

2015 Regular Session

ACT No. 438

HOUSE BILL NO. 840 (Substitute for House Bill No. 650 by Representative Stokes and House Bill No. 398 by Representatives Price and Broadwater)

BY REPRESENTATIVES STOKES, PRICE, AND BROADWATER

AN ACT

To amend and reenact R.S. 39:461.1(B), (C), and (D)(1) and 461.4(B), (C), and (D), relative to the interim emergency board; to provide procedures and requirements for obtaining consent of the legislature for the appropriation or borrowing of funds for an emergency or for capital outlay priority changes and adjustments; to provide relative to the authority, functions, and duties of the board; to provide relative to the authority, functions, and duties of the clerk of the House of Representatives and the secretary of the Senate; to provide relative to ballots; to provide for the content of the ballots; to require certain notices; to provide for the content of the notices; to provide relative to the execution of ballots; to provide for the tabulation of ballots; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 39:461.1(B), (C), and (D)(1) and 461.4(B), (C), and (D) are hereby amended and reenacted to read as follows:

§461.1. Emergency funds; legislative consent; procedure

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B.(1) In order to obtain the written consent of two-thirds of the elected members of each house of the legislature, the clerk of the House of Representatives and the secretary of the Senate shall prepare and transmit a ballot to each member of the legislature ~~by certified mail with return receipt requested, unless it is determined that the legislature will be in session in time for the ballots to be distributed to them and returned by them during the session~~ as provided in this Section.

1 (2) The ~~ballot~~ ballots shall be uniform, state ~~the factual basis upon which the~~
2 ~~board concluded that an emergency not anticipated by the legislature exists which~~
3 ~~justifies the appropriation of funds or the borrowing of funds on the full faith and~~
4 ~~credit of the state in order to meet the emergency,~~ the amount for which the
5 appropriation is to be made or the money is to be borrowed, and be accompanied by
6 documentation that includes a statement of the factual basis upon which the board
7 concluded that an emergency not anticipated by the legislature exists which justifies
8 the appropriation of funds or the borrowing of funds on the full faith and credit of the
9 state in order to meet the emergency and such other pertinent information as the
10 clerk and secretary shall determine.

11 (3) The interim emergency board shall provide the clerk of the House of
12 Representatives and the secretary of the Senate such information as shall be
13 necessary to prepare the ballots and the accompanying documentation.

14 (4) If the board proposes to borrow funds on the full faith and credit of the
15 state, the ballot shall so state for each item to be financed in this manner and shall
16 also state the term of such debt and the interest to be paid thereon.

17 (5) If more than one item is to be voted on, the ballot shall set forth each
18 item in such form as to enable each member to cast his vote separately for or against
19 each item.

20 (6) Each ballot ~~also shall contain the name of~~ include a place for the member
21 to whom ~~it is to be mailed and the member shall~~ the ballot has been transmitted to
22 provide his name and sign the ballot after casting his vote.

23 (7) The clerk and the secretary shall transmit the ballots to all of the
24 members on the same day. The clerk and the secretary shall certify this date, which
25 is referred to in this Section as the "transmittal date".

26 (8) The clerk and the secretary shall provide a notice to each member of the
27 legislature on the transmittal date. The notice shall include all of the following:

28 (a) The documentation required by Paragraph (2) of this Subsection.

29 (b) The number of items on the ballot.

30 (c) The vote required for passage of the items on the ballot.

1 (d) The date and time by which the ballot must be returned to the clerical
2 officer of the member's house in order to be valid.

3 (e) Such other pertinent information as the clerk and secretary shall
4 determine.

5 (9)(a) The member shall cast his vote for each item on the ballot, provide his
6 name in the appropriate place on the ballot, sign the ballot, and return the voted
7 ballot to the clerical officer of his house.

8 (b) The clerk and the secretary shall initiate and oversee the design and
9 implementation of a system to allow each member to electronically vote and return
10 his ballot as provided in Subparagraph (a) of this Paragraph. The system shall be
11 accurate and secure. The clerk and secretary shall certify that the system meets the
12 requirements of this Subparagraph.

13 (10)(a) The clerk or the secretary shall provide a notice to each member from
14 whom the clerk or the secretary, as applicable, receives a voted ballot confirming
15 that the ballot has been received.

16 (b) On the tenth day after the transmittal date, the clerk and the secretary
17 shall provide a notice to each member whose voted ballot has not been received
18 indicating that the member's voted ballot has not been received and informing the
19 member of the deadline for returning the ballot.

20 ~~C.(1) The ballots mailed to all members shall be postmarked on the same day~~
21 ~~and~~ If the legislature is not in session on the transmittal date, the ballots shall be
22 returned to the clerk of the House of Representatives and the secretary of the Senate
23 ~~within fifteen days~~ no later than five o'clock p.m. on the fifteenth day after the
24 ~~postmarked~~ transmittal date.

25 (2) When ~~such~~ ballots are ~~delivered~~ transmitted to the members of the
26 legislature while in session, they shall be returned to the clerk and the secretary
27 ~~within five days of the date which the clerk and secretary certify as the date that the~~
28 ~~ballots were delivered to members then present to which delivery was possible~~ no
29 later than five o'clock p.m. on the fifth day after the transmittal date.

(3) No ballot received by the clerk or the secretary after five o'clock p.m. on the fifth day after the date on which the ballots were delivered to the members of the legislature in session, or after five o'clock p.m. on the fifteenth day after the date on which the ballots were mailed, the deadline provided in Paragraph (1) or (2) of this Subsection shall be valid or counted, but the day and time received shall be marked on each ballot received after such time, and the ballot shall be marked "Invalid". However, prior to five o'clock p.m. on the fifth day when delivered to the members of the legislature while in session or prior to five o'clock p.m. on the fifteenth day after the postmarked date if mailed to the members of the legislature the deadline for returning a ballot, a member may withdraw his ballot or change his vote upon his written request.

(4) ~~For the purposes of this Chapter, an electronically transmitted ballot shall be sealed immediately upon receipt and its contents not disclosed until the day when all ballots are opened and tabulated.~~ Whenever the clerk of the House of Representatives or the secretary of the Senate is to provide notice to a member of the legislature pursuant to this Section, the notice shall be transmitted using the most efficient communication medium available to the clerk or the secretary. Any such communication media may include but is not limited to telephonic, e-mail, or SMS communications.

D.(1) On the ~~sixteenth~~ next business day after the ~~date on which the ballots~~
~~were mailed, as provided herein~~ deadline for returning ballots as provided in
Paragraph (C)(1) or (C)(2) of this Section, the clerk of the House of Representatives
and the secretary of the Senate shall ~~open and~~ tabulate the vote in roll call order for
each house of the legislature. The clerk and the secretary shall hold such ballots
~~unopened~~ under seal and shall not disclose the contents to any person until the day
when such ballots are ~~opened and~~ tabulated. No ballot shall be deemed spoiled if
inadvertently ~~opened~~ disclosed in processing ~~or if received and sealed pursuant to~~
~~Paragraph (C)(4) of this Section.~~

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§461.4. Capital budget bond projects; priority changes; legislative consent;
procedure

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B.(1) In order to obtain the consent of a majority of the elected members of each house of the legislature, the ~~interim emergency board~~ clerk of the House of Representatives and the secretary of the Senate shall prepare and transmit a ballot to each member of the legislature ~~by certified mail with return receipt requested unless it is determined that the legislature will be in session in time for the ballots to be distributed to them and returned by them during the session~~ as provided in this Section.

(2)(a) ~~The ballot ballots shall be uniform and, shall state all of the following:~~

(i) ~~The~~ the nature of the project,

~~(ii) The factual basis for the board's decision.~~

~~(iii) The~~ the amount appropriated for the project,

(iv) ~~The and the~~ proposed priority revision or the proposed adjustment of the description of the project, ~~along with~~ and shall be accompanied by documentation that includes a statement of the factual basis for the board's decision, a copy of the written request for the adjustment as provided in R.S. 39:461.9(C), and such other pertinent information as the clerk and the secretary shall determine.

~~(v) The date and time on which the ballot can be returned to the board in order to be valid.~~

~~(vi) Such other pertinent information as the board shall determine.~~

(3) The interim emergency board shall provide the clerk of the House of Representatives and the secretary of the Senate such information as shall be necessary to prepare the ballots and the accompanying documentation.

(b) (4) If more than one item is to be voted on, the ballot shall set forth each item in such form as to enable each member to cast his vote separately for or against each item.

1 (5) Each ballot also shall ~~contain~~ include a place for the name of the member
2 to whom it is to be mailed, and the member shall the ballot has been transmitted to
3 provide his name and sign the ballot after casting his vote.

4 (6) The clerk and the secretary shall transmit the ballots to all of the
5 members on the same day. The clerk and the secretary shall certify this date, which
6 is referred to in this Section as the "transmittal date".

7 (7) The clerk and the secretary shall provide a notice to each member of the
8 legislature on the transmittal date. The notice shall include all of the following:

9 (a) The documentation required by Paragraph (2) of this Subsection.

10 (b) The number of items on the ballot.

11 (c) The vote required for passage of the items on the ballot.

12 (d) The date and time by which the ballot must be returned to the clerical
13 officer of the member's house in order to be valid.

14 (e) Such other pertinent information as the clerk and secretary shall
15 determine.

16 (8)(a) The member shall cast his vote for each item on the ballot, provide his
17 name in the appropriate place on the ballot, sign the ballot, and return the voted
18 ballot to the clerical officer of his house.

19 (b) The clerk and the secretary shall initiate and oversee the design and
20 implementation of a system to allow each member to electronically vote and return
21 his ballot as provided in Subparagraph (a) of this Paragraph. The system shall be
22 accurate and secure. The clerk and secretary shall certify that the system meets the
23 requirements of this Subparagraph.

24 (9)(a) The clerk or the secretary shall provide a notice to each member from
25 whom the clerk or the secretary, as applicable, receives a voted ballot confirming
26 that the ballot has been received.

27 (b) On the tenth day after the transmittal date, the clerk and the secretary
28 shall provide a notice to each member whose voted ballot has not been received
29 indicating that the member's voted ballot has not been received and informing the
30 member of the deadline for returning the ballot.

1 C.(1) ~~The ballots mailed to all members shall be postmarked on the same day~~
2 ~~and~~ If the legislature is not in session on the transmittal date, the ballots shall be
3 returned to the board within fifteen days no later than five o'clock p.m. on the
4 fifteenth day after the postmarked transmittal date.

5 (2) When such ballots are ~~delivered~~ transmitted to the members of the
6 legislature while in session, they shall be returned to the board ~~within five days of~~
7 ~~the date which the board secretary certifies as the date that the ballots were delivered~~
8 ~~to members then present to which delivery was possible~~ no later than five o'clock
9 p.m. on the fifth day after the transmittal date.

10 (3) No ballot received by the ~~board clerk or the secretary~~ after 5:00 p.m. on
11 ~~the fifth day after the date on which the ballots were delivered to the members of the~~
12 ~~legislature in session or after 5:00 p.m. on the fifteenth day after the date on which~~
13 ~~the ballots were mailed~~ the deadline provided in Paragraph (1) or (2) of this
14 Subsection shall be valid or counted, but the day and time received shall be marked
15 on each ballot received after such time, and the ballot shall be marked "Invalid".
16 However, prior to 5:00 p.m. on the fifth day when delivered to the members of the
17 legislature while in session or prior to 5:00 p.m. on the fifteenth day after the
18 ~~postmarked date if mailed to the members of the legislature~~ the deadline for
19 returning a ballot, a member may withdraw his ballot or change his vote upon his
20 written request.

21 (2) ~~For the purposes of this Chapter, an electronically transmitted ballot shall~~
22 ~~be sealed immediately upon receipt and its contents not disclosed until the day when~~
23 ~~all ballots are opened and tabulated.~~

24 D.(1) On the ~~seventeenth~~ next business day after the ~~date on which the~~
25 ~~ballots were mailed, or the seventh day after the ballots were delivered to the~~
26 ~~members of the legislature in session, as provided herein, the board secretary shall~~
27 ~~open and~~ deadline for returning ballots as provided in Paragraph (C)(1) or (C)(2) of
28 this Section, the clerk of the House of Representatives and the secretary of the Senate
29 shall tabulate the vote in roll call order for each house of the legislature. The ~~board~~
30 ~~clerk and the~~ secretary shall hold such ballots ~~unopened~~ under seal and shall not

1 disclose the contents to any person until the day when such ballots are ~~opened and~~
2 tabulated. No ballot shall be deemed spoiled if inadvertently ~~opened in~~ disclosed in
3 processing or if received and sealed pursuant to Paragraph (C)(2) of this Section.
4 ~~The board secretary is authorized to open any ballot prior to the date for opening and~~
5 ~~tabulating such ballot for the limited purpose of permitting identification of any~~
6 ~~ballot which a member requests to withdraw or change. The board secretary shall~~
7 ~~immediately reseal any ballot inadvertently opened or opened for identification~~
8 ~~purposes and shall not reveal any information contained thereon until the date when~~
9 ~~such ballots are opened and counted.~~

10 (2) The tabulations shall indicate by name those members who voted in favor
11 of each item, those who voted against each item, those who did not vote on one or
12 more items, those who did not return the ballot by the due date and time, and those
13 whose ballots were invalid because not signed by the member. ~~The board clerk and~~
14 the secretary shall sign the tabulation sheet or sheets and cause a summary thereof
15 to be transmitted to the State Bond Commission, which may then proceed with the
16 sale of general obligation bonds for each change approved.

17 (3) Whenever the clerk of the House of Representatives or the secretary of
18 the Senate is to provide notice to a member of the legislature pursuant to this
19 Section, the notice shall be transmitted using the most efficient communication
20 medium available to the clerk or the secretary. Any such communication media may
21 include but is not limited to telephonic, e-mail, or SMS communications.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____