Present law provides that the peremptory grounds for continuance are available:

- (1) Any time between 30 days prior to the original call to order and 30 days following the adjournment sine die of any legislative session.
- (2) Any time between 30 days prior to convening and 30 days following adjournment sine die of any constitutional convention.

Present law also provides that peremptory grounds are available when a legislator or employee is engaged in activities in connection with or ordered by: (1) the legislature; (2) any legislative committee or subcommittee appointed by the president of the Senate or the speaker of the House of Representatives; (3) any committee or commission appointed by the governor or other person authorized to make such appointments; or (4) any constitutional convention or commission.

Present law requires verification of the notice of a meeting or call for legislative session.

Proposed law removes the requirement that the clerk of the House of Representatives or the secretary of the Senate file an affidavit verifying the issuance of the notice or call for legislative session.

Proposed law provides that present law shall not be used to impede peremptory nature of present law and proposed law.

Present law provides that for sufficient cause shown, the court may consider a motion for legislative continuance at any time prior to the hearing.

Proposed law provides that, notwithstanding the delays for filing a motion for continuance, the court may consider a motion for continuance at any time provided advance notice is given to the opposing party and to the court.

Proposed law authorizes the motion to be filed by facsimile transmission or electronic mail, provided the mover provides all parties with a copy of the motion.

Proposed law retains present law and authorizes the court to grant a legislative continuance or extension on its own motion upon receiving consent from the members of the legislature.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 13:4163(B), (E)(1)(b), and (I); Adds R.S. 13:4163(E)(1)(c))

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Remove the requirement to file an affidavit verifying the issuance of the notice or call.
2. Add provision specifying that present law shall not be used to impede preemptory nature of present law and proposed law.
3. Remove provision allowing court to raise continuance on its own motion.
4. Authorize court to consider the motion at any time provided advance notice is given to opposing counsel and the court.
5. Authorize the filing of the motion by facsimile.
6. Add emergency effective date.