

2020 Second Extraordinary Session

SENATE BILL NO. 70

BY SENATOR JACKSON

LEGIS POWERS/FUNCTIONS. Provides for legislative approval of BESE adopted adjustments to the MFP formula by ballot when the legislature is not in session. (CA3s19) (Item #4)

1 AN ACT

2 To enact R.S. 39:33.3, relative to approval of the minimum foundation program formula; to  
3 provide for the method of legislative approval of adjustments to the formula adopted  
4 by the State Board of Elementary and Secondary Education in response to a declared  
5 disaster or emergency when the legislature is not in session; to provide relative to  
6 ballots, voting procedures, tabulation of votes, and notification of results; and to  
7 provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 39:33.3 is hereby enacted to read as follows:

10 **§33.3. Minimum foundation program formula; legislative approval of**  
11 **adjustments when legislature is not in session; ballot and voting**  
12 **procedures**

13 **A. If the State Board of Elementary and Secondary Education adopts**  
14 **adjustments to the most recently approved minimum foundation program**  
15 **formula to address the needs of public schools and school systems resulting**  
16 **from a gubernatorially declared disaster or other emergency, and the**  
17 **legislature is not in session, the board shall present the formula adjustments and**

1 the rationale therefor to the Joint Legislative Committee on the Budget to  
2 discuss and receive public comment on the proposed formula adjustments  
3 during a public meeting, but shall take no vote on the matter.

4 B. Not less than five days after the board presents the formula  
5 adjustments to the Joint Legislative Committee on the Budget, the adjustments  
6 shall be submitted to the legislature for approval. Approval of adjustments to  
7 the minimum foundation program formula shall require a majority vote of the  
8 members of each house of the legislature. The secretary of the Senate and the  
9 clerk of the House of Representatives shall jointly prepare and transmit a ballot  
10 to each member of the legislature as follows:

11 (1) The ballots shall be uniform.

12 (2) Each ballot shall contain a question phrased to allow each member  
13 to cast his vote for or against approving the adjustments to the minimum  
14 foundation program formula adopted by the State Board of Elementary and  
15 Secondary Education.

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

19 (4) The secretary of the Senate and the clerk of the House of  
20 Representatives shall transmit a ballot to each member of the legislature on the  
21 same day and shall certify the transmittal date.

22 (5) The secretary and the clerk shall provide a notice to each member of  
23 the transmittal date which shall include all of the following:

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

26 (b) Other pertinent information that the secretary and clerk deem  
27 necessary.

28 (6) Each member shall cast his vote, provide his name in the appropriate  
29 place on the ballot, and return the voted ballot to the clerical officer of his

1 house.

2 (7) The secretary and the clerk shall provide notice to each member from  
3 whom a voted ballot has been received.

4 (8) On the fourth day after the transmittal date, the secretary and the  
5 clerk shall provide a notice to each member whose voted ballot has not been  
6 received indicating that the ballot has not been received and informing the  
7 member of the deadline for returning the ballot.

8 (9) Ballots shall be returned to the secretary and the clerk no later than  
9 5:00 p.m. on the fifth day after the transmittal date.

10 (10) No ballot received by the secretary and the clerk after the deadline  
11 provided in Paragraph (9) of this Subsection shall be valid or counted, but the  
12 date and time received shall be recorded for each ballot received after that time,  
13 and the ballot shall be marked "Invalid". However, prior to the deadline for  
14 returning a ballot, a member may withdraw his ballot or change his vote, upon  
15 his written request.

16 (11)(a) The secretary or clerk shall transmit a ballot or notice to a  
17 member of the legislature using the most efficient medium available which may  
18 include electronic mail or other form of electronic communication. The medium  
19 used shall provide for notice of receipt.

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

23 (12)(a) On the next business day after the deadline for returning ballots  
24 as provided in Paragraph (9) of this Subsection, the secretary and the clerk shall  
25 tabulate the vote in roll call order for each house of the legislature. The  
26 secretary and the clerk shall hold such ballots under seal and shall not disclose  
27 the contents to any person until the day the ballots are tabulated. No ballot shall  
28 be deemed invalid if inadvertently disclosed in processing.

29 (b) The tabulation shall indicate by name those members who voted to

1 approve the adjustments to the minimum foundation program formula, those  
 2 who voted against approving the adjustments to the minimum foundation  
 3 program formula, those who did not vote, those who did not return the ballot  
 4 by the deadline, and those whose ballot was invalid because not validated by the  
 5 member.

6 (13) The secretary and the clerk shall sign the tabulation sheet or sheets  
 7 and transmit a statement of the results to the president of the Senate, the  
 8 speaker of the House of Representatives, each member of the legislature, the  
 9 Joint Legislative Committee on the Budget, the president of the State Board of  
 10 Elementary and Secondary Education, and the state superintendent of  
 11 education.

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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Jeanne C. Johnston.

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## DIGEST

SB 70 Engrossed

2020 Second Extraordinary Session

Jackson

Proposed law provides for the method of legislative approval of adjustments to the minimum foundation program formula (MFP) adopted by the State Board of Elementary and Secondary Education (BESE) in response to a gubernatorially declared disaster or emergency by ballot, when the legislature is not in session, as follows:

- (1) BESE shall present the adjustments to the MFP formula adopted by the board to the to the Joint Legislative Committee on the Budget (JLCB) for discussion and to receive public comment on the proposed adjustments to the formula. Specifies that JLCB shall not take a vote on the matter.
- (2) Not less than five days after BESE presents the formula adjustments to JLCB, the adjustments shall be submitted to the legislature for approval, which shall require a majority vote of the members of each house of the legislature.
- (3) The secretary of the Senate and the clerk of the House of Representatives shall jointly prepare and transmit a ballot to each member of the legislature as follows:
  - (a) Ballots shall be uniform.
  - (b) Each ballot shall contain a question phrased to allow each member to vote for or against approving the adjustments to the MFP formula.
  - (c) Each ballot shall include a place for the member to provide his name and validate his ballot after casting his vote.
  - (d) The secretary and the clerk shall transmit a ballot to each member of the legislature on the same day and certify the transmittal date.
  - (e) The secretary and the clerk shall provide a notice to each member of the

transmittal date, the deadline to return the ballot, and any other necessary information.

- (f) Each member shall cast his vote, provide his name in the appropriate place on the ballot, and return the voted ballot to the clerical officer of his house.
- (g) The secretary and the clerk shall provide notice to each member of receipt of his ballot.
- (h) On the fourth day after the transmittal date, the secretary and the clerk shall provide a notice to each member who has not returned his ballot informing the member of the deadline for returning the ballot.
- (i) The deadline to return ballots to the secretary and the clerk is 5:00 p.m. on the fifth day after the transmittal date.
- (j) No ballot received after the deadline shall be valid or counted.
- (k) A member may withdraw his ballot or change his vote, upon written request, prior to the deadline.
- (l) The secretary and the clerk shall transmit ballots and notices using the most efficient medium available, including email or other forms of electronic communication.
- (m) The secretary and the clerk shall devise a secure method for a member to validate his ballot.
- (n) On the next business day after the deadline to return ballots, the secretary and the clerk shall tabulate the vote in roll call order for each house of the legislature. Ballots shall be held under seal and shall not be disclosed until the day the ballots are tabulated.
- (o) The tabulation of the vote shall indicate by name those who voted to approve the adjustments to the MFP formula, those who voted against approving the adjustments to the MFP formula, those who did not vote, those who did not return the ballot by the deadline, and those whose ballot was invalid because not validated by the member.
- (p) The secretary and clerk shall sign the tabulation sheet(s) and transmit a statement of the results to the president of the Senate, the speaker of the House of Representatives, each member of the legislature, the Joint Legislative Committee on the Budget, the president of BESE, and the state superintendent of Education.

Effective on the sixtieth day after final adjournment.

(Adds R.S. 39:33.3)

#### Summary of Amendments Adopted by Senate

##### Committee Amendments Proposed by Senate Committee on Education to the original bill

1. Clarify that legislative approval of BESE adopted adjustments to MFP formula by ballot is allowed only when the legislature is not in session.

2. Provide that JLCB must hold a public meeting to discuss and receive public comment regarding BESE adopted adjustments to the MFP formula, but shall not take a vote.