

---

## DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

---

HB 728 Engrossed

2016 Regular Session

Stokes

**Abstract:** Provides relative to procedures and requirements for obtaining consent of the legislature for the appropriation or borrowing of funds for an emergency or for capital outlay priority changes and adjustments.

Present Constitution (Art. VII, Sec. 7) creates the Interim Emergency Bd. 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. Proposed law addresses two instances in which the Interim Emergency Bd. must obtain approval of the legislature to act.

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

Present 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 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.

Proposed law retains present law.

Present law requires a ballot to contain a space for the member to sign his ballot. Proposed law retains present law, but provides that if votes using a system pursuant to present law that allows the member to electronically vote and return his ballot, the member will not be required to sign his

ballot.

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

Proposed law replaces obsolete references in present law (R.S. 39:461.4—capital outlay) to the interim emergency board conducting the ballot procedure with references to the clerk and secretary conducting the ballot procedure.

Present law provides that after tabulating the ballots, the clerk and secretary sign the tabulation sheets and send a summary to the State Bond Commission. Proposed law provides instead that the clerk and secretary send a summary to the interim emergency board and that the board sends a copy of the summary to the State Bond Commission.

Proposed law replaces references to the interim emergency board conducting the ballot procedure with references to the clerk and secretary conducting the ballot procedure in present law provisions (R.S. 39:461) relative to obtaining consent of the legislature for multiple issues at the same time, and in present law provisions relative to the removal of certain public officers for expending monies in excess of appropriated funds without approval of the interim emergency board and the legislature.

(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)

#### Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on House and Governmental Affairs to the original bill:

1. Provide that a member is not required to sign the ballot when the member actually votes using an electronic system instead of when the clerk or secretary uses such a system to send ballots.