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HOUSE FLOOR AMENDMENTS

2020 Second Extraordinary Session

Amendments proposed by Representative McFarland to Reengrossed Senate Bill No. 29 by Senator Cortez

1 AMENDMENT NO. 1

2 On page 3, line 24, change "The" to "Subject to the provisions of Paragraph (5) of this
3 Subsection, the"

4 AMENDMENT NO. 2

5 On page 3, line 28, between "suspension." and "The" insert the following:

6 "He shall also submit the notification to the clerk of the House of
7 Representatives and to the secretary of the Senate to present the question of
8 approval of the renewal to the surviving members of each house of the
9 legislature in the manner provided in Paragraph (5) of this Subsection."

10 AMENDMENT NO. 3

11 On page 4, between lines 7 and 8, insert the following:

12 "(5) Immediately upon receipt of the notification from the governor as
13 provided in Paragraph (3) of this Subsection, the clerk of the House of
14 Representatives and the secretary of the senate shall jointly prepare and
15 transmit a ballot to each surviving member of the legislature as follows:

16 (a) The ballots shall be uniform.

17 (b) Each ballot shall contain a question phrased to allow each member
18 to cast his vote for or against the renewal of the state of disaster or emergency.

19 (c) Each ballot shall include a place for the member to whom the ballot
20 has been transmitted to provide his name and validate his ballot after casting
21 his vote.

22 (d) The clerk of the House of Representatives and the secretary of the
23 Senate shall transmit the ballots to all of the surviving members on the same
24 day. The clerk and the secretary shall certify this date, which is referred to in
25 this Paragraph as the "transmittal date".

26 (e) The clerk and the secretary shall provide a notice to each member
27 of the legislature on the transmittal date. The notice shall include all of the
28 following:

29 (i) The notification from the governor.

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

32 (iii) Such other pertinent information as the clerk and the secretary shall
33 determine.

34 (f) The member shall cast his vote, provide his name in the appropriate
35 place on the ballot, and return the voted ballot to the clerical officer of his
36 house.

37 (g) The clerk and the secretary shall provide notice to each member
38 from whom the clerk or the secretary, as applicable, receives a voted ballot
39 confirming that the ballot has been received.

1 (h) On the fourth day after the transmittal date, the clerk and the
 2 secretary shall provide a notice to each member whose voted ballot has not been
 3 received indicating that the member's voted ballot has not been received and
 4 informing the member of the deadline for returning the ballot.

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

7 (j) No ballot received by the clerk and the secretary after the deadline
 8 provided in Subparagraph (i) of this Paragraph shall be valid or counted, but
 9 the day and time received shall be recorded for each ballot received after such
 10 time, and the ballot shall be marked "Invalid". However, prior to the deadline
 11 for returning a ballot, a member may withdraw his ballot or change his vote
 12 upon his written request.

13 (k)(i) Whenever the clerk of the House of Representatives and the
 14 secretary of the Senate are to transmit a ballot or notice to a member of the
 15 legislature pursuant to this Paragraph, the ballot or notice shall be transmitted
 16 using the most efficient medium available to the clerk or the secretary under the
 17 circumstances and may include but is not limited to electronic mail or SMS
 18 communications. Any such medium shall provide for notice of receipt and the
 19 records of all such transmittals and notices shall be maintained and preserved
 20 for a least six months following the tabulation.

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

24 (l)(i) On the next business day after the deadline for returning ballots
 25 as provided in Subparagraph (i) of this Paragraph, the clerk of the House of
 26 Representatives and the secretary of the Senate shall tabulate the vote in roll
 27 call order for each house of the legislature. The clerk and the secretary shall
 28 hold such ballots under seal and shall not disclose the contents to any person
 29 until the day when such ballots are tabulated. No ballot shall be deemed spoiled
 30 if inadvertently disclosed in processing.

31 (ii) The tabulation shall indicate by name those members who voted for
 32 the renewal, those who voted against the renewal, those returned a valid ballot
 33 but who did not vote, those who did not return the ballot by the due date and
 34 time, and those whose ballots were invalid because not validated by the
 35 member. The clerk and the secretary shall sign the tabulation sheet or sheets
 36 and cause a summary thereof to be transmitted to each member of the
 37 legislature and the governor. Further, the clerk and the secretary shall
 38 disseminate the tabulation promptly by means calculated to bring its contents
 39 to the attention of the general public and promptly file it with the Governor's
 40 Office of Homeland Security and Emergency Preparedness and with the
 41 secretary of state.

42 (m)(i) If a majority of the surviving members of each house of the
 43 legislature vote to approve the renewal then the governor may proceed with
 44 issuing the order or proclamation to renew the state of disaster or emergency.

45 (ii) If a majority of the surviving members of each house of the
 46 legislature do not approve the renewal, then the state of disaster or emergency
 47 is deemed terminated as of the date and time the tabulation is transmitted to the
 48 governor and the governor shall not issue another order or proclamation to
 49 renew that state of disaster or emergency."

50 AMENDMENT NO. 4

51 On page 5, line3, change "Subsection C" to "Subsections C and D"

52 AMENDMENT NO. 5

53 On page 5, line 19, change "The" to "Subject to the provisions of Subsection D of this
 54 Section, the"

1 AMENDMENT NO. 62 On page 5, line 24, between "suspension." and "The" insert the following:3 "He shall also submit the notification to the clerk of the House of
4 Representatives and to the secretary of the Senate to present the question of
5 approval of the renewal to the surviving members of each house of the
6 legislature in the manner provided in Subsection D of this Section."7 AMENDMENT NO. 7

8 On page 6, between lines 5 and 6, insert the following:

9 "(D)(1) Immediately upon receipt of the notification from the governor
10 as provided in Subsection C of this Section, the clerk of the House of
11 Representatives and the secretary of the senate shall jointly prepare and
12 transmit a ballot to each surviving member of the legislature as follows:13 (a) The ballots shall be uniform.14 (b) Each ballot shall contain a question phrased to allow each member
15 to cast his vote for or against the renewal of the state of public health
16 emergency.17 (c) Each ballot shall include a place for the member to whom the ballot
18 has been transmitted to provide his name and validate his ballot after casting
19 his vote.20 (2) The clerk of the House of Representatives and the secretary of the
21 Senate shall transmit the ballots to all of the surviving members on the same
22 day. The clerk and the secretary shall certify this date, which is referred to in
23 this Subsection as the "transmittal date".24 (3) The clerk and the secretary shall provide a notice to each member
25 of the legislature on the transmittal date. The notice shall include all of the
26 following:27 (a) The notification from the governor.28 (b) The date and time by which the ballot shall be returned to the
29 clerical officer of the member's house in order to be valid.30 (c) Such other pertinent information as the clerk and the secretary shall
31 determine.32 (4) The member shall cast his vote, provide his name in the appropriate
33 place on the ballot, and return the voted ballot to the clerical officer of his
34 house.35 (5) The clerk and the secretary shall provide notice to each member
36 from whom the clerk or the secretary, as applicable, receives a voted ballot
37 confirming that the ballot has been received.38 (6) On the fourth day after the transmittal date, the clerk and the
39 secretary shall provide a notice to each member whose voted ballot has not been
40 received indicating that the member's voted ballot has not been received and
41 informing the member of the deadline for returning the ballot.42 (7) Ballots shall be returned to the clerk and the secretary no later than
43 five o'clock p.m. on the fifth day after the transmittal date.44 (8) No ballot received by the clerk and the secretary after the deadline
45 provided in Paragraph (7) of this Subsection shall be valid or counted, but the
46 day and time received shall be recorded for each ballot received after such time,
47 and the ballot shall be marked "Invalid". However, prior to the deadline for
48 returning a ballot, a member may withdraw his ballot or change his vote upon
49 his written request.50 (9)(a) Whenever the clerk of the House of Representatives and the
51 secretary of the Senate are to transmit a ballot or notice to a member of the
52 legislature pursuant to this Paragraph, the ballot or notice shall be transmitted
53 using the most efficient medium available to the clerk or the secretary under the
54 circumstances and may include but is not limited to electronic mail or SMS

1 communications. Any such medium shall provide for notice of receipt and the
 2 records of all such transmittals and notices shall be maintained and preserved
 3 for a least six months following the tabulation.

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

7 (10)(a) On the next business day after the deadline for returning ballots
 8 as provided in Paragraph (7) of this Subsection the clerk of the House of
 9 Representatives and the secretary of the Senate shall tabulate the vote in roll
 10 call order for each house of the legislature. The clerk and the secretary shall
 11 hold such ballots under seal and shall not disclose the contents to any person
 12 until the day when such ballots are tabulated. No ballot shall be deemed spoiled
 13 if inadvertently disclosed in processing.

14 (b) The tabulation shall indicate by name those members who voted to
 15 approve the renewal, those who voted against the renewal, those returned a
 16 valid ballot but who did not vote, those who did not return the ballot by the due
 17 date and time, and those whose ballots were invalid because not validated by the
 18 member. The clerk and the secretary shall sign the tabulation sheet or sheets
 19 and cause a summary thereof to be transmitted to each member of the
 20 legislature and the governor. Further, the clerk and the secretary shall
 21 disseminate the tabulation promptly by means calculated to bring its contents
 22 to the attention of the general public and promptly file it with the Governor's
 23 Office of Homeland Security and Emergency Preparedness, with the secretary
 24 of state, and with the Louisiana Department of Health, office of public health.

25 (11)(a) If a majority of the surviving members of each house of the
 26 legislature vote to approve the renewal then the governor may proceed with
 27 issuing the order or proclamation to renew the state of public health emergency.

28 (b) If a majority of the surviving members of each house of the
 29 legislature do not approve the renewal, then the state of public health
 30 emergency is deemed terminated as of the date and time the tabulation is
 31 transmitted to the governor and the governor shall not issue another order or
 32 proclamation to renew that state of public health emergency."

33 AMENDMENT NO. 8

34 On page 6, line 6, change "applied" to "construed"