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

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.