ENROLLED

2016 Regular Session

ACT No. 280

HOUSE BILL NO. 728

BY REPRESENTATIVE STOKES

AN ACT

To amend and reenact 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, relative to the interim emergency board; to provide 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; to provide relative to the authority, functions, and duties of the board; to provide relative to the authority, functions, and duties of the clerk of the House of Representatives and the secretary of the Senate; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. 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 are hereby amended and reenacted to read as follows:

§77. Expenditure of monies in excess of funds appropriated; removal from office

The expenditure of any monies in excess of the funds appropriated or otherwise allocated for expenditure by any board, commission, department, or agency of the state during any fiscal year shall constitute reasonable cause for removal from office of the officer or officers, whether elected or appointed, responsible therefor in accordance with the provisions of Article X of the Constitution of Louisiana, unless the officer first has obtained approval therefor of the interim emergency board and of the legislature by a two-thirds vote of the members thereof taken by mail ballot conducted by the clerk of the House of Representatives and secretary of the Senate as provided in R.S. 39:461.1; provided, however, that the provisions of the Section shall not apply to the Department of Military Affairs or the Department of Public Safety and Corrections.
when a state of emergency has been declared by the governor so long as the department heads shall certify to the governor that the expenditure of funds is necessary as a direct result of said state of emergency.

§461.1. Emergency funds; legislative consent; procedure

B.

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

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

C.

(3) No ballot received by the clerk or the secretary after the deadline provided in Paragraph (1) or (2) of this Subsection shall be valid or counted, but the day and time received shall be marked on recorded for each ballot received after such time, and the ballot shall be marked "Invalid". However, prior to the deadline for returning a ballot, a member may withdraw his ballot or change his vote upon his written request.
§461.4. Capital budget bond projects; priority changes; legislative consent; procedure

B.

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

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

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

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

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

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

D.

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

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

§461.5. Exception to procedure for legislative consent

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: __________________