

2016 Regular Session

HOUSE BILL NO. 728

BY REPRESENTATIVE STOKES

1 AN ACT

2 To amend and reenact R.S. 39:77, 461.1(B)(9)(b) and (C)(3), 461.4(B)(5) and (8)(b), (C),
3 (D)(2), and (E), and 461.5, relative to the interim emergency board; to provide
4 relative to procedures and requirements for obtaining consent of the legislature for
5 the appropriation or borrowing of funds for an emergency or for capital outlay
6 priority changes and adjustments; to provide relative to the authority, functions, and
7 duties of the board; to provide relative to the authority, functions, and duties of the
8 clerk of the House of Representatives and the secretary of the Senate; and to provide
9 for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 39:77, 461.1(B)(9)(b) and (C)(3), 461.4(B)(5) and (8)(b), (C), (D)(2),
12 and (E), and 461.5 are hereby amended and reenacted to read as follows:

13 §77. Expenditure of monies in excess of funds appropriated; removal from office
14 The expenditure of any monies in excess of the funds appropriated or
15 otherwise allocated for expenditure by any board, commission, department, or
16 agency of the state during any fiscal year shall constitute reasonable cause for
17 removal from office of the officer or officers, whether elected or appointed,
18 responsible therefor in accordance with the provisions of Article X of the
19 Constitution of Louisiana, unless ~~said~~ the officer first has obtained approval therefor
20 of the interim emergency board and of the legislature by a two-thirds vote of the
21 members thereof taken by ~~mail~~ ballot conducted by ~~said board~~ the clerk of the House
22 of Representatives and secretary of the Senate as provided in R.S. 39:461.1;
23 provided, however, that the provisions of the Section shall not apply to the
24 Department of Military Affairs or the Department of Public Safety and Corrections

1 when a state of emergency has been declared by the governor so long as the
2 department heads shall certify to the governor that the expenditure of funds is
3 necessary as a direct result of said state of emergency.

4 * * *

5 §461.1. Emergency funds; legislative consent; procedure

6 * * *

7 B.

8 * * *

9 (9)

10 * * *

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

16 (ii) Notwithstanding the provisions of Paragraph (6) of this Subsection and
17 Subparagraph (a) of this Paragraph, if a member votes using a system certified as
18 provided in Item (i) of this Subparagraph, the member shall not be required to sign
19 his ballot.

20 * * *

21 C.

22 * * *

23 (3) No ballot received by the clerk or the secretary after the deadline
24 provided in Paragraph (1) or (2) of this Subsection shall be valid or counted, but the
25 day and time received shall be ~~marked on~~ recorded for each ballot received after such
26 time, and the ballot shall be marked "Invalid". However, prior to the deadline for
27 returning a ballot, a member may withdraw his ballot or change his vote upon his
28 written request.

29 * * *

1 §461.4. Capital budget bond projects; priority changes; legislative consent;
2 procedure

3 * * *

4 B.

5 * * *

6 (5) Each ballot also shall include a place for ~~the name~~ of the member to
7 whom the ballot has been transmitted to provide his name and sign the ballot after
8 casting his vote.

9 * * *

10 (8)

11 * * *

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

17 (ii) Notwithstanding the provisions of Paragraph (5) of this Subsection and
18 Subparagraph (a) of this Paragraph, if a member votes using a system certified as
19 provided in Item (i) of this Subparagraph, the member shall not be required to sign
20 his ballot.

21 * * *

22 C.(1) If the legislature is not in session on the transmittal date, the ballots
23 shall be returned to the ~~board~~ clerk of the House of Representatives and the secretary
24 of the Senate no later than five o'clock p.m. on the fifteenth day after the transmittal
25 date.

26 (2) When ballots are transmitted to the members of the legislature while in
27 session, they shall be returned to the ~~board~~ clerk and the secretary no later than five
28 o'clock p.m. on the fifth day after the transmittal date.

29 (3) No ballot received by the clerk or the secretary after the deadline
30 provided in Paragraph (1) or (2) of this Subsection shall be valid or counted, but the

1 day and time received shall be ~~marked on~~ recorded for each ballot received after such
2 time, and the ballot shall be marked "Invalid". However, prior to the deadline for
3 returning a ballot, a member may withdraw his ballot or change his vote upon his
4 written request.

5 D.

6 * * *

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

15 * * *

16 E. The interim emergency board shall report the tabulation of the results of
17 each balloting at its next meeting, and the tabulation compiled and the report thereof
18 shall become a part of the official minutes of that meeting. All ballots and
19 communications on such ballot items received from members of the legislature by
20 the ~~board secretary~~ clerk of the House of Representatives or secretary of the Senate,
21 whether or not timely received, shall become a part of the official files of the ~~board~~
22 clerk and the secretary.

23 §461.5. Exception to procedure for legislative consent

24 Whenever the consent of the legislature must be obtained on emergency
25 funding appropriations, priority changes, and adjustments to capital outlay project
26 descriptions resulting from recommendations of the board at a single meeting, the
27 clerk of the House of Representatives and the secretary of the Senate are authorized
28 to transmit both ballots and required documentation to the members of the
29 legislature. The ballots ~~are to~~ shall be returned as provided ~~herein~~ in this Chapter to

1 the ~~appropriate offices of the~~ clerk of the House of Representatives; and the secretary
2 of the Senate, ~~and the board secretary.~~

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____