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HOUSE FLOOR AMENDMENTS

2020 Second Extraordinary Session

Amendments proposed by Representative Ivey to Engrossed House Bill No. 68 by Representative Schexnayder

1 AMENDMENT NO. 1

2 On page 1, line 2, after "724(A) and (B)," delete the remainder of the line and insert "and
3 768, and to enact R.S. 29:768.1,"

4 AMENDMENT NO. 2

5 On page 1, at the end of line 7, delete "and to" and insert "to provide for prospective and
6 retroactive application; and to"

7 AMENDMENT NO. 3

8 On page 1, delete line 10, and insert the following:

9 "Section 1. R.S. 29:722(A)(2) and 724(A) and (B) are"

10 AMENDMENT NO. 4

11 On page 11, after "reenacted" insert "and R.S. 29:768.1 is hereby enacted"

12 AMENDMENT NO. 5

13 On page 2, line 21, delete "and Chapter 9 of this Title"

14 AMENDMENT NO. 6

15 On page 4, delete line 24 through 29 and delete pages 5 and 6 and on page 7, delete lines 1
16 through 3 and insert the following:

17 "Section 2. R.S. 29:768 is hereby amended and reenacted and R.S. 29:768.1 is
18 hereby enacted to read as follows:

19 §768. Termination of declaration of public health emergency

20 A. The state of public health emergency shall continue until the governor
21 finds that the threat of danger has passed or the disaster or emergency has been ~~dealt~~
22 with addressed to the extent that the emergency conditions no longer exist and
23 terminates the state of public health ~~or~~ emergency by executive order or
24 proclamation, but no state of public health emergency may continue for longer than
25 thirty days unless ~~renewed by the governor~~ authorized by the legislature in
26 accordance with R.S. 29:768.1.

27 B.(1) ~~The legislature, in consultation with the public health authority, by a~~
28 ~~petition signed by a majority of the surviving members of either house, may~~
29 ~~terminate a state of public health emergency at any time. This petition terminating~~
30 ~~the public health emergency may establish a period during which no other~~
31 ~~declaration of public health emergency may be issued. Thereupon, the governor~~
32 ~~shall issue an executive order or proclamation ending the state of public health or~~
33 ~~emergency.~~ The House of Representatives or the Senate may terminate a state of

1 public health emergency at any time by a petition signed by the majority of its
 2 surviving members. The petition may establish and confine the applicability of a
 3 period during which no other declaration of a public health emergency may be issued
 4 and shall include a date and time on which the state of public health emergency
 5 terminates. The petition shall be submitted to the clerical officer of the respective
 6 house. Upon receipt of a valid petition, the clerical officer shall transmit copies of
 7 the signed petition to the other house, the governor, and the secretary of state. The
 8 clerical officer shall give notice to the public of the termination of the state of public
 9 health emergency by publishing the petition on the joint legislative website and in
 10 the official journal of the state. No additional action is required to effectuate the
 11 termination of the state of public health emergency.

12 (2) Upon receipt of the notice of the termination of the state of public health
 13 emergency, the governor may make a request to the legislature pursuant to R.S.
 14 29:768.1 to renew the state of public health emergency.

15 §768.1. Renewal of declaration of public health emergency

16 A. Any request by the governor to renew a public health emergency shall
 17 clearly delineate each item. Each item shall require approval by a majority of the
 18 surviving members of each house of the legislature.

19 B.(1) In order to obtain the written consent of a majority of the surviving
 20 members of each house of the legislature, the clerical officer shall prepare and
 21 transmit a ballot to each member of the legislature as provided in this Subsection.

22 (2) The ballots shall be uniform.

23 (3) Each item shall be placed separately on the ballot and require each
 24 member to cast his vote separately for or against each item.

25 (4) Each ballot shall include a place for the member to whom the ballot has
 26 been transmitted to provide his name and sign the ballot after casting his vote.

27 (5) The clerical officers of the legislature shall transmit the ballots to all of
 28 the members on the same day. The clerical officers of the legislature shall certify
 29 this date, which is referred to in this Subsection as the "transmittal date".

30 (6) The clerical officers of the legislature shall provide a notice to each
 31 member of the legislature on the transmittal date. The notice shall include all of the
 32 following:

33 (a) The number of items on the ballot.

34 (b) The vote required for passage of the items on the ballot.

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

37 (d) Such other pertinent information as the clerk and the secretary shall
 38 determine.

39 (7)(a) The member shall cast his vote for each item on the ballot, provide his
 40 name in the appropriate place on the ballot, sign the ballot, and return the voted
 41 ballot to the clerical officer of his house.

42 (b)(i) The clerical officers of the legislature shall initiate and oversee the
 43 design and implementation of a system to allow each member to electronically vote
 44 and return his ballot as provided in Subparagraph (a) of this Paragraph. The system
 45 shall be accurate and secure. The clerical officers of the legislature shall certify that
 46 the system meets the requirements of this Subparagraph prior to implementation.

47 (ii) Notwithstanding the provisions of Paragraph (4) of this Subsection and
 48 Subparagraph (a) of this Paragraph, if a member votes using a system certified as
 49 provided in Item (i) of this Subparagraph, the member shall not be required to sign
 50 his ballot.

51 (8)(a) The clerical officers of the legislature shall provide notice to each
 52 member from whom the clerk or the secretary, as applicable, receives a voted ballot
 53 confirming that the ballot has been received.

54 (b) On the fifth day after the transmittal date, the clerical officers of the
 55 legislature shall provide a notice to each member whose voted ballot has not been
 56 received indicating that the member's voted ballot has not been received and
 57 informing the member of the deadline for returning the ballot.

1 C.(1) If the legislature is not in session on the transmittal date, the ballots
 2 shall be returned to the clerical officers of the legislature no later than five o'clock
 3 p.m. on the seventh day after the transmittal date.

4 (2) When ballots are transmitted to the members of the legislature while in
 5 session, they shall be returned to the clerical officers of the legislature no later than
 6 five o'clock p.m. on the fifth day after the transmittal date.

7 (3) No ballot received by the clerical officers of the legislature after the
 8 deadline provided in Paragraph (1) or (2) of this Subsection shall be valid or counted,
 9 but 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 for
 11 returning a ballot, a member may withdraw his ballot or change his vote upon his
 12 written request.

13 (4) Whenever the clerical officers of the legislature are to provide notice to
 14 a member of the legislature pursuant to this Section, the notice shall be transmitted
 15 using the most efficient communication medium available to the clerical officer.
 16 Any such communication media may include e-mail communications.

17 D.(1) On the next business day after the deadline for returning ballots as
 18 provided in Paragraph (B)(1) or (2) of this Section, the clerical officers of the
 19 legislature shall tabulate the vote in roll call order for each house of the legislature.
 20 The clerical officers of the legislature shall hold such ballots under seal and shall not
 21 disclose the contents to any person until the day when such ballots are tabulated. No
 22 ballot shall be deemed spoiled if inadvertently disclosed in processing.

23 (2) The tabulation shall indicate by name those members who voted in favor
 24 of each item, those who voted against each item, those who did not vote on one or
 25 more items, those who did not return the ballot by the due date and time, and those
 26 whose ballots were invalid because not signed by the member. The clerical officers
 27 of the legislature shall sign the tabulation sheet or sheets and cause a summary
 28 thereof to be transmitted to the governor.

29 E. Upon receipt of the tabulation summary from the clerical officers of the
 30 legislature the governor may renew the state of public health emergency to include
 31 any item approved by the legislature for a period up to thirty days.

32 Section 3. The provisions of this Act shall be given prospective and retroactive
 33 application."

34 AMENDMENT NO. 7

35 On page 7, at the beginning on line 4, change "Section 2." to "Section 4."