
HOUSE COMMITTEE AMENDMENTS

2020 Second Extraordinary Session

Amendments proposed by House Committee on House and Governmental Affairs to
Original House Bill No. 4 by Representative Wright

1 AMENDMENT NO. 1

2 On page 1, line 2, after "768(A)" delete the comma "," and insert "and to enact R.S.
3 29:768.1,"

4 AMENDMENT NO. 2

5 On page 1, line 3, change "require" to "provide for"

6 AMENDMENT NO. 3

7 On page 1, line 4, change "approval for" to "power and authority regarding"

8 AMENDMENT NO. 4

9 On page 1, line 16, delete "shall" and insert "may"

10 AMENDMENT NO. 5

11 On page 1, line 17, after "days" delete the remainder of the line and delete lines 18 and 19,
12 and insert the following:

13 "unless renewed by the governor. A renewal of a state of disaster or emergency or
14 specific terms prescribed by the governor in such an order or proclamation shall be
15 subject to termination by the legislature in the manner provided by R.S. 29:768.1."

16 AMENDMENT NO. 6

17 On page 2, line 6, delete "shall" and insert "may"

18 AMENDMENT NO. 7

19 On page 2, at the end of line 6, after "days" delete the remainder of the line and delete lines 7
20 through 9, and insert the following:

21 "unless renewed by the governor. A renewal of a public health emergency or
22 specific terms prescribed by the governor in such an order or proclamation shall be
23 subject to termination by either house of the legislature in the manner provided by
24 R.S. 29:768.1."

25 AMENDMENT NO. 8

26 On page 2, after line 10, insert the following:

27 "§768.1. Procedure for legislative approval of a renewal of an emergency or
28 disaster declaration

29 A. Once the governor has renewed a state of disaster or emergency or a state
30 of public health emergency, the speaker of the House of Representatives, the
31 president of the Senate, the speaker pro tempore of the House of Representatives,
32 and the president pro tempore of the Senate shall immediately review the order or
33 proclamation and the terms prescribed by the governor in such order or
34 proclamation. If at least three of the four legislative officers concur that the order

1 or proclamation or that the terms prescribed by the governor in such order or
 2 proclamation exceed the authority granted to the governor by law or are not narrowly
 3 tailored to address the disaster or emergency or public health emergency, the
 4 presiding officers of the legislature shall immediately transmit to the governor a
 5 concise description of the issues which cites the specific order or proclamation, and
 6 if applicable, the specific sections or subsections of the order or proclamation.
 7 Further, the presiding officers of the legislature shall direct the clerical officer of
 8 each house of the legislature to immediately jointly prepare and transmit a ballot to
 9 each surviving member of the legislature as provided in this Section.

10 B. (1) The ballots shall be uniform.

11 (2) Each ballot shall contain each issue identified in the description required
 12 by Subsection A of this Section forth set forth in such a manner to enable each
 13 member to cast his vote separately for or against terminating the governor's authority
 14 regarding each issue.

15 (3) Each ballot shall include a place for the member to whom the ballot has
 16 been transmitted to provide his name and validate his ballot after casting his vote.

17 (4) The clerk of the House of Representatives and the secretary of the Senate
 18 shall transmit the ballots to all of the surviving members on the same day. The clerk
 19 and the secretary shall certify this date, which is referred to in this Subsection as the
 20 "transmittal date".

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

23 (a) The number of items on the ballot.

24 (b) The vote required for passage of the items on the ballot.

25 (c) The date and time by which the ballot shall be returned to the clerical
 26 officer of the member's house in order to be valid.

27 (d) Such other pertinent information as the clerk and the secretary shall
 28 determine.

29 (6) The member shall cast his vote for each item on the ballot, provide his
 30 name in the appropriate place on the ballot, and return the voted ballot to the clerical
 31 officer of his house.

32 (7)(a) The clerk and the secretary shall provide notice to each member from
 33 whom the clerk or the secretary, as applicable, receives a voted ballot confirming
 34 that the ballot has been received.

35 (b) On the fourth day after the transmittal date, the clerk and the secretary
 36 shall provide a notice to each member whose voted ballot has not been received
 37 indicating that the member's voted ballot has not been received and informing the
 38 member of the deadline for returning the ballot.

39 (8) Ballots shall be returned to the clerk and the secretary no later than five
 40 o'clock p.m. on the fifth day after the transmittal date.

41 (9) No ballot received by the clerk and the secretary after the deadline
 42 provided in Paragraph (8) of this Subsection shall be valid or counted, but the day
 43 and time received shall be recorded for each ballot received after such time, and the
 44 ballot shall be marked "Invalid". However, prior to the deadline for returning a
 45 ballot, a member may withdraw his ballot or change his vote upon his written
 46 request.

47 10)(a) Whenever the clerk of the House of Representatives and the secretary
 48 of the Senate are to transmit a ballot or notice to a member of the legislature pursuant
 49 to this Subsection, the ballot or notice shall be transmitted using the most efficient
 50 medium available to the clerk or the secretary under the circumstances and may
 51 include but is not limited to electronic mail or SMS communications. Any such
 52 medium shall provide for notice of receipt and the records of all such transmittals
 53 and notices shall be maintained and preserved for a least six months following the
 54 tabulation.

55 (b) The clerk and the secretary shall devise a method for a member to
 56 validate his ballot which may include signature, personal identification number, or
 57 other secure method.

58 C.(1) On the next business day after the deadline for returning ballots as
 59 provided in Paragraph (B)(8) of this Section, the clerk of the House of

1 Representatives and the secretary of the Senate shall tabulate the vote in roll call
2 order for each house of the legislature. The clerk and the secretary shall hold such
3 ballots under seal and shall not disclose the contents to any person until the day when
4 such ballots are tabulated. No ballot shall be deemed spoiled if inadvertently
5 disclosed in processing.

6 (2) The tabulation shall indicate by name those members who voted in favor
7 of each item, those who voted against each item, those who did not vote on one or
8 more items, those who did not return the ballot by the due date and time, and those
9 whose ballots were invalid because not signed by the member. The clerk and the
10 secretary shall sign the tabulation sheet or sheets and cause a summary thereof to be
11 transmitted to each member of the legislature and the governor. Further, the clerk
12 and the secretary shall disseminate the tabulation promptly by means calculated to
13 bring its contents to the attention of the general public and promptly file it with the
14 Governor's Office of Homeland Security and Emergency Preparedness and with the
15 secretary of state, and if ballot involved a public health emergency, with the
16 Louisiana Department of Health, office of public health.

17 D. If a majority of the surviving members of either house of the legislature
18 vote in favor of terminating the governor's authority regarding an issue on ballot,
19 then that order or proclamation or section or subsection of such order or
20 proclamation, as the case may be, is deemed terminated and of no effect as of the
21 date and time the tabulation is transmitted to the governor.

22 Section 2. This Act shall become effective upon signature by the governor or, if not
23 signed by the governor, upon expiration of the time for bills to become law without signature
24 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
25 vetoed by the governor and subsequently approved by the legislature, this Act shall become
26 effective on the day following such approval."