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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 AMENDMENT NO. 2

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

5 AMENDMENT NO. 3

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

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

11 AMENDMENT NO. 4

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

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

17 (a) The ballots shall be uniform.

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

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

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

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

30 (i) The notification from the governor.

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

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

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

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

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

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

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

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

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

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

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

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

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

53 AMENDMENT NO. 5

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

1 AMENDMENT NO. 6

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

4 AMENDMENT NO. 7

5 On page 5, line 24, 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 Subsection D of this Section."

10 AMENDMENT NO. 8

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

12 "(D)(1) Immediately upon receipt of the notification from the governor
13 as provided in Subsection C of this Section, 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 public health
19 emergency.

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

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

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

30 (a) The notification from the governor.

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

33 (c) Such other pertinent information as the clerk and the secretary shall
34 determine.

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

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

41 (6) On the fourth day after the transmittal date, the clerk and the
42 secretary shall provide a notice to each member whose voted ballot has not been
43 received indicating that the member's voted ballot has not been received and
44 informing the member of the deadline for returning the ballot.

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

47 (8) No ballot received by the clerk and the secretary after the deadline
48 provided in Paragraph (7) of this Subsection shall be valid or counted, but the
49 day and time received shall be recorded for each ballot received after such time,
50 and the ballot shall be marked "Invalid". However, prior to the deadline for

1 returning a ballot, a member may withdraw his ballot or change his vote upon
 2 his written request.

3 (9)(a) Whenever the clerk of the House of Representatives and the
 4 secretary of the Senate are to transmit a ballot or notice to a member of the
 5 legislature pursuant to this Paragraph, the ballot or notice shall be transmitted
 6 using the most efficient medium available to the clerk or the secretary under the
 7 circumstances and may include but is not limited to electronic mail or SMS
 8 communications. Any such medium shall provide for notice of receipt and the
 9 records of all such transmittals and notices shall be maintained and preserved
 10 for a least six months following the tabulation.

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

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

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

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

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

40 AMENDMENT NO. 9

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