

ACT No. 702

HOUSE BILL NO. 164

BY REPRESENTATIVES LORUSSO, ABRAMSON, BURFORD, TIM BURNS, CARTER, CROMER, EDWARDS, FOIL, GEYMANN, GISCLAIR, HAZEL, HENRY, HOWARD, LABRUZZO, LIGI, LOPINTO, MORRIS, PERRY, RICHARDSON, ROBIDEAUX, SCHRODER, SMILEY, ST. GERMAIN, TALBOT, TEMPLET, AND WILLMOTT

1 AN ACT

2 To enact Part V of Chapter 1 of Title 24 of the Louisiana Revised Statutes of 1950, to be
3 comprised of R.S. 24:77.1 through 77.4; to provide for temporary successors for
4 members of the legislature under certain circumstances; to provide for the
5 designation of temporary successors; to provide for the qualifications, powers,
6 functions, duties, and compensation of temporary successors; to provide for certain
7 requirements and prohibitions; to provide for the compensation of a legislator for
8 whom a temporary successor is serving in the legislature; to provide for definitions;
9 to provide for effectiveness; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. Part V of Chapter 1 of Title 24 of the Louisiana Revised Statutes of 1950,
12 comprised of R.S. 24:77.1 through 77.4, is hereby enacted to read as follows:

13 PART V. TEMPORARY LEGISLATIVE SUCCESSION

14 FOR LEGISLATORS ON ACTIVE DUTY

15 §77.1. Temporary successor; selection; definitions

16 A. In accordance with Article III, Section 4(F) of the Constitution of
17 Louisiana, for each legislator who is ordered to active duty in the armed services for
18 a period of one hundred eighty days or more, a person shall be designated to act as
19 a temporary successor to his powers and duties in the manner provided in this Part
20 during the period the legislator is on active duty in the armed services. No person
21 shall be designated to act as a temporary successor for a legislator who is ordered to
22 active duty in the armed services for a period of less than one hundred eighty days.

23 B.(1) Each person designated to serve as a temporary successor for a
24 legislator shall have the qualifications and eligibility to serve as a member of the

1 legislature from the district of the legislator for whom such person has been
2 designated.

3 (2) No person who is a member of the immediate family of a legislator shall
4 be nominated or designated to serve as a temporary successor for that legislator. For
5 purposes of this Paragraph, the term "immediate family" shall have the same
6 meaning as provided in R.S. 42:1102.

7 C.(1) Each legislator who may be ordered to active duty in the armed
8 services for a period of one hundred eighty days or more shall submit in writing to
9 the presiding officer of the house of the legislature of which he is a member the
10 names and contact information of at least three qualified nominees to be his
11 temporary successor. Upon receipt of the information regarding the nominees, the
12 presiding officer shall transmit the information to the governmental affairs
13 committee of his house of the legislature. The governmental affairs committee shall
14 hold hearings and conduct interviews of the nominees and may make
15 recommendations concerning the nominees to the presiding officer.

16 (2) A legislator who is notified that he is being ordered to active duty in the
17 armed services for a period of one hundred eighty days or more shall immediately
18 notify the presiding officer of his house of the legislature of the time period he
19 anticipates being unavailable to perform the powers and duties of his office.

20 (3) Upon notification that a legislator has been ordered to active duty in the
21 armed services for a period of one hundred eighty days or more, the appropriate
22 presiding officer shall immediately designate a temporary successor from the list of
23 qualified nominees submitted by the legislator. This designation shall be made by
24 proclamation of the presiding officer, attested to by the clerical officer of the house,
25 and shall be deposited in the office of the secretary of state and recorded by him.
26 The presiding officer shall immediately notify each member of his house of the
27 legislature of the name of the person designated to serve as temporary successor.

28 D. A temporary successor shall serve at the pleasure of the house of the
29 legislature of which he is a temporary member, and all constitutional and statutory

1 provisions pertaining to the discipline and expulsion of a legislator shall be
2 applicable to a temporary successor.

3 E. If a person designated as temporary successor is unable to serve for any
4 reason, the appropriate presiding officer shall designate a different person to serve
5 from the list of qualified nominees submitted by the legislator.

6 F. For purposes of this Part, "armed services" means the armed forces of the
7 United States as defined by 10 U.S.C. 101(a)(4), including reserve components of
8 the armed forces, the Army National Guard, and the Air National Guard.

9 §77.2. Assumption of powers and duties of legislator by temporary successor;
10 requirements

11 A. A temporary successor shall exercise the powers and assume the duties
12 of the legislator from the date the legislator reports to active duty in the armed
13 services until the legislator notifies the presiding officer of his house of the
14 legislature that he can exercise the powers and the duties of his office. Prior to
15 exercising the powers and assuming the duties of the legislator, the temporary
16 successor shall take the oath of office prescribed by Article X, Section 30 of the
17 constitution within seven days from the date the legislator reports for active duty in
18 the armed service. The temporary successor's oath shall be recorded as provided in
19 R.S. 42:162. However, no temporary successor shall serve in such capacity beyond
20 the end of the term of office of the legislator for whom he is designated.

21 B. Notwithstanding the provisions of Subsection A of this Section, a
22 temporary successor shall not have the authority to remove a legislative assistant, but
23 if a vacancy occurs in a legislative assistant position in the district office during his
24 service, a temporary successor may employ a person as a legislative assistant in
25 accordance with the provisions of R.S. 24:31.5.

26 C.(1) Within fourteen days of being designated as temporary successor, a
27 temporary successor shall receive at least one hour of ethics education and training
28 on the Code of Governmental Ethics in the same manner as required by R.S.
29 42:1170.

1 (2) Any person who serves as a temporary successor for six months or more
2 shall be required to file the financial disclosure statement required by R.S. 42:1124.2.

3 §77.3. Privileges, immunities, and compensation of temporary successors;
4 compensation of legislator

5 A. During the time period a temporary successor exercises the powers and
6 assumes the duties of a legislator, he shall be accorded the privileges, immunities,
7 and compensation as provided by R.S. 24:31 and 31.1 to which a legislator is
8 entitled.

9 B. During the time period a temporary successor is exercising the powers
10 and duties of a legislator on active duty, the legislator shall not be entitled to his
11 salary or other compensation as provided by R.S. 24:31 and 31.1. However, the
12 allowances for the district office of the legislator and the provisions for his
13 legislative assistant or assistants shall continue in the manner provided by law and
14 the rules of procedure of his house of the legislature.

15 §77.4. Temporary successors; prohibition on seeking legislative office

16 No person who is serving as a temporary successor at the time of the opening
17 of qualifying for the election for the legislative office to which he was designated to
18 serve as a temporary successor shall be eligible to qualify as a candidate for that
19 legislative office in that election.

20 Section 2. This Act shall take effect and become operative if and when the proposed
21 amendment adding Article III, Section 4(F) of the Constitution of Louisiana contained in the
22 Act which originated as House Bill No. 183 of this 2008 Regular Session of the Legislature
23 is adopted at the statewide election to be held on November 4, 2008, and becomes effective.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____