

FILE NUMBER: Version:	H.F. 2405 DATE: February 23, 2010 First engrossment
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Subject:	Temporary successors to legislators called to active military service
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Overview

Sections 1 and 2 propose a constitutional amendment requiring the legislature to enact laws providing for temporary succession to powers and duties of a legislator who is unable to perform legislative duties due to being ordered to active duty in the armed services of the United States. Sections 3 to 5 provide the statutory language to implement the constitutional amendment if it is adopted.

Section

- 1 **Constitutional amendment.** Proposes a constitutional amendment requiring the legislature to enact laws providing for temporary succession to powers and duty of a legislator who determines he or she is unable to perform legislative duties due to being ordered to active duty in the armed services of the United States.
- 2 **Submission to voters.** Provides that the proposed constitutional amendment will be submitted to the voters at the 2010 general election.
- **3 Temporary successor.** Requires a designee to be selected to act as a temporary successor to a legislator while the legislator is on active duty in the armed services of the United States. Provides that the designee must have qualifications to serve as a member of the legislature from the district of the legislator who is on active military duty.

Requires a legislator who may be ordered to active duty to submit in writing to the presiding officer of the house in which the person serves the names of at least three qualified nominees to be the legislator's temporary successor. Requires a legislator who is ordered to active duty to notify the presiding officer of the house of service of the time period the legislator anticipates being unavailable. Requires that upon receiving notice that a legislator called to active duty has determined he or she will be unable to perform duties of office, the presiding officer must designate a temporary successor from the list of qualified nominees submitted by the legislator.

Specifies that if the temporary successor is unable to serve for any reason, the presiding officer shall designate a different person to serve from the list of nominees submitted by the legislator.

- **4 Assumption of powers and duties.** Provides that a temporary successor assumes the duties of the legislator from the date the legislator reports to active duty until the legislator notifies the presiding officer that the legislator can exercise powers and duties of the legislator's office. Provides that a temporary successor cannot serve beyond the end of the term of the legislator for whom the successor is designated.
- 5 **Privileges, immunities, compensation.** Provides that a temporary successor has the same privileges, immunities, and compensation as a legislator. Provides that while a temporary successor is serving, the legislator on active duty is not entitled to the legislator's salary or other compensation.
- **6 Effective date.** Sections 3 to 5 are effective upon adoption of the proposed constitutional amendment.