

Regular Session, 2012

ACT No. 519

HOUSE BILL NO. 1125

BY REPRESENTATIVE BROADWATER

AN ACT

To amend and reenact Code of Civil Procedure Article 1469(5), Code of Criminal Procedure Article 740, R.S. 13:3667.3(B), and R.S. 49:956.1, relative to the attendance and testimony of legislators in certain court and administrative hearings; to extend the requirement of a preliminary motion and hearing to former legislators where their attendance or testimony is being solicited on matters relating to their former service as lawmakers; to provide for definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Civil Procedure Article 1469(5) is hereby amended and reenacted to read as follows:

Art. 1469. Motion for order compelling discovery

A party, upon reasonable notice to other parties and all persons affected thereby, may apply for an order compelling discovery as follows:

* * *

(5) An application for an order compelling discovery to a member or former member of the legislature in his capacity as a state lawmaker, or a legislative employee in his official capacity, when the legislature or either body thereof is not a party to the proceeding may be made to the court in which the action is pending, but no order compelling discovery shall issue except in strict conformity with the provisions of R.S. 13:3667.3(C). For purposes of this Article "legislative employee" means the clerk of the House of Representatives, the secretary of the Senate, or an employee of the House of Representatives, the Senate, or the Legislative Bureau.

Section 2. Code of Criminal Procedure Article 740 is hereby amended and reenacted to read as follows:

Art. 740. Restrictions on subpoenas; members of the legislature and personnel

No subpoena or order compelling discovery shall issue to compel the attendance of a member of the Louisiana Legislature, or legislative employee, except in strict conformity with the ~~provisions~~ provision of R.S. 13:3667.1 and ~~3667.3~~ no subpoena or order compelling discovery shall issue to compel the attendance of a member or former member of the Louisiana Legislature, or legislative employee, except in strict conformity with the provision of R.S. 13:3667.3. For purposes of this Article, "legislative employee" means the clerk of the House of Representatives, the secretary of the Senate, and employees of the House of Representatives, the Senate, and the Legislative Bureau.

Section 3. R.S. 13:3667.3(B) is hereby amended and reenacted to read as follows:

§3667.3. Statewide elected officials, members of the legislature, legislative personnel, appointed heads of state departments, compelled appearance as witness in court or at administrative proceeding, hearing required

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B. For purposes of this Section:

(1) ~~"legislative~~ Legislative employee" means the clerk of the House of Representatives, the secretary of the Senate, or an employee of the House of Representatives, the Senate, or the Legislative Bureau.

(2) "Member" means a sitting or former member of the Louisiana Legislature.

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Section 4. R.S. 49:956.1 is hereby amended and reenacted to read as follows:

§956.1. Administrative proceedings; member of the legislature or personnel as witness

An application for an order compelling discovery to a member or former member of the legislature in his capacity as a state lawmaker, or a legislative employee in his official capacity, when the legislature or either body thereof is not a party to the proceeding may be made to the agency in which the action is pending, but no order compelling discovery shall issue except in strict conformity with the

1 provisions of R.S. 13:3667.3(D). For the purposes of this Section "legislative
2 employee" shall mean the clerk of the House of Representatives, the secretary of the
3 Senate, or an employee of the House of Representatives, the Senate, or the
4 Legislative Bureau.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____