## Regular Session, 2012

### HOUSE BILL NO. 1125

### BY REPRESENTATIVE BROADWATER

1	AN ACT
2	To amend and reenact Code of Civil Procedure Article 1469(5), Code of Criminal Procedure
3	Article 740, R.S. 13:3667.3(B), and R.S. 49:956.1, relative to the attendance and
4	testimony of legislators in certain court and administrative hearings; to extend the
5	requirement of a preliminary motion and hearing to former legislators where their
6	attendance or testimony is being solicited on matters relating to their former service
7	as lawmakers; to provide for definitions; and to provide for related matters.
8	Be it enacted by the Legislature of Louisiana:
9	Section 1. Code of Civil Procedure Article 1469(5) is hereby amended and reenacted
10	to read as follows:
11	Art. 1469. Motion for order compelling discovery
12	A party, upon reasonable notice to other parties and all persons affected
13	thereby, may apply for an order compelling discovery as follows:
14	* * *
15	(5) An application for an order compelling discovery to a member or former
16	member of the legislature in his capacity as a state lawmaker, or a legislative
17	employee in his official capacity, when the legislature or either body thereof is not
18	a party to the proceeding may be made to the court in which the action is pending,
19	but no order compelling discovery shall issue except in strict conformity with the
20	provisions of R.S. 13:3667.3(C). For purposes of this Article "legislative employee"
21	means the clerk of the House of Representatives, the secretary of the Senate, or an
22	employee of the House of Representatives, the Senate, or the Legislative Bureau.
23	Section 2. Code of Criminal Procedure Article 740 is hereby amended and reenacted
24	to read as follows:

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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

1	Art. 740. Restrictions on subpoenas; members of the legislature and personnel
2	No subpoena or order compelling discovery shall issue to compel the
3	attendance of a member of the Louisiana Legislature, or legislative employee, except
4	in strict conformity with the provisions provision of R.S. 13:3667.1 and 3667.3 no
5	subpoena or order compelling discovery shall issue to compel the attendance of a
6	member or former member of the Louisiana Legislature, or legislative employee,
7	except in strict conformity with the provision of R.S. 13:3667.3. For purposes of this
8	Article, "legislative employee" means the clerk of the House of Representatives, the
9	secretary of the Senate, and employees of the House of Representatives, the Senate,
10	and the Legislative Bureau.
11	Section 3. R.S. 13:3667.3(B) is hereby amended and reenacted to read as follows:
12	§3667.3. Statewide elected officials, members of the legislature, legislative
13	personnel, appointed heads of state departments, compelled appearance as
14	witness in court or at administrative proceeding, hearing required
15	* * *
16	B. For purposes of this Section:
17	(1) "legislative Legislative employee" means the clerk of the House of
18	Representatives, the secretary of the Senate, or an employee of the House of
19	Representatives, the Senate, or the Legislative Bureau.
20	(2) "Member" means a sitting or former member of the Louisiana
21	Legislature.
22	* * *
23	Section 4. R.S. 49:956.1 is hereby amended and reenacted to read as follows:
24	§956.1. Administrative proceedings; member of the legislature or personnel as
25	witness
26	An application for an order compelling discovery to a member or former
27	member of the legislature in his capacity as a state lawmaker, or a legislative
28	employee in his official capacity, when the legislature or either body thereof is not
29	a party to the proceeding may be made to the agency in which the action is pending,
30	but no order compelling discovery shall issue except in strict conformity with the

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### **ENROLLED**

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

## SPEAKER OF THE HOUSE OF REPRESENTATIVES

# PRESIDENT OF THE SENATE

# GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_