

Final
STAFF SUMMARY OF MEETING

COMMITTEE ON LEGISLATIVE EMERGENCY EPIDEMIC RESPONSE

Date: ~~03/14/2008~~

ATTENDANCE

Time: 01:25 PM to 02:23 PM

Place: SCR 353

This Meeting was called to order by
Senator HagedornThis Report was prepared by
Dan Chapman

Adams	X
Balmer	X
Chapman	X
Chase	X
Eddins	X
Goldman	X
Levy	E
Ray	A
Ziegler	E
Kopp	E
Hagedorn	X

X = Present, E = Excused, A = Absent, * = Present after roll call

Bills Addressed:	Action Taken:
Other States' Activities in Operations Planning	-
Discussions with Legislative Legal Services	-
Decision Tree Exercise	-

1:25 p.m. — Call to Order

The meeting was called to order by Senator Bob Hagedorn, committee chairman.

1:22 p.m. — Other States' Activities in Continuity of Operations Planning

Ms. Kae Warnock and Ms. Brenda Erickson, National Conference of State Legislatures, presented information regarding other states' efforts in developing continuity of operations plans. Ms. Warnock and Ms. Erickson distributed a series of handouts (see Attachments A-E) on the subject of maintaining continuity of the legislature during a pandemic event. Ms. Erickson offered three examples of actual emergencies that occurred in recent years in state capitols: fires in Idaho and Texas; an earthquake in Washington, and; an attack on the capitol in California. She said that continuity of government plans need to include several key factors: plans for lines of succession and for maintaining contact with legislative members; the ability to change the seat of government, and; the ability to protect public records of the legislature. She noted that developing lines of succession are critical to achieving a quorum in an emergency and, if necessary, the ability to quickly redefine the requirements for a quorum. Ms. Warnock spoke to the Washington example to illustrate the ability of the legislature to depart from constitutional requirement in the event of an emergency.

Ms. Warnock discussed the handouts that detail the continuity of government statutes in other states and examples of other emergency succession acts.

Ms. Brenda Erickson spoke to the issue of remote voting in other states, which included methods such as vote pairing and proxy voting. She said that there several advantages to these techniques, but the biggest obstacle to remote voting is protection of the integrity of the process by guarding against fraud. She also said that remote voting is more commonly allowed in committee settings and is not used in others states' floor sessions. Very few states allow proxy voting, she said. The integrity of the process remains the highest concern among most state legislators.

Open public meetings and notice to the public remain among the main concerns of state policy makers. Ms. Erickson said there are no states currently allowing remote voting although some states such as Alaska and Nevada do provide for testimony to be taken from remote locations. Ms. Erickson concluded by noting the number of states that allow for some type of special session which is a possible option in the instance of a pandemic event. In response to committee questions, Ms. Erickson noted that no states are currently exploring technological alternatives to holding legislative sessions, other than the committee situation in Alaska described above. Ms. Warnock concurred that states with continuity of government plans focused on moving the legislature and do not contemplate an electronic solution.

1:54 p.m. — Continuation of Discussion with Office of Legislative Legal Services

Ms. Christy Chase, Office of Legislative Legal Services (OLLS), continued the discussion begun at the last meeting on the subject of constitutional and statutory provisions and legislative rules affecting legislative responses to pandemic events. Ms. Chase discussed current constitutional provisions restricting the seat of government to the city and county of Denver. She referenced the memorandum distributed at the last meeting (Attachment F) which details these potential barriers to meeting at another location than the State Capitol or to holding a virtual session. She also discussed constitutional and statutory provisions on when the General Assembly meets as well as the length of the legislative session. Ms. Chase spoke to legislative rules that prohibit electronic participation and possible remedies to these restrictions. Senator Hagedorn said that by utilizing special sessions, the General Assembly could address critical legislation between waves of a pandemic.

2:10 p.m. — Decision Tree Exercise

Michael Adams, Legislative Information Services, presented a decision tree model for dealing with a pandemic event both when the legislature is in session and when it is in recess (Attachment G). Mr. Adams demonstrated the decision tree model and discussed its key components, including the emergency call tree which is already in place. He said that adopting rule changes in advance of an epidemic would be key is rephrasing the legislative session to work around a pandemic event.

2:23 p.m. — Other Business/Next Meeting Dates

Senator Hagedorn concluded that while running a bill this session might not be necessary, it would be important to have the rule changes prepared prior to the start of the next legislative session. Emergency rules could be adopted in special session or at the beginning of the 2009 session, he said. The next meeting was scheduled for April 11.

A G E N D A

Legislative Emergency Epidemic Response Committee

Senate Committee Room 353

State Capitol

March 14, 2008

1:00 p.m.

Call to Order

- I. Other States' Activities in Continuation of Operation Planning
 - Kae Warnock and Brenda Erickson
National Conference of State Legislatures
- II. Continuation of Discussion of Constitutional and Statutory Provisions and Legislative Rules Affecting Legislative Responses to Pandemic
 - Christy Chase, Office of Legislative Legal Services
- III. Decision Tree Exercise on Administration and Logistics of a Legislative Session Held During a Pandemic Event
 - Michael Adams, Legislative Information Services
- IV. Other Business
- V. Next Committee Meeting Date

Meeting Adjourned



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Continuity of Government Statutes

Alabama

Emergency Interim Succession Act: Provides for emergency interim succession to the Legislature. Authorizes legislators to designate at least three emergency interim successors and specify their order of succession. Emergency interim successors must meet constitutional and statutory qualifications to hold office with the exception of restrictions on current office holders. List of emergency interim successors filed with Secretary of State and shared with Governor, Emergency Management Agency, and the Secretary of the Senate and the Clerk of the House of Representatives. The clerk or secretary of each chamber enters information regarding emergency interim successors in the public journal. Each interim successor shall be appointed for at least one year. Emergency interim successors take the oath required for the position. Emergency interim successors to keep generally informed as to the duties, procedures, practices and current business of the Legislature. (Ala.Code §29-3-1 to 8)

In the event of an attack, or when an attack may be imminent, Governor may change place of session to any place within or without the state whichever he deems safer and convenient.

(Ala.Code §29-3-9) Governor calls Legislature into session as soon as practicable, within ninety days. If Governor fails to issue call, Legislature on the ninetieth day automatically convenes. Suspends limitations on the length of session and on the subjects that may be acted upon.

(Ala.Code §29-3-10) Emergency interim successor to be accorded the privileges and immunities, compensation, allowances and other perquisites of office to which a legislator is entitled.

(Ala.Code §29-3-12) Quorum requirements for Legislature suspended, and proportional voting requirements of whole body amended to allow proportion to apply to those voting.

(Ala.Code §29-3-13) Provisions to expire two years following the inception of an attack. Governor, by proclamation, or Legislature, by concurrent resolution, may extend or restore authority or the operation of any provisions when necessary, but for no more than one year. (Ala.Code §29-3-14)

Enables local governing bodies of cities, towns, villages, townships and counties to enact resolutions or ordinances for filling vacancies and to provide for emergency interim successors to offices. (Ala.Code §29-3-15) Authorizes officers of political subdivisions listed in §29-3-15 and school, fire, power and drainage districts to designate by title (if feasible) or by named person, emergency interim successors and specify their order of succession. Executive head of the political subdivision designates at least three deputies or emergency interim successors or any combination. (Ala.Code §29-3-16)

Arkansas

Emergency Interim Legislative Succession Act: Provides for emergency interim succession to Legislature. Authorizes officers to designate (not less than 3 nor more than 7), emergency interim successors and specify their order of succession. Emergency interim successors must meet constitutional and statutory qualifications to hold office with the exception of restrictions on current office holders. Provides contingent designation method for emergency interim successors. List filed with Secretary of State who notifies Governor, Department of Emergency Management, and the chief clerk of the chamber who enters into the public journal. Emergency interim successors take the oath required for the position. Emergency interim successors to keep generally informed as to the duties, procedures, practices and current business of the General Assembly. (10-6-101 to 109)

In the event of an attack, or when an attack may be imminent, Governor may change place of session to any place within or without the state whichever he deems safer and convenient. § 10-6-111) Governor calls General Assembly into session as soon as practicable, within ninety days. If Governor fails to issue call, General Assembly on the ninetieth day automatically convenes. Suspends limitations on the length of session and on the subjects that may be acted upon. (§ 10-6-110) Emergency interim successor accorded the privileges and immunities, compensation, allowances and other perquisites of office to which a legislator is entitled. (10-6-114) Quorum requirements for General Assembly suspended, and proportional voting requirements of whole body amended to allow proportion to apply to those voting. (10-6-113) Provisions to expire two years following the inception of an attack. Governor, by proclamation, or General Assembly, by concurrent resolution, may extend or restore authority or the operation of any provisions when necessary, but for no more than one year. (10-6-115)

When, due to an enemy attack or an anticipated attack, it becomes imprudent or impossible to conduct state government at its regular location, the governor may declare emergency temporary location of government. May be within or without the state. Emergency temporary location remains seat of government until General Assembly, by law, establishes a new location or until the emergency is declared to be ended by the Governor. All official acts performed at emergency temporary location are valid and binding. (25-1-101)

California

Legislature has power to fill vacant legislative offices and governor's office, convene legislature and hold elections to other constitutional offices following war-caused or energy-caused disaster in the state. (Cal. Const. Art.4, §21)

Preservation of local government and government services; includes succession of officers, standby officers, oath of office, duties of governing body. (Cal. Gov't Code §8635 *et seq.*) Business resumption plans for state agencies after act or terrorism/natural disaster. (Cal. Gov't Code §8549.20)

Provides procedures for expedited special elections to fill vacancies in Congressional offices caused by a natural/man-made catastrophe that results in the death/disappearance of at least one-fourth of total membership U.S. House of Representatives, including any number of California representatives or at least one-fourth total California delegation. (2002 Cal. Acts, Chap. 658)

Florida

Legislature has the power to provide for prompt and temporary succession to the powers and duties of all public offices, and to adopt other measures as may be necessary and appropriate to insure the continuity of governmental operations during the emergency. (Fla. Const. Art. II, Sec. 6)

Emergency Interim Executive and Judicial Succession Act: Enables local governing bodies of cities, towns, villages, townships and counties to enact resolutions or ordinances for filling vacancies and to provide for emergency interim successors to offices. (Fla. Stat. §22.05)

Authorizes officers of political subdivisions and school, fire, power and drainage districts to designate by title (if feasible) or by named person, emergency interim successors and specify their order of succession. Authorizes officers to designate by title (not less than 3 nor more than 7), emergency interim successors and specify their order of succession. (Fla. Stat. §22.06)

Emergency interim successors take the oath required for the position. (Fla. Stat. §22.07)

Authorizes emergency interim successors, acting governor, and special emergency judges provided for in Act only after an attack upon the United States. (Fla. Stat. §22.08) Emergency interim successors or special emergency judges may be removed or replaced by designating authority at any time, with or without cause. (Fla. Stat. §22.09)

When, due to an enemy attack or an anticipated attack, it becomes imprudent or impossible to conduct the affairs of state government at its regular location, the Governor may declare an emergency temporary location for the seat of government within or without the state. Emergency temporary location remains seat of government until the Legislature, by law, establishes a new location or until the emergency is declared by Governor to be ended. All official acts including convening the Legislature in regular, extraordinary or emergency session, at emergency temporary location are valid and binding. (Fla. Stat. §22.15)

When, due to an enemy attack or an anticipated attack, it becomes imprudent or impossible to conduct the government of a political subdivision at its regular location, the governing body may establish emergency temporary location of government. May be within or without the state. Emergency temporary location remains as the seat of such government until a new seat of government is established by due processes of the law, or until the emergency is declared to be ended by the Governor. All official acts performed at emergency temporary location are valid and binding. (Fla. Stat. §22.20)

for the legislative body and the elected chief executive of the county for the emergency period. (Hawaii Rev. Stat. §128-13 (9))

Note: In the annotations to §128-1 there is an attorney general's opinion that nothing in the chapter authorizes the governor to provide for the succession to the offices of the governor and lieutenant governor. Att. Gen. Op. 61-87.

Idaho

The legislature, in cases of disaster emergency or enemy attack, will provide for succession to the powers and duties of public offices and adopt measures to insure continuity of governmental operations. (Constitution Art. III. sect. 27)

Emergency Relocation Act Governor may declare an emergency temporary location for seat of government. Emergency temporary location remains seat of government until legislature establishes new location or emergency ends. All official acts performed at temporary seat of government are valid and binding. Governing body of each political subdivision may establish emergency temporary location of government. All acts of such body at emergency temporary location are valid and binding. (Idaho Code §67-102 to 106) In the event of an attack, Governor shall call Legislature into session as soon as practicable or within ninety (90) days. Legislature shall convene automatically on the ninetieth day. Limitations on session length and subjects which may be acted upon shall be temporarily suspended. (Idaho Code §67-422)

Provides for emergency interim successors for legislators. Provisions for emergency interim successor to assume duties of legislator upon death. (Idaho Code §67-423, 423A)

Emergency Interim Executive and Judicial Succession Act: provides for officers who can exercise the powers and discharge duties of governor, provides for emergency interim succession to governmental offices and political subdivisions. (Idaho Code § 59-1402)

Illinois

Governor's succession act provides lines of succession to governorship with seven successors. If governor's disability is removed, he/she returns to office. If disability is permanent, the successor serves the remainder of the term (Ill. Comp. Stat. Ann. ch.15 §5/1). Emergency interim executive successors act states that officer next in line under 15 ILCS §5/1 becomes governor. All elected/appointed state officers can designate by title (after their deputy) their order of succession (minimum of 3, maximum of 7). Deputies/interim successor exercise powers/discharge duties until governor appoints successor. Local legislative bodies have authority to enact resolutions/ordinances on filling vacancies. Local officers designate by title/name emergency interim successor and order of succession. Emergency interim successors take oath of office. Emergency interim successor may exercise powers only after attack on U.S. or local interim successors may exercise powers after a disaster within his/her political subdivision. Legislature may terminate authority of emergency interim successor. Designees serve at pleasure of designating authority and can be removed/replaced at any time, with or without cause. Disputes adjudicated by governor. (Ill. Comp. Stat. Ann. ch.5 §275/1 *et seq.*)

and judicial powers and functions conferred under state laws. All acts of the body and officers shall be as valid and binding as if performed within the territorial limits of their political subdivision. (IC 4-1-4-3)

Iowa

Provides line of succession to office of governor and lieutenant governor. (Iowa Constitution, Article IV, § 19)

Governor may convene general assembly at location other than capitol in times of pestilence or public danger. (Iowa Code Title I, §2.1)

Kansas

Emergency Interim Executive and Judicial Succession Act includes: successors to office of governor, emergency interim successors, enabling authority for emergency interim successors, special emergency judges, taking office, period that authority may be exercised, settling disputes (Kan. Stat. Ann. §48-1201 *et seq.*)

Emergency Interim Legislative Succession Act includes: designation of emergency interim successors to legislators, status/qualifications of emergency interim successors, oath of office, duty of emergency interim successor, place of legislative session, convening legislature in event of an attack, assumption of powers and duties, privileges, immunities, compensation, quorum, voting requirements, termination of act, (Kan. Stat. Ann. §48-1301 *et seq.*)

Emergency location of governments for state political subdivisions (Kan. Stat. Ann. §48-1401 *et seq.*)

Emergency location of state government. (Kan. Stat. Ann. §48-1501 *et seq.*)

Force and effect of municipal ordinances during disaster emergency. (Kan. Stat. Ann. §48-935)

Kentucky

During a state of emergency, when it becomes imprudent, inexpedient, or impossible to conduct the affairs of state government at the state capital, Governor shall, by proclamation, designate a temporary location for the seat of government. If practicable, the temporary location to conform to that provided for in the state emergency operations plan. Temporary location to remain the seat of government until the Governor establishes a new location, or until the emergency is ended. All official acts performed at the temporary seat of government are valid and binding. (Ky Rev. Stat. §39D.010)

During a state of emergency, when it becomes imprudent or impossible to conduct local government at its regular location, the governing body may be called to establish emergency temporary location of government, within or without the state. Governing body and other officers conducting public business at the emergency temporary location have all of their executive, legislative and judicial powers and functions. If practicable, location to conform to that provided for in the local emergency operations plan. (Ky Rev. Stat. §39D.020)

Governing body of each county, urban-county government, charter county government, and city to enact ordinances and resolutions necessary to provide for the continuity of government throughout the duration of a state of emergency. Must provide method for making temporary

Emergency Interim Legislative Succession Act: Provides for emergency interim succession to legislature by authorizing members to designate (not less than 3 nor more than 7), emergency interim successors and specify their order of succession. Emergency interim successors must meet constitutional and statutory qualifications to hold office with the exception of restrictions on current office holders. Provides contingent designation method for emergency interim successors. Emergency interim successors to keep generally informed as to the duties, procedures, practices and current business of the legislature. (La. Rev. Stat. Title 24, §61-69)

When, due to an enemy attack or an anticipated attack, it becomes imprudent or impossible to conduct state government at its regular location, governor may declare emergency temporary location of government within or without the state. (La. Rev. Stat. Title 24, §70)

Governor calls legislature into session as soon as practicable, within ninety days. If Governor fails to issue call, legislature on the ninetieth day automatically convenes.

Each chamber selects final emergency interim successor for any unavailable legislator and delivers the oath of office. Suspends limitations on the length of session and on the subjects that may be acted upon. (La. Rev. Stat. Title 24, §71) Emergency interim successor assumes the duties until the incumbent legislator can act. (La. Rev. Stat. Title 24, §72) Emergency interim successor accorded the privileges and immunities, compensation, allowances and other perquisites of office to which a legislator is entitled. (La. Rev. Stat. Title 24, §73) In the event of an attack, quorum requirements for legislature suspended, and proportional voting requirements of whole body amended to allow proportion to apply to those voting. (La. Rev. Stat. Title 24, §74) Authority of emergency interim successors expires two years following the inception of an attack. Governor, by proclamation, or legislature, by concurrent resolution, may extend or restore authority or the operation of any provisions when necessary, but for no more than one year. (La. Rev. Stat. Title 24, §75)

Emergency Interim Local Executive Succession Act: Enables legislative bodies of municipalities, parishes and other units of local government to enact resolutions or ordinances providing for emergency interim successors to offices. Officers of political subdivisions including but not limited to municipalities, parishes, and special districts to designate by title, if feasible, or by named person, not less than three nor more than seven deputies or emergency interim successors, or any combination and specify their order of succession. Emergency interim successors discharge the duties of the office until vacancy is filled or the officer, his deputy or a preceding successor again becomes available. Required to take oath of office to which they may succeed. Emergency interim successors empowered to discharge the duties of an office only after an attack upon the United States. Governing body of the political subdivision, by resolution, may at any time terminate the authority. Emergency interim successors may be removed or replaced by designating authority at any time, with or without cause. (La. Rev. Stat. Title 33, §1401-1408)

Emergency Interim State Executive Succession Act: All officials authorized under the constitution or other authority to discharge the duties of the office of governor, in addition to any authorized deputy, designate by title not less than three nor more than seven such deputies or emergency interim successors or any combination and specify their order of succession. If any state officer or their deputy is unavailable following an attack, duties to be discharged by

If majority of board of county commissioners/city council are killed, incapacitated, missing, unavailable, governor may exercise administrative and executive powers of board/council until sufficient number of commissioners/council members are appointed. Powers only used during time of official proclamation by governor that all or part of county is in an emergency area (Md. Art 16A §32).

If mayor is unavailable, county board/council may appoint for temporary or indefinite period a person to fill vacancy. Appointee has powers of regularly elected officer. Holds office during unavailability of officer or until position is filled by election. Governor can exercise administrative/executive powers. Appointee's powers effective only after governor has declared an emergency (Md. Art. 16A §33).

If special tax district's governing body is unavailable, governor exercises powers until vacancies are filled (Md. Art. 16A §34).

Powers of commissioners/council members during a military or warlike catastrophe include borrowing or contracting for money, goods and services. Commissioners/council can issue bonds, notes to a person, firm or corporation to pay for good/services (Md. Art. 16A §35). All laws, ordinances, regulations related to emergency are applicable during governor's proclamation (Md. Art. 16A §36).

Massachusetts

General court has full power and authority to provide succession of powers of public offices, especially when incumbents are unavailable in periods of emergency from disaster caused by enemy attack. General court may adopt measures necessary and proper to insure continuity of government of commonwealth and political subdivisions (Mass. Const. Art. 83).

During state of emergency, the administrative justice of district courts may direct district court held in any place outside the district where the court has jurisdiction and at the times that the justice directors. Administrative justice may direct justices, clerks, probation officers and other personnel to work in other districts (Mass. Ann. Laws Spec. L. Ch. S31 §16A).

The commissioner of each executive/administrative department, including the secretary of state, attorney general, treasurer and receiver-general, the auditor and director of each division of each department shall designate five persons (by name or position) who shall exercise duties in the event of absence or disability. Each designation is subject to governor and council's approval; designation remains in effect until revoked by the officer who made it. Persons designated shall perform duties only in succession to persons authorized under other statute provisions (Mass. Ann. Laws Spec. L. Ch. S31 §20A).

Any vacancy in any office to be filled by governor with advice and consent of the council, if the vacancy results from enemy attack and prevents a quorum, may be filled by governor without advice and consent of the council. Any appointment is temporary, pending appointment in the usual manner when circumstances permit (Mass. Ann. Laws Spec. L. Ch. S31 §20B).

During enemy attack, any officer who may be removed by governor with advice and consent of council, may be removed by governor without advice and consent provided that removal is based on grounds and that the removal is temporary until approved by council. Governor may fill vacancy resulting from removal without advice and consent of council (Mass. Ann. Laws Spec. L. Ch. S31 §20C).

Minnesota

When emergency resulting from threat or real enemy attack and it is impossible to conduct state government in St. Paul, the governor by proclamation declares emergency temporary location(s) for seat of government in or out of state. Governor takes action for orderly transition to emergency location(s); remains seat of government until legislature by law establishes new location(s) or until emergency is declared ended by governor and returned to normal location. All official acts valid and binding. Presiding officer or two of governing body can designate by ordinance a substitute place as emergency temporary location for local governments (within or without of territorial limits); all acts are valid (Minn. Stat. §1.26).

Local Interim Successor Act: In case of nuclear attack or natural disaster, the governing body enacts ordinance to provide continuity of government and emergency interim succession of key government officials (Minn. Stat. §1.27).

Vacancy from any cause in office of governor, the lt. governor shall be governor. Last elected presiding Senate office becomes lt. governor in case of vacancy. Legislature may provide by law for removal, death, resignation, inability of governor and lt. governor to discharge duties and may provide by law for continuity of government in periods of emergency resulting from disasters caused by enemy attack (includes succession to powers and duties of public office and change of seat of government) (Minn. Const. Art. 5 §5).

Vacancy in office of judge, the governor appoints qualified successor until a new successor is elected (Minn. Stat. Art. 6 §8).

Mississippi

Whenever, due to an enemy attack, or a threatened enemy attack, it becomes imprudent, inexpedient or impossible to conduct the affairs of local government at the regular place, the governing body may establish an emergency temporary location, within or without the state. (Miss. Code Ann. § 17-7-1) When the public business is being conducted at the emergency temporary location, the governing body and other officers shall have all of their executive, legislative and judicial powers and functions. (Miss. Code Ann. § 17-7-3)

The governor may convene the legislature in extraordinary session whenever the public interest requires it; at the seat of government, or at a different place if that becomes dangerous from an enemy or from disease. (Miss. Constitution Article V, Section 121)

Provides line of succession to office of governor. (Miss. Constitution Article V, Section 131)

Provides line of succession for governor. (Miss. Code Ann. § 7-1-67)

Missouri

General Assembly, in order to insure continuity of state and local governmental operations in periods of emergency only resulting from disasters caused by enemy attack, immediately convenes in Jefferson City or a place designated by joint proclamation of the highest presiding officers of each house. (Mo. Const. Art. 3, §46(a))

at the next election and qualification of the person elected to such Office. (Nev. Constitution, Article 5, Sec. 8)

Governor may on extraordinary occasions, convene the legislature by proclamation. Must state purpose for the call to both houses, and the legislature shall transact no other legislative business. (Nev. Constitution, Article 5, Sec. 9)

Provides for lieutenant governor to assume the office of governor for the residue of the term, upon the death or inability to discharge the duties of the governor. When the governor, with the consent of the legislature, is out of the state in time of war, and at the head of any military force, he shall continue as commander in chief of the military forces of the state. (Nev. Constitution, Article 5, Sec. 18)

(Amends Chapter 304 of Nevada Revised Statutes.) In the event of a vacancy in the office of Representative in Congress, Governor to make a proclamation within 7 days, calling for a special election on a specific date to fill the vacancy. Election must be conducted as soon as practicable, not more than 180 days after the issuance of the proclamation, and on a Tuesday. If the vacancy is caused by a catastrophe, the election must be conducted not more than 90 days after the issuance of the proclamation. Special election may be consolidated with a scheduled statewide or local election if within 90 days. Requires local elections comprise at least 50 percent of all voters eligible to vote on the vacancy. No primary required. Candidates must comply with election laws regarding declaration or acceptance of candidacy. Filing requirements for major and minor party candidates. (Nev. Assembly Bill No. 344, Approved by the Governor. Chapter 136, May 21, 2003)

New Hampshire

Notwithstanding any general or special provision of this constitution, the general court, in order to insure continuity of state and local government operations in periods of emergency resulting from disasters caused by enemy attack, shall have the power and the immediate duty to provide for prompt and temporary succession to the powers and duties of public offices, of whatever nature and whether filled by election or appointment, the incumbents of which may become unavailable for carrying on the powers and duties of such offices, and to adopt such other measures as may be necessary and proper for insuring the continuity of governmental operations including but not limited to the financing thereof. In the exercise of the powers hereby conferred the general court shall in all respects conform to the requirements of this constitution except to the extent that in the judgment of the general court so to do would be impracticable or would admit of undue delay. [Art.] 5-a.

In cases where dangers may arise to the health or lives of the legislators from their attendance at the general court, the governor may direct the session to be held at some other place within the state. (N.H. Const. Pt. 2 Art. 43).

Governor can declare temporary location for seat of government. Legislature can establish new location by law or return to normal seat of government at the end of the emergency (N.H. Rev. Stat. Ann. §4:45 (III)).

New Mexico

Disaster Succession Act: should state be under enemy attack and large number of state/local executive/judicial officers be unable to serve, act establishes advance naming of temporary officers to fill vacancies. Successors (in order) for governor include attorney general, state auditor, commissioner of public lands and state treasurer. Governor can designate three disaster successors for each state executive office and order of succession. Local government officers designate three successors. Governor designates three potential successors for supreme and district court judges. Disaster successors take oath of office. Designations filed with secretary of state, local governments file with county clerk. (N.M. Stat. Ann. §12-11-1 *et seq.*).

Legislative Disaster Succession Act: county commission designates five successors for each legislators and order of succession, can change designations at will. Commission files names with secretary of state and country clerk. Successors take oath of office. Quorum requirements during disaster emergency are 1/3 of members. Exemption from constitutional requirements during emergency. Successors serve during life of emergency. (N.M. Stat. Ann. §12-11-11 *et seq.*)

If emergency does not allow state government to conduct business in Santa Fe, governor can declare temporary disaster location for state government—inside or outside of state. Governor issues orders for orderly transition of affairs. Legislature can establish new location or declare disaster ended and return government to Santa Fe. Official acts/meetings are valid when performed at temporary location. (N.M. Stat. Ann. §12-11-21)

Local governments can meet at any place at call of presiding officer or 2 or more members of governing body. Location designated by ordinance. When legislature declares disaster ended, seat returns to normal location (N.M. Stat. Ann. §12-11-22).

New York

ARTICLE III

S 25. Notwithstanding any other provision of this constitution, the legislature, in order to insure continuity of state and local governmental operations in periods of emergency caused by enemy attack or by disasters (natural or otherwise), shall have the power and the immediate duty (1) to provide for prompt and temporary succession to the powers and duties of public offices, of whatever nature and whether filled by election or appointment, the incumbents of which may become unavailable for carrying on the powers and duties of such offices, and (2) to adopt such other measures as may be necessary and proper for insuring the continuity of governmental operations. Nothing in this article shall be construed to limit in any way the power of the state to deal with emergencies arising from any cause.

ARTICLE IV

S 6. In case of vacancy in the offices of both governor and lieutenant-governor or if both of them shall be impeached, absent from the state or otherwise unable to discharge the powers and duties of the office of governor, the temporary president of the senate shall act as governor until the inability shall cease or until a governor shall be elected. In case of vacancy in the office of lieutenant-governor alone, or if the lieutenant-governor shall be impeached, absent from the state or otherwise unable to discharge the duties of office, the temporary president of the senate shall

North Dakota

Gives legislature power to provide for prompt and temporary succession for public offices. During an emergency, allows for waiver of constitutional restrictions regarding: location of governmental business; calling of legislative sessions; length of sessions; quorum and voting requirements; subjects of legislation and appropriation bill requirements; eligibility of legislators to hold other offices; residence requirements for legislators; and upon expenditures, loans or donations of public moneys. (N.D. Constitution, Article XI, Section 7)

Northern Marianas

Provides line of succession for the office of governor. (N.M.I. Const. Art. III § 7).

Ohio

Statute in effect only in the event that an attack upon the United States has occurred, and shall remain in effect until terminated by joint resolution of the general assembly. § 161.02 Outlines order of succession to the governorship and authorizes to exercise the powers and discharge the duties of the office of governor. (Ohio Rev. Code Title 1, § 161.03) Requires state officers to designate by title, emergency interim successors and specify their order of succession. In the event any state officer is unavailable following an attack, and in the event his deputy, if any, is also unavailable the powers of his office shall be exercised by his designated emergency interim successors in the order specified. Governor may appoint a successor to fill the vacancy until a successor is otherwise appointed, or elected. (Ohio Rev. Code Title 1, § 161.04) Authorizes political subdivisions to adopt or enact resolutions or ordinances providing for emergency interim successors to offices. (Ohio Rev. Code Title 1, § 161.05) Executive heads of political subdivisions designate by title or by named person, emergency interim successors and specify their order of succession. Emergency interim successor serves until vacancy is filled in accordance with the constitution or statutes or until the officer or his deputy, or a preceding emergency interim successor, again becomes available to exercise the powers and discharge the duties of his office. (Ohio Rev. Code Title 1, § 161.06) Requires emergency interim successors take oath required for them to exercise the powers and discharge the duties of the office to which they may succeed. (Ohio Rev. Code Title 1, § 161.07) The authority of emergency interim successors to succeed to the powers and duties of the offices to which they are designated shall expire two years following the inception of an attack. Vacancies may be filled in accordance with applicable constitutional and statutory provisions. (Ohio Rev. Code Title 1, § 161.08) In an emergency resulting from enemy attack, Governor, his successor, or interim successor may postpone any state or local election for a period not exceeding six months. If conditions prevent a scheduled election or scheduled appointments cannot be made, emergency interim successors continue to hold office until their successors are elected or appointed and duly qualified. (Ohio Rev. Code Title 1, § 161.09) Provides for emergency interim successors to receive the compensation and allowances provided by law for the incumbent. (Ohio Rev. Code Title 1, § 161.29)

Governor may designate an emergency temporary location, or locations, for the seat of government for use in the event an emergency renders it imprudent, inexpedient, or impossible to conduct the affairs of state government at the normal location. Emergency location, or locations, to be within this state and may be changed before or during the emergency, and remain as the seat of government until the general assembly by law establishes a new location, or locations, or

after receipt of the minimum requisite number of requests. [Created through H.J.R. 28, 1975, and adopted by the people Nov. 2, 1976]

Pennsylvania

Emergency seats of local government: may meet at any place in or out of territorial limits on call of presiding officer and 2 members of governing body. Can establish alternate site by ordinance or resolution and have same powers and functions (71 P.S. §777.1 *et. seq.*)

Governor can move state capital from Harrisburg to temporary location (71 P.S. §778.1.)

Emergency Interim Executive and Judicial Succession Act: successor to governor, if lt. governor and president *pro tempore* are not available is the speaker of the House of Representatives; state officers are to designate by title their successors and order of succession (minimum of three); local governing bodies are to enact resolutions for successors to local offices, successors will be designated by title and given order of succession; governor fills Supreme Court vacancies and chief justice fills other vacancies with special emergency judges; oath of office required; interim successors can be terminated by legislature by concurrent resolution; interim successors can be removed by a designated authority with or without cause; any disputes are adjudicated by the governor (or acting governor) and decision is final. (71 P.S. §779.1 *et seq.*)

Puerto Rico

In case of invasion, rebellion, epidemic or any other event, causing a state of emergency, Governor may call the Legislative Assembly to meet in a place other than the Capitol of Puerto Rico, subject to the approval or disapproval of the Legislative Assembly. Under the same conditions, the Governor may, during the period of emergency, order the government, its agencies and instrumentalities to be moved temporarily to a place other than the seat of the government. (Constitution of the Commonwealth of Puerto Rico, Article VI, Section 17)

Provides line of succession to Governor of Commonwealth with 5 layers of succession. (Laws of Puerto Rico, Title 3, § 8)

Emergency Succession Act: Provides a line of succession for departments and agencies within the executive branch for resumption of government when temporarily suspended due to an attack. Directs officers of departments and agencies of the Executive Branch and public corporations to specify their line of succession. No less than three nor more than seven emergency interim successors designated. When organizations do not allow this number of successors, succession plan must guarantee continuity of essential services. Governor determines line of succession for Secretaries of the Executive Branch of Government. Emergency Successors to receive same salary as for the office they temporarily hold; must take oath of office; may only exercise authority when Puerto Rico is attacked. (Laws of Puerto Rico, Title 25, Subtitle 1, Part I, Chap. 9, §161-168)

Rhode Island

Whenever, due to an emergency resulting from the effects of a disaster, or the anticipated effects of a potential disaster, it becomes imprudent, inexpedient, or impossible to conduct state government at the normal location, the governor shall declare an emergency temporary location for the seat of government, within or without the state; and issue orders necessary for an orderly transition of the affairs of state government to that location. Remains the seat of government

Ann.§ 6-3-10) Governing body and other officers conducting public business at the emergency temporary location have all of their executive, legislative and judicial powers and functions. (S.C. Code Ann.§6-3-10 to 30)

Governor resides in the Capital city except in case of epidemics, natural disaster, or the emergencies of war. During the sittings of General Assembly, Governor resides where its sessions are held. (Constitution Article IV, § 20)

General Assembly to provide for prompt and temporary succession to the powers and duties of public offices, whether filled by election or appointment, and to adopt other measures necessary for insuring the continuity of governmental operations in the event of an enemy attack. (Constitution Article XVII, § 12.)

South Dakota

Additional officers can exercise powers and discharge duties of governor, provides emergency interim succession to governmental offices and political subdivisions. (SDCL s 1-30-1)

All state officers, subject to regulation as the governor or other constitutionally authorized officials, may designate by title emergency interim successors and specify order of succession. (SDCL s 1-30-)

Officials authorized to act as governor, emergency interim successors are empowered to exercise the powers and discharge the duties of an office authorized only after an attack on the United States. The legislature, by concurrent resolution, may at any time terminate the authority of emergency interim successors. (SDCL s 1-30-)

Confers on governor, the adjutant general and the executive heads of governing bodies of political subdivisions the emergency powers provided by law. (SDCL s 33-15-2 (2)

Ensure continuity of state and local governmental operations in an emergency/disaster. The legislature shall have the power and duty to provide for succession to the powers and duties of public offices and adopt other measures to insure continuity. (ON-3-29) --- CONSTITUTION, Article III, Section 29

Also see Article XX, Section 1-3 For Temporary Seat of Government, Vote required.

When the seat of government remains at emergency temporary location or locations, all official acts required to be performed at the seat of government by any officer, agency, department, or authority, including the convening and meeting of the legislature, shall be valid and binding, as if performed at the normal location of the seat of government. (SDCL s 1-29-2)

Tennessee

If emergency from enemy attack causes local government not to be able to conduct affairs at regular location, the governing body of each political subdivision may meet within or without territorial limits on call of presiding officer or 2 members of governing body and must designate by ordinance/resolution the temporary government location. Governing body has all executive,

If the governor or his interim successor declares a state of emergency, he/she shall call the legislature into session as soon as practicable. If governor or his successor determines that the prescribed place of session is unsafe, he may change the place of session to any place in the state. (Utah Code Ann. §63-5b-302)

Persons authorized to act as governor, emergency interim successors, and special emergency judges to exercise the powers and duties of the office to which they succeed only when a disaster has occurred. (Utah Code Ann. §63-5b-502)

Whenever, due to an emergency resulting from the effects of a disaster, it becomes imprudent, inexpedient, or impossible to conduct the affairs of the state government at its regular location, the governor may declare an emergency temporary location for the seat of government. (Utah Code Ann. §63-5b-601)

When state and local government operations are seriously disrupted as a result of natural or man-made disaster or by enemy attack, the legislature may provide for temporary succession to the powers and duties of any elected or appointed public office. May adopt measures to insure the continuity of governmental operations including, but not limited to, financing. (Utah Constitution, Article VI, Section 30)

Vermont

In the event of an attack, continuity of government assured through legally constituted leadership, authority and responsibility in state government offices and political subdivisions; succession for governor, state officers designate interim successors, addresses local officer, emergency judges, training, specified period of authority, removal and resolving disputes (Ver. Stat. Ann. tit. 20, §181 *et seq.*)

If there is an attack on the United States or Canada, civil action or criminal prosecution may be transferred to unaffected county or territorial unit (Ver. Stat. Ann. tit. 20, §26).

Virgin Islands

Executive Succession Act of 1972: Provides line of succession for governor in the event of temporary absence or disability of both the governor and the lieutenant governor. In the event of a permanent vacancy in the offices of both governor and lieutenant governor, provides line of succession. Acting governor serves until the office has been filled by general election or special election. (Virgin Islands Code, Title 3, Chapter 2a, §29)

Provides for protection of records essential to the continuity of government operations and the protection of the rights and interests of individuals in the event of any emergency. (Virgin Islands Code, Title 3, Chapter 2, §28f (4))

Virginia

Quorum is a majority of members elected to each house but smaller number may adjourn session. Smaller number (not less than 2/5 of elected membership of each house) may meet and enact legislation if governor by proclamation declares that quorum cannot be convened because

any place within or without the state which he deems safer and convenient. (W. Va. Code §15-7-10)

Whenever, due to an enemy attack, or an anticipated attack, it becomes imprudent or impossible to conduct the affairs of local government at its regular location, the governing body of each political subdivision may establish an emergency temporary location where public business may be transacted within or without the state. (W. Va. Code §1-4-1)

Emergency Interim Executive and Judicial Succession Act: provides for the effective operation of government during an attack upon the United States and facilitates the early resumption of functions temporarily suspended. Provides for additional officers to exercise the powers and duties of governor; state government and political subdivisions; and provides for special emergency judges. (W. Va. Code §6A-1-1 to 2) Provides line of succession to office of governor beyond that set in constitution. (W. Va. Code §6A-1-4 (a)) Authorizes state officers to designate 3-7 deputies or emergency interim successors, or any combination and specify their order of succession. (W. Va. Code §6A-1-5) Enables local governing bodies of cities, towns, and counties to enact resolutions or ordinances for filling vacancies and to provide for emergency interim successors to offices. (W. Va. Code §6A-1-6) Authorizes officers of political subdivisions, fire, power, drainage and other districts to designate emergency interim successors and specify their order of succession. (W. Va. Code §6A-1-7) In the event of an attack when any authorized judge is unavailable to exercise powers and duties, the duties to be discharged by a special emergency judge. Each member of the state supreme court of appeals to designate special emergency judges and specify order of succession. Special emergency interim judges of all other courts of record to be elected by the attorneys practicing within the jurisdiction. (W. Va. Code §6A-1-8) Emergency interim successors and special emergency judges shall take oath of office. (W. Va. Code §6A-1-9) Officials authorized to act as governor, emergency interim successors and special emergency judges are empowered to exercise the powers and duties of office only after an attack upon the United States. The legislature, by concurrent resolution, may at any time terminate the authority. (W. Va. Code §6A-1-10) Designated emergency interim successors or special emergency judges may be removed or replaced by designating authority at any time, with or without cause. (W. Va. Code §6A-1-11)

Continuity of government amendment: Gives the legislature the power to provide for prompt and temporary succession to the powers and duties of public offices, and the duty to adopt measures necessary to insure the continuity of governmental operations in periods of emergency resulting from disasters caused by enemy attack. (W. Va. Constitution Article 6-54)

Governor may convene the Legislature at another place, when, it can not safely assemble at the seat of government. Legislature may, when in session, adjourn to some other place, when the public safety or welfare, or the safety of the members, require it. (W. Va. Constitution Article 6-21)

Provides line of succession to office of governor; gives legislature power to fill the position by a joint vote if successors are available. (W. Va. Constitution Article 7-16)



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Emergency Interim Succession Acts – Examples

Alabama

Section 29-3-2

Declaration of policy.

The Legislature declares:

- (1) That recent technological developments make possible an enemy attack of unprecedented destructiveness, which may result in the death or inability to act of a large proportion of the membership of the Legislature;
- (2) That to conform in time of attack to existing legal requirements pertaining to the Legislature would be impracticable, would admit of undue delay and would jeopardize continuity of operation of a legally constituted Legislature; and
- (3) That it is therefore necessary to adopt special provisions as set out in this chapter for the effective operation of the Legislature.

(Acts 1961, No. 875, p. 1371, §2.)

Section 29-3-3

Definitions.

As used in this chapter, the following terms shall have the meanings ascribed to them by this section:

- (1) **ATTACK.** Any action or series of actions taken by an enemy of the United States resulting in substantial damage or injury to persons or property in this state whether through sabotage, bombs, missiles, shellfire or atomic, radiological, chemical, bacteriological or biological means or other weapons or methods.
- (2) **UNAVAILABLE.** Absent from the place of session (other than on official business of the Legislature) or unable, for physical, mental or legal reasons, to exercise the powers and

discharge the duties of a legislator, whether or not such absence or inability would give rise to a vacancy under existing constitutional or statutory provisions.

(Acts 1961, No. 875, p. 1371, §3.)

Section 29-3-4

Designation of successors to legislators.

Each legislator shall designate emergency interim successors to his powers and duties and specify their order of succession. Each legislator shall review and, as necessary, promptly revise the designations of emergency interim successors to his powers and duties to insure that at all times there are at least three such qualified emergency interim successors.

(Acts 1961, No. 875, p. 1371, §4.)

Section 29-3-5

Status, qualifications and term of successors.

An emergency interim successor is one who is designated for possible temporary succession to the powers and duties, but not the office, of a legislator. No person shall be designated or serve as an emergency interim successor unless he may, under the Constitution and statutes, hold the office of the legislator to whose powers and duties he is designated to succeed, but no constitutional or statutory provision prohibiting a legislator from holding another office or prohibiting the holder of another office from being a legislator shall be applicable to an emergency interim successor. An emergency interim successor shall serve at the pleasure of the legislator designating him or of any subsequent incumbent of the legislative office.

(Acts 1961, No. 875, p. 1371, §5.)

California (Constitution)

ARTICLE 4 LEGISLATIVE

SEC. 21. To meet the needs resulting from war-caused or enemy-caused disaster in California, the Legislature may provide for:

(a) Filling the offices of members of the Legislature should at least one fifth of the membership of either house be killed, missing, or disabled, until they are able to perform their duties or successors are elected.

(b) Filling the office of Governor should the Governor be killed, missing, or disabled, until the Governor or the successor designated in this Constitution is able to perform the duties of the office of Governor or a successor is elected.

(c) Convening the Legislature.

(d) Holding elections to fill offices that are elective under this Constitution and that are either vacant or occupied by persons not elected thereto.

(e) Selecting a temporary seat of state or county government.

New Mexico

12-11-11. Short title.

This act [12-11-11 to 12-11-18 NMSA 1978] may be cited as the "Legislative Disaster Succession Act."

12-11-13. Definitions.

As used in the Legislative Disaster Succession Act [12-11-11 to 12-11-18 NMSA 1978]:

- A. "attack" means any hostile action by an enemy of the United States which is intended to and physically damages citizens or property in the United States;
- B. "disaster" means the damage or injury, caused by enemy attack, to persons or property in this state of such magnitude that a state of martial law is declared to exist in this state, and a disaster emergency is declared by the chief executive officer of the United States and the chief executive officer of this state;
- C. "unavailable" means unable because of death, disability or presumption of death raised by absence from usual place of domicile for unknown causes, to exercise the powers and discharge the duties of a member of the legislature. The appearance of the member at a session will automatically disqualify a disaster successor, and remove the unavailability of the member;
- D. "disaster successor" means a person possessing the qualifications required of a member, designated pursuant to the Legislative Disaster Succession Act, to act for a member who is unavailable during the period of disaster emergency.

12-11-14. Designation of disaster successors to legislators.

The county commission of each county shall designate five disaster successors for each legislator elected or appointed from that county, and specify their order of succession. The commission shall have the power to change designations at will. The designation of disaster successors shall not affect the powers of the commission to fill vacancies.

12-11-15. Filing designations.

The county commission shall file with the secretary of state and the county clerk, its designations of disaster successors for legislators, and any subsequent changes, and shall notify the designees of their designation and the order and designation of all alternates to the office. Designations shall be effective when filed with the secretary of state.

12-11-17. Quorum and vote requirements.

During the period of a disaster emergency, the quorum requirements for convening the legislature shall be one-third of the members, and all special or regular majorities shall be based on members present. Provided further that legislative action taken without the requisite members present, or without the majority required under the constitution shall be effective only for the period of the disaster.

12-11-18. Period during which disaster successors may act.

Disaster successors may act as members of the legislature only:

- A. in case of a disaster emergency declared by the chief executive officer of the United States and the chief executive officer of the state, and as long as a state of martial law is declared to exist, or until a duly elected or appointed legislature, fulfilling all constitutional requirements, declares by joint resolution that the disaster emergency period has ended; and
- B. the member in whose stead they are acting is and remains unavailable; and
- C. any disaster successor [successors] who are ahead of them in the line of succession are, and remain unavailable; and
- D. a successor to the office has not been selected and qualified as provided by law other than the Legislative Disaster Succession Act [12-11-11 to 12-11-18 NMSA 1978].

South Carolina

CHAPTER 5.

EMERGENCY INTERIM LEGISLATIVE SUCCESSION ACT

SECTION 2-5-10. Short title.

This chapter shall be known as the "Emergency Interim Legislative Succession Act."

SECTION 2-5-20. Definitions.

As used in this chapter:

- (a) "Attack" means any action or series of actions taken by an enemy of the United States resulting in substantial damage or injury to persons or property in this State whether through sabotage, bombs, missiles, shellfire, or atomic, radiological, chemical, bacteriological, or biological means or other weapons or methods.
- (b) "Unavailable" means absent from the place of session (other than on official business of the General Assembly), or unable, for physical, mental or legal reasons, to exercise the powers and discharge the duties of a member of the General Assembly, whether or not such absence or inability would give rise to a vacancy under existing constitutional or statutory provisions.

SECTION 2-5-30. Designation of emergency interim successors.

Each member of the General Assembly (hereinafter referred to as legislator) shall designate not fewer than three nor more than seven emergency interim successors to his powers and duties and specify their order of succession. Each legislator shall review and, as necessary, promptly revise the designations of emergency interim successors to his powers and duties to insure that at all times there are at least three such qualified emergency interim successors.

SECTION 2-5-40. Qualifications, powers and terms of successors.

An emergency interim successor is one who is designated for possible temporary succession to the powers and duties, but not the office, of a legislator. No person shall be designated or serve as an emergency interim successor unless he may under the Constitution and statutes hold the office of the legislator to whose powers and duties he is designated to succeed, but no constitutional or statutory provision prohibiting a legislator from holding another office or prohibiting the holder of another office from being a legislator shall be applicable to an emergency interim successor. An emergency interim successor shall serve at the pleasure of the legislator designating him or of any subsequent incumbent of the legislative office.

SECTION 2-5-50. Designation of successors when legislator does not designate sufficient number.

Prior to an attack, if a legislator fails to designate the required minimum number of emergency interim successors within thirty days following April 7, 1962, or, after such period, if for any reason the number of emergency interim successors for any legislator falls below the required minimum and remains below such minimum for a period of thirty days, then the presiding officer of the same house as such legislator shall promptly designate as many emergency interim successors as are required to achieve such minimum number, but the presiding officer shall not assign to any of his designees a rank in order of succession higher than that of any remaining emergency interim successor previously designated by a legislator for succession to his own powers and duties. Each emergency interim successor designated by the presiding officer shall serve at the pleasure of the person designating him, but the legislator for whom the emergency interim successor is designated or any subsequent incumbent of his office may change the rank in order of succession or replace at his pleasure any emergency interim successor so designated.

SECTION 2-5-60. Effective dates of designations, removals and changes in order of succession.

Each designation of an emergency interim successor shall become effective when the legislator or presiding officer making the designation files with the Secretary of State the successor's name, address and rank in order of succession. The removal of an emergency interim successor or change in order of succession shall become effective when the legislator or presiding officer so acting files this information with the Secretary of State. All such data shall be open to public inspection. The Secretary of State shall inform the Governor, the State Office of Civil Defense, the clerk of the House concerned and all emergency interim successors, of all such designations, removals and changes in order of succession. The clerk of each House shall enter all information regarding emergency interim successors for the House in its public journal at the beginning of each legislative session and shall enter all changes in membership or order of succession as soon as possible after their occurrence.

SECTION 2-5-70. Oath of successors.

Promptly after designation each emergency interim successor shall take the oath required for the legislator to whose powers and duties he is designated to succeed. No other oath shall be required.

SECTION 2-5-80. Successor shall keep himself informed.

Each emergency interim successor shall keep himself generally informed as to the duties, procedures, practices and current business of the General Assembly, and each legislator shall assist his emergency interim successors to keep themselves so informed.

SECTION 2-5-90. Change of place of session.

Whenever in the event of an attack, or upon finding that an attack may be imminent, the Governor deems the place of session then prescribed to be unsafe, he may change it to any place within or without the State which he deems safer and convenient.

SECTION 2-5-100. Sessions after attack.

In the event of an attack, the Governor shall call the General Assembly into session as soon as practicable, and in any case within ninety days following the inception of the attack. If the Governor fails to issue such call, the General Assembly shall, on the ninetieth day from the date of inception of the attack, automatically convene at the place where the Governor then has his office. Each legislator and each emergency interim successor, unless he is certain that the legislator to whose powers and duties he is designated to succeed or any emergency interim successor higher in order of succession will not be unavailable, shall proceed to the place of session as expeditiously as practicable. At each session or at any session in operation at the inception of the attack, and at any subsequent sessions, limitations on the length of session and on the subjects which may be acted upon shall be suspended.

SECTION 2-5-110. Exercise of powers and assumption of duties of legislator by successor.

If in the event of an attack a legislator is unavailable, his emergency interim successor highest in order of succession who is not unavailable shall, except for the power and duty to appoint emergency interim successors, exercise the powers and assume the duties of such legislator. An emergency interim successor shall exercise these powers and assume these duties until the incumbent legislator, an emergency interim successor higher in order of succession, or a legislator appointed or elected and legally qualified can act. Each House of the General Assembly shall, in accordance with its own rules, determine who is entitled under the provisions of this chapter to exercise the powers and assume the duties of its members. All constitutional and statutory provisions pertaining to ouster of a legislator shall be applicable to an emergency interim successor who is exercising the powers and assuming the duties of a legislator.

SECTION 2-5-120. Privileges of office of successor.

When an emergency interim successor exercises the powers and assumes the duties of a legislator, he shall be accorded the privileges and immunities, compensation, allowances and other perquisites of office to which a legislator is entitled. In the event of attack, each emergency interim successor, whether or not called upon to exercise the powers and assume the duties of a legislator, shall be accorded the privileges and immunities of a legislator while traveling to and from a place of session and shall be compensated for his travel in the same manner and amount as a legislator. This section shall not in any way affect the privileges, immunities, compensation, allowances or other perquisites of office of an incumbent legislator.

SECTION 2-5-130. Quorum; necessary proportion of vote.

In the event of an attack, (1) quorum requirements for the General Assembly shall be suspended, and (2) where the affirmative vote of a specified proportion of members for approval of a bill, resolution or other action would otherwise be required, the same proportion of those voting thereon shall be sufficient.

SECTION 2-5-140. Termination, extension or restoration of emergency procedure.

The authority of emergency interim successors to succeed to the powers and duties of legislators, and the operation of the provisions of this chapter relating to quorum, the number of affirmative votes required

for legislative action, and limitations on the length of sessions and the subjects which may be acted upon, shall expire two years following the inception of an attack, but nothing herein shall prevent the resumption before such time of the filling of legislative vacancies and the calling of elections for the General Assembly in accordance with applicable constitutional and statutory provisions. The Governor, acting by proclamation, or the General Assembly, acting by concurrent resolution, may from time to time extend or restore such authority or the operation of any of such provisions upon a finding that events render the extension or restoration necessary, but no extension or restoration shall be for a period of more than one year.



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Moving Seat of Government in an Emergency – Examples

Alabama

Section 29-3-10

Convening of Legislature in event of attack.

In the event of an attack, the Governor shall call the Legislature into session as soon as practicable and, in any case, within 90 days following the inception of the attack. If the Governor fails to issue such call, the Legislature shall, on the ninetieth day from the date of inception of the attack, automatically convene at the place where the Governor then has his office. Each legislator and each emergency interim successor, unless he is certain that the legislator to whose powers and duties he is designated to succeed or any emergency interim successor higher in order of succession will not be unavailable, shall proceed to the place of session as expeditiously as practicable at such session or at any session in operation at the inception of the attack, and at any subsequent sessions, limitations on the length of session and on the subjects which may be acted upon shall be suspended.

(Acts 1961, No. 875, p. 1371, §10.)

Idaho

TITLE 67

STATE GOVERNMENT AND STATE AFFAIRS

CHAPTER 1

SEAT OF GOVERNMENT

67-103. EMERGENCY TEMPORARY LOCATION OF GOVERNMENT -- DECLARATION BY

GOVERNOR. Whenever, due to an emergency resulting from the effects of enemy attack, or the anticipated effect of a threatened enemy attack, it becomes imprudent, inexpedient or impossible to conduct the affairs of state government at the normal location of the seat thereof in the city of Boise, Ada County, Idaho, the governor shall, as often as the exigencies of the

situation require, by proclamation, declare an emergency temporary location, or locations, for the seat of government at such place, or places, within or without this state as he may deem advisable under the circumstances, and shall take such action and issue such orders as may be necessary for an orderly transition of the affairs of state government to such emergency temporary location, or locations. Such emergency temporary location, or locations, shall remain as the seat of government until the legislature shall by law establish a new location, or locations, or until the emergency is declared to be ended by the governor and the seat of government is returned to its normal location.

Illinois

5 ILCS 195/) Emergency Seat of Government Act.

(5 ILCS 195/0.01) (from Ch. 123, par. 6.9)

Sec. 0.01. Short title. This Act may be cited as the Emergency Seat of Government Act.

(Source: P.A. 86-1324.)

(5 ILCS 195/1) (from Ch. 123, par. 7)

Sec. 1. Whenever, due to an emergency resulting from the effects of enemy attack, or the anticipated effects of a threatened enemy attack, it becomes imprudent, inexpedient or impossible to conduct the affairs of State Government at the normal location of the seat thereof in the City of Springfield, in the County, Sangamon, the Governor shall, as often as the exigencies of the situation require, by proclamation, declare an emergency temporary location, or locations, for the seat of government at such place, or places, within or without this State as he may deem advisable under the circumstances, and shall take such action and issue such orders as may be necessary for an orderly transition of the affairs of State Government to such emergency temporary location, or locations. Such emergency temporary location, or locations, shall remain as the seat of government until the General Assembly shall by law establish a new location, or locations, or until the emergency is declared to be ended by the Governor and the seat of government is returned to its normal location.

(Source: Laws 1959, p. 797.)

(5 ILCS 195/2) (from Ch. 123, par. 8)

Sec. 2. During such time as the seat of government remains at such emergency temporary location, or locations, all official acts now or hereafter required by law to be performed at the seat of government by any officer, agency, department or authority of this State, including the convening and meeting of the General Assembly in regular, extraordinary, or emergency session, shall be as valid and binding when performed at such emergency temporary location or locations, as if performed at the normal location of the seat of government.

(Source: Laws 1959, p. 797.)

(5 ILCS 195/3) (from Ch. 123, par. 9)

Sec. 3. The provisions of this Act shall control and be supreme in the event it shall be employed notwithstanding the provisions of any other law to the contrary or in conflict herewith.

(Source: Laws 1959, p. 797.)

New Mexico

12-11-21. Seat of state government.

A. Whenever a disaster makes it imprudent or impossible to conduct the affairs of state government at its seat in Santa Fe, the governor may proclaim temporary disaster locations for the seat of state government at any place he deems advisable, either inside or outside of the state. The governor may issue necessary orders for orderly transition of the affairs of government to any temporary disaster location, which remains the seat of state government until the legislature establishes a new location or until the disaster is declared ended by the legislature and the seat is returned to its normal location in Santa Fe.

B. Any official act or meeting required to be performed at the seat of state government is valid when performed at a temporary disaster location under this section.



**Examples of Chamber Rules Requiring Presence to Vote or
Allowing Paired or Proxy Voting**
(as of March 2008)

Alabama

Senate Rule 22

... Members must be in the Senate Chamber in order to announce their vote and may make such announcement at any place in the Chamber, other than the well of the Senate.

Alaska

Uniform Rule 34 (used by Senate and House)

... (5) Voting stations. A member may vote only when at the member's desk. When a member other than the regular presiding officer is presiding, the presiding officer, if present, and the other member may direct the chief clerk or secretary to indicate their votes.

(6) Misuse of voting station. A member may not vote for another member. A person may not cast a vote for a member except as otherwise provided in these rules. A member who votes for another member may be punished in a manner the house determines. A person voting for a member when not authorized by this rule is barred from the floor of the house and may be further punished as the house considers proper.

Arizona

Senate Rule 15.1

... H. No member shall be permitted to vote unless present in person to cast his vote. No member shall vote for another, nor shall any person not a member cast a vote for a member.

House Rule 14

... B. No member shall be permitted to vote unless present in person to cast his vote.

C. No member shall vote for another, nor shall any person not a member cast a vote for a member. In addition to such penalties as may be prescribed by law, any member who shall vote or attempt to vote for another member may be punished in such manner as the House may determine. If a person not a member shall vote or attempt to vote for any member he shall be barred from the floor of the House for the remainder of the session and may be further punished in such manner as the House may deem proper, in addition to such punishment as may be prescribed by law.

Arkansas

Senate Rule 10.03

Upon the call for the yeas and nays on any question, each member shall answer from his seat.

Senate Rule 10.04

Any Senator who will be absent from the Senate may pair his vote with a Senator who shall be present.

(a) Such Senators must be casting opposite votes.

(b) Pairs are counted when signed by both Senators and with one (1) of the members present.

(c) Pairs shall be presented to the Secretary of the Senate for attachment to the bill for delivery to the President on the day of the vote for which the Senators are paired is to be taken.

(d) Pairs shall be announced by the President before the completion of the roll call from a Pairs Form presented to the President by the Senator present.

(e) The Senator may not cast his vote by other methods when he is paired.

House Rule 9.5

No Member may vote for another Member except at the other Member's specific request when absent from his or her seat but present elsewhere in the Chamber, nor may any person who is not a Member cast a vote for a Member. In no case shall a Member vote for another on a quorum call. Any Member who votes or attempts to vote for another Member in violation of this Rule may be punished in such a manner as the House may deem proper. Any person who is not a Member and who votes wrongfully in the place of a Member shall be excluded from the Chamber for the remainder of the session, in addition to such punishment as the House may deem proper.

Georgia

Senate Rule 5-1.8

... (b) No pairing of members shall be recognized or allowed as an excuse for not voting.

House Rule 134

No pairing of members shall be recognized or allowed as an excuse for not voting.

House Rule 138.1

Each member shall be issued one electronic card by the Clerk to activate the member's voting console to allow the member access to the electronic voting system. A member may not duplicate the electronic card issued by the Clerk. An electronic voting card issued to a member must not be left in the voting console at any time while the member is not in the seat or in the immediate proximity of the member's seat.

House Rule 141

Each member shall vote from such member's own seat when the yeas and nays are taken by the electric roll call, and during such a vote no person shall be allowed upon the floor of the House except the members and those persons provided for in these rules.

Idaho

Senate Rule 39

(A) Every Senator, when a question is put, being present and in his seat, shall vote. Any Senator upon a reasonable cause stated may move to be excused from voting. Such motion is undebatable and requires a two-thirds vote. No Senator may vote unless present and in his seat nor may he vote for the first time on any question inconsistent with his position as a moving party or as openly stated in debate. All Senators reporting present under a Call of the Senate must, after the call is lifted, remain within the Senate Chamber and vote on the question for which the Senate was called unless excused as herein provided.

Senate Rule 40

(A) An agreement to pair shall be in order only where a Senator shall be absent for good cause shown and shall specifically state the bill or bills or any proposition upon which the pairs have been arranged and shall be in writing, signed by those agreeing to pair, and shall be in possession of the Secretary prior to any vote upon the proposition for which the pairs have been arranged. Pairs are allowed on a vote to override or sustain the Governor's veto and a Senator's pair at the desk constitutes his being technically present and voting.

Who May Pair. -- (B) Two Senators may pair upon a roll call vote to be determined by a simple majority. On any question requiring a two-thirds majority for adoption by roll call, a pair shall require three Senators, two affirmative and one negative.

Announcing and Recording Pairs. -- (C) The votes of pairs shall be announced by the Secretary after completion of the roll call and before the result is announced. The pairs shall be recorded in the total vote and published in the Journal as part of the proceedings.

Broken Pairs. -- (D) Pairs shall be broken by the presence of all agreeing to be paired at any debate or roll call upon a bill or proposition specified in the agreement and shall not thereafter be valid, absent a new agreement. A Senator agreeing to pair with an absent Senator may remain on the floor of the Senate while the question for which he has agreed to pair is under debate or being voted upon, but he may not participate in debate, reply to inquiries, or vote, Rule 39(A) notwithstanding.

Maine*Senate Rule 401*

... 6. Pairing of votes. A member who is absent by leave of the presiding officer and who has notified the presiding officer of the member's intent to pair the member's vote may join in voting for or against a measure with another member present at the time of the vote who stands on the opposite side of the question, provided that the absent member has submitted in writing the request for pairing and has received approval in writing by the President. The vote of the absent member and the member with whom that member is paired does not become part of the total number of votes causing passage or rejection of the measure.

House Rule 401

... 2. Pairing of votes. A member may not pair that member's vote with the vote of another member.

Massachusetts*Senate Rule 57*

... Except in the case of a vote to ascertain the presence of a quorum, if a member present in the State House is prevented from voting personally in the Senate Chamber at the member's assigned seat because of physical disability, that member may be excused from so voting by the President, who shall assign a court officer to answer the roll call on behalf of the member so long as the disability continues; provided, however, that the President shall announce the action of the Chair to the membership prior to assigning a court officer to cast the member's vote; and provided further, that the President shall announce the action to the membership the first time a vote is cast for that member on each successive day that the member is absent from the chamber because of the disability. ...

House Rule 49

If the presence of a quorum is doubted, a count of the House shall be made. When a yea and nay vote is taken, the members, with the exception of the Speaker, shall vote only from their seats. A member who has been appointed by the Speaker to perform the duties of the Chair, or a person who has been elected Speaker pro tempore, may designate some member or a court officer to cast a vote for him/her on any vote taken on the electronic voting machine while such member is presiding. Said designated member performing the duties of the Chair, or Speaker pro tempore, may, if the Speaker is in the State House, cast the vote for the Speaker. The Speaker shall state the pending question before opening the machine for voting.

Except in the case of a vote to ascertain the presence of a quorum, if a member is prevented from voting personally on the voting machine at his/her assigned seat because of physical disability, said member shall, if present in the State House, be excused from so voting and the Speaker shall assign a court officer to cast said member's vote so long as said physical disability continues; provided that the Speaker shall announce the action of the Chair to the membership prior to assigning a court officer to cast the member's vote and provided further that the Speaker shall announce the action to the membership the first time a vote is cast for that member on each successive day.

Minnesota*Senate Rule 40.2*

A member may vote on a question or be counted on a division only at the member's own seat in the Senate Chamber.

House Rule 2.10

... A member must not vote on a question except at the member's own seat in the chamber.

Mississippi*Senate Rule 119*

Immediately following the second call of the yeas and nays but before the announcement of the result of the vote by the presiding officer, it will be in order for the announcement of pairs of those Senators present whose votes are not recorded, which pairs shall be entered in the Journal, and for the announcement of change of votes by those Senators who have voted.

Missouri**House Rule 89**

(a) ... No member shall be recorded as voting when he/she was not present when the vote was taken. ...

Principal Clerk, and neither member of the pair shall vote on the question. A pair shall be announced before the vote is taken viva voce or, if the electronic voting system is used, before the machine is unlocked. The Clerk shall record the pair on the Journal when the Constitution or Rules of the Senate require a call of the roll and shall record on the electronic system printout all pairs announced.

(b) No Senator who is absent shall pair unless the absent Senator has obtained a leave of absence.

(c) This rule does not apply to committee or subcommittee proceedings.

Ohio

Senate Rule 61

No senator shall vote upon any question while off the floor of the Senate, ...

House Rule 59

No proxy vote is valid. ...

Oregon

Senate Rule 3.20

... (2) Except by unanimous consent, no member shall be permitted to vote on any question unless in attendance at the time the question is put. A member shall be considered in attendance if the member is in the Chamber area. However, a member must be within the bar to vote.

House Rule 3.20

... (2) No member, except by unanimous consent, shall be permitted to vote upon any question unless he or she is within the bar before the last name on an oral roll call was called or is within the bar before the electronic voting system is closed...

Pennsylvania

Senate Rule XXI

1. (a) Except as may be otherwise provided by this rule, no Senator shall be permitted to vote on any question unless the Senator is present in the Senate Chamber at the time the roll is being called, or prior to the announcement of the vote.

(b) A Senator who is performing a legislative assignment in the Harrisburg area (as defined in the Financial Operating Rules of the Senate) on behalf of the body of the Senate and to which the Senator was duly appointed by the Senate or the appropriate officer thereof may be voted by the Senator's respective floor leader. A specific reason must be given by the Senator and it must be announced by the respective floor leader.

(c) A Senator who is performing a legislative assignment outside of the Harrisburg area on behalf of the body of the Senate and to which the Senator was duly appointed by the Senate or the appropriate officer thereof may be voted by the Senator's respective floor leader. A specific reason for the legislative leave must be given in writing by the Senator and it must be announced by the respective floor leader. ...

Rhode Island

House Rule 37

a. No member shall speak or vote, unless within the bar of the House and at his or her seat, except as hereinafter provided. Every member (except as provided in Rule 3) who shall be in his or her seat in the House Chamber when the question is put, shall give his or her vote, unless prior thereto the Speaker shall have excused his or her in accordance with the provisions of the Code of Ethics statute (RIGL 36-14-6). No member may vote for another member, nor activate another member's voting machine except by the express direction of that member who is present in the House chamber. No one may occupy the vacant seat of a member. ...

South Dakota

Joint Rule 12-2

No member may vote on any question unless within the chamber and voting before the result of the vote is announced.



NATIONAL CONFERENCE *of* STATE LEGISLATURES

The Forum for America's Ideas

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Special Sessions

There are two main types of legislative sessions—regular and special or extraordinary. A regular session is the annual or biennial gathering of legislators, the starting date (and sometimes, the length) of which is set by constitution or statute.

A special or extraordinary session is called either by the governor or the legislature. A special session may be called only by the governor in the following 17 states:

Alabama	Minnesota	Texas
Arkansas	Mississippi	Utah
California	Nevada	Vermont
Idaho	North Dakota	
Indiana	Rhode Island	
Kentucky	South Carolina	
Michigan	South Dakota	

The governor or the legislature may call special session in the following 33 states:

Alaska	Louisiana	North Carolina
Arizona	Maine	Ohio
Colorado	Maryland	Oklahoma
Connecticut	Massachusetts	Oregon
Delaware	Missouri	Pennsylvania
Florida	Montana	Tennessee
Georgia	Nebraska	Virginia
Hawaii	New Hampshire	Washington
Illinois	New Jersey	West Virginia
Iowa	New Mexico	Wisconsin
Kansas	New York	Wyoming

OFFICE OF LEGISLATIVE LEGAL SERVICES
COLORADO GENERAL ASSEMBLY

Attachment F

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MEMORANDUM

TO: Legislative Emergency Epidemic Response Committee

FROM: Office of Legislative Legal Services

DATE: February 29, 2008

SUBJECT: Constitutional and statutory provisions and legislative rules that are potential barriers to meeting at another location than the State Capitol or to holding a virtual session¹

Issues Addressed

This memo addresses the constitutional and statutory provisions and legislative rules that might be barriers to the General Assembly either meeting in another location than the State Capitol or holding a virtual session of the General Assembly, if the General Assembly needed to meet in the event of a pandemic². This memo does not address the mechanics of how a virtual session might be held or what the cost of such efforts would entail.

Background on Pandemic

Dr. Ned Calonge, chief medical officer, Department of Public Health and Environment, indicated that the best response to a pandemic is social distancing, where persons are at least 6 feet apart, masks are used, and ideally, where social gatherings or meetings are banned or curtailed. In addition, he noted that the pandemic comes in waves, lasting approximately 6 to 8 weeks,

¹ This legal memorandum results from a request made to the Office of Legislative Legal Services (OLLS), a staff agency of the General Assembly. OLLS legal memoranda do not represent an official legal position of the General Assembly or the State of Colorado and do not bind the members of the General Assembly. They are intended for use in the legislative process and as information to assist the members in the performance of their legislative duties.

² A pandemic is a global disease outbreak. Pandemic flu occurs when a new influenza virus emerges for which people have little or no immunity and for which there is no vaccine. Colorado has experienced 3 pandemic flue outbreaks (1918, 1957, and 1968). Colorado Department of Public Health and Environment website.

history of section 2 and 3 is that the state had experienced 23 years of territorial and early statehood when the citizens of several towns fought back and forth over the physical location of the State Capitol. This language was placed in the constitution to resolve the question once and for all. Moreover, the "seat of government" is more than just the General Assembly. The constitution prohibits moving the *seat of government* from Denver, not moving the *General Assembly*. The executive branch offices and the judicial branch offices would still be located in Denver. Legislation could be passed that clearly stated that the purpose of meeting in another location or meeting electronically is to convene the General Assembly during an emergency situation to address immediate needs during the pandemic, that it is only a temporary situation, and that it is not being done to change the seat of government within the meaning of Article VIII, section 2 or 3.

It also appears from the social distancing aspects of a pandemic and the likely course of a pandemic that moving the entire General Assembly from Denver to another city in the state would not be recommended as a way to respond. Thus, one option is to have the General Assembly meet in a virtual session. Arguably, if the General Assembly is meeting electronically it is in a sense meeting throughout the whole state rather than in one new location. Another view it so say that the server is still in Denver and the staff is still in Denver, but the members are connected through the electronic means. As mentioned before, a carefully crafted bill might be achieved that meets this situation without violating the constitution.

Because of the cost of running a virtual session, the potential logistical difficulties in running a virtual session, and the time that it might take to develop a plan for such occurrence, the other option that the Committee might want to entertain is whether the General Assembly could find a different location in the city and county of Denver to meet that would allow for a short session where social distancing measures could be more easily achieved, especially during a less contagious time during the pandemic. For instance, could the members meet at the Convention Center, Invesco Field, Auraria, or Denver International Airport? These buildings are all are located in the city and county of Denver, are more modern buildings than the Capitol, have larger spaces, multiple elevators, and ample parking. In such spaces, it might be

the interrogatories. It should also be noted that the Supreme Court has declined to take interrogatories propounded by the General Assembly when the Court did not believe there was sufficient time remaining in the legislative session for counsel to fully and adequately argue and the Court to carefully consider and decide the interrogatories. It is probably too late in the session to expect the Court to take interrogatories. The other thing to consider is that legislation passed by the General Assembly is presumed to be constitutional.

or two-thirds of the members of each house can call themselves into special session by a written request.

Length of a Session

Article V, Section 7, of the state constitution provides that "Regular sessions of the general assembly shall not exceed one hundred twenty calendar days." Joint Rule 23 (d) has further defined how the days of a regular session are counted. That rule provides:

The maximum of one hundred twenty calendar days prescribed by section 7 of article V of the state constitution for regular sessions of the General Assembly shall be deemed to be one hundred twenty *consecutive* calendar days. (emphasis added)

Joint Rule 23 (d) operates to make every day count towards the 120 days, including the weekends. Depending upon when the pandemic was occurring, Joint Rule 23 (d) might limit the General Assembly's ability to recess a regular session and come back before adjourning sine die.

Possible Remedy

Joint rule 23 (d) could be amended to provide for one hundred twenty calendar days during an emergency pandemic or it could be one of the things the General Assembly first adopts when it meets. Of course, Joint Rule 23 (d) is not an issue if the General Assembly meets in a special session since Joint Rule 23 (d) only applies to a regular session.

Limits on electronic participation

House Rule 25A and Senate Rule 22B prohibit participation by legislators in any meeting of a committee of reference through telephone or other electronic connection. Joint Rule 24A also prohibits legislators from participating in any meeting of an interim study committee through telephone or other electronic connection. In order to meet in a virtual session, these rules would either need to be suspended during a pandemic or amended to allow for electronic participation during a pandemic.

Proactive Measures

This Committee may want to consider having a petition or individual petitions ready for the General Assembly to call itself into special session in the event

ATTACHMENT A

Article VIII, Section 2. Seat of government - where located. The general assembly shall have no power to change or to locate the seat of government of the state, which shall remain at the city and county of Denver.

Article VIII, Section 3. Seat of government - how changed. When the seat of government shall have been located as herein provided, the location thereof shall not thereafter be changed, except by a vote of two-thirds of all the qualified electors of the state voting on that question, at a general election, at which the question of location of the seat of government shall have been submitted by the general assembly.

OF DISEASE, THAT THE INTERESTS OF THE STATE AND ITS CITIZENS WOULD BE SERVED BY HOLDING ANY REGULAR SESSION OR SPECIAL SESSION OF THE GENERAL ASSEMBLY IN A DIFFERENT LOCATION THAN IN THE CITY AND COUNTY OF DENVER OR IN A FORMAT AND METHOD THAT ALLOWS FOR CONDUCTING MEETINGS OF THE GENERAL ASSEMBLY OR ITS COMMITTEES THROUGH TELECONFERENCING OR VIDEOCONFERENCING;

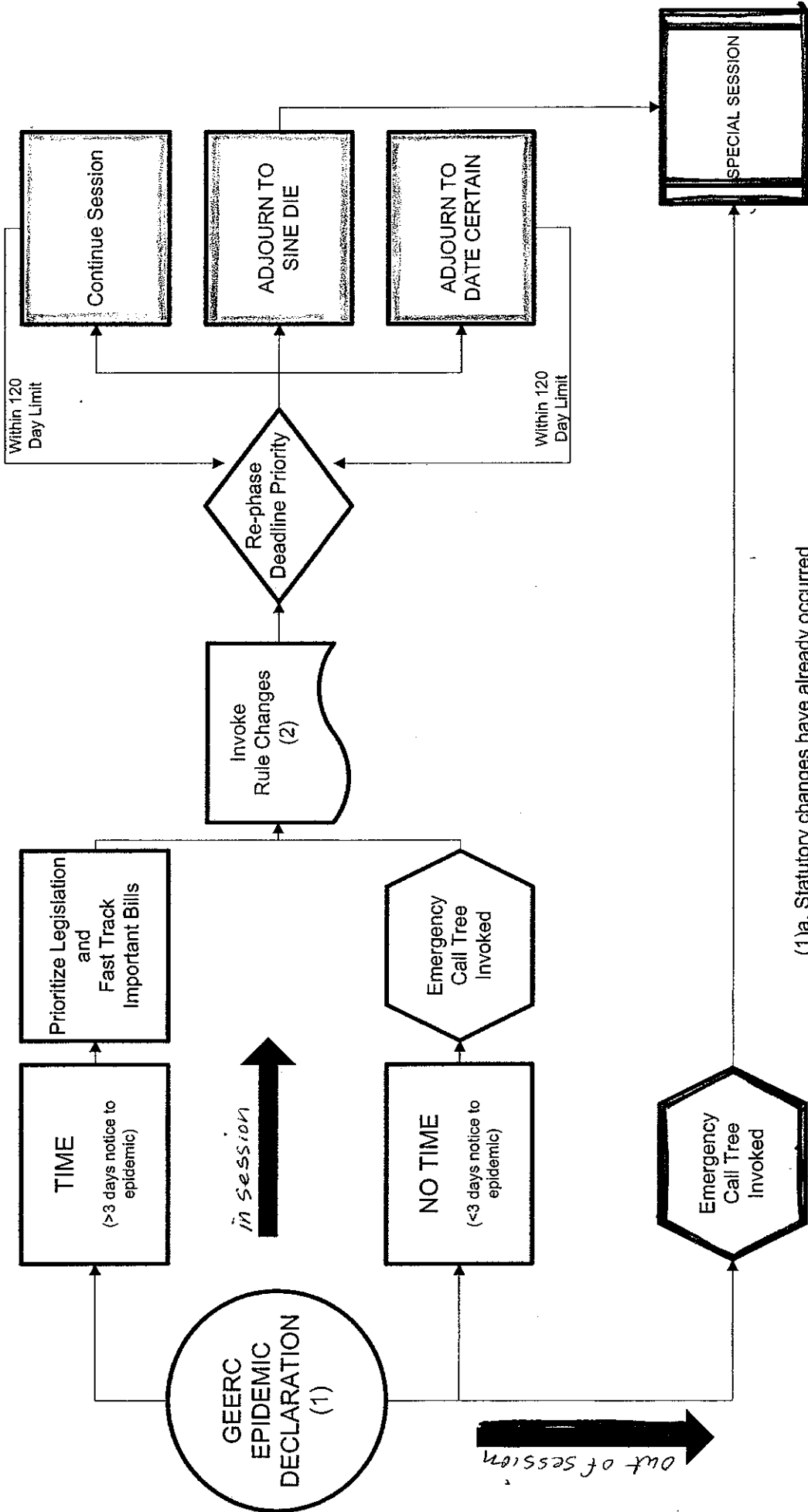
(c) THAT THE MEASURES THAT ARE TAKEN SHALL BE OF A TEMPORARY NATURE AND THAT ONCE THE THREAT OF THE EMERGENCY EPIDEMIC HAS SUBSIDED, THE GENERAL ASSEMBLY SHALL RETURN TO MEETING IN THE CITY AND COUNTY OF DENVER.

Note: The draft language is a new section added to the part 15 that created the LEERC committee. It uses the term "emergency epidemic" which is defined in 2-3-1502 (5), C.R.S., as follows:

2-3-1502. Definitions. As used in this part 15, unless the context otherwise requires:

(5) "Emergency epidemic" means cases of an illness or condition, communicable or noncommunicable, caused by bioterrorism, pandemic influenza, or novel and highly fatal infectious agents or biological toxins.

LEERC DECISION TREE 03/14/08



- (1)a. Statutory changes have already occurred (2008 bill) to enable LA and LEERC process/recommendation
- (1)b. Review of Governor's emergency executive order powers has already occurred.
- (2)a. Rule Changes drafted and vetted in advance