

## RÉSUMÉ DIGEST

ACT 280 (HB 728)

2016 Regular Session

Stokes

Existing constitution (Art. VII, Sec. 7) creates the Interim Emergency Bd. (IEB) to be composed of the governor, lieutenant governor, state treasurer, presiding officer of each house of the legislature, chairman of the Senate finance committee, and chairman of the House appropriations committee, or their designees. New law addresses two instances in which the IEB must obtain approval of the legislature to act.

First, existing constitution provides that between sessions of the legislature, when the board by majority vote determines that an emergency or impending flood emergency exists, it may appropriate from the state general fund or borrow on the full faith and credit of the state an amount to meet the emergency. However, provides that the appropriation may be made or the indebtedness incurred only for a purpose for which the legislature may appropriate funds and then only after the board obtains, as provided by law, the written consent of two-thirds of the elected members of each house of the legislature.

Second, existing law (R.S. 39:461.4) authorizes changes in the priority for a capital outlay project or adjustment to a project description if the IEB determines the change is necessary and the change is approved by a majority vote of the elected members of each house of the legislature.

Existing law provides procedures for obtaining consent of the legislature for these purposes. Provides that the clerk of the House of Representatives and secretary of the Senate prepare and transmit ballots and other required documents to members of the legislature. Provides for the content of ballots, including a space for the member to sign his ballot, and other required documents. Provides deadlines and procedures for returning voted ballots. Requires the clerical officers to tabulate the ballots. Further, requires the clerical officers to oversee the design and implementation of an accurate and secure system to allow each member to electronically vote and return his ballot.

New law specifies that if a member uses a system pursuant to existing law that allows the member to electronically vote and return his ballot, the member is not required to sign his ballot.

Existing law requires the clerk and secretary to document the day and time of receipt of each ballot received after the deadline for returning ballots. Prior law required this information to be marked on the ballot. New law provides that this information shall be recorded for each ballot, but need not be marked on the ballot.

Certain provisions of prior law (R.S. 39:461.4–capital outlay) provided that the IEB conducted the ballot procedure. New law provides instead that the clerk and secretary conduct the ballot procedure.

Existing law provides that after tabulating the ballots, the clerk and secretary sign the tabulation sheets and prepare a summary. Prior law required the clerk and the secretary to send the summary to the State Bond Commission. New law provides that the clerk and secretary send the summary to the IEB and that the board sends a copy of the summary to the State Bond Commission.

Existing law (R.S. 39:77) provides a ballot procedure for obtaining consent of the legislature to remove certain public officers for expending monies in excess of appropriated funds without prior approval. Prior law provided that the ballot procedure was conducted by the IEB. New law provides that the ballot procedure is conducted by the clerk and the secretary in accordance with existing law (R.S. 39:461.1).

Effective August 1, 2016.

(Amends R.S. 39:77, 461.1(B)(9)(b) and (C)(3), 461.4(B)(5) and (8)(b), (C), (D)(2), and (E), and 461.5)