

2020 Second Extraordinary Session

HOUSE BILL NO. 15

BY REPRESENTATIVE FRIEMAN

EMERGENCY PREPAREDNESS: Provides relative to emergency declarations (Items #1, 2, and 28)

1 AN ACT

2 To amend and reenact R.S. 29:724(B)(2) and 768(B), relative to emergency declarations; to  
3 authorize the legislature to terminate all or part of an emergency declaration; to  
4 provide for the procedure by which the petition is signed and transmitted to the  
5 governor; to provide for the effectiveness of the petition to terminate; to provide for  
6 an effective date; to provide for retroactive application; and to provide for related  
7 matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 29:724(B)(2) and 768(B) are hereby amended and reenacted to read  
10 as follows:

11 §724. Powers of the governor

12 \* \* \*

13 B.

14 \* \* \*

15 (2) ~~The legislature~~ Either the House of Representatives or the Senate, by  
16 petition signed by a majority of the surviving members of either ~~house~~ the House of  
17 Representatives or the Senate, may terminate a the entire state of disaster or  
18 emergency or any part or subpart of the executive order or proclamation at any time.

19 This petition terminating the state of emergency or disaster or part or subpart of the  
20 executive order or proclamation may establish a period during which no other

1 declaration of emergency or disaster may be issued. ~~Thereupon, the governor shall~~  
 2 ~~issue an executive order or proclamation ending the state of disaster or emergency~~  
 3 The petition terminating the declaration of a state of disaster or emergency or any  
 4 part or subpart of the executive order or proclamation, duly signed by a majority of  
 5 the surviving members of the House of Representatives or the Senate shall be  
 6 transmitted to the clerk of the House of Representatives or secretary of the Senate,  
 7 as applicable, who shall transmit the petition to the governor. The termination shall  
 8 be effective upon the transmission of the petition to the governor.

9 §768. Termination of declaration of public health emergency

10 \* \* \*

11 B. ~~The legislature~~ Either the House of Representatives or the Senate, in  
 12 ~~consultation~~ after consulting with the public health authority, by a petition signed by  
 13 a majority of the surviving members of either ~~house~~ the House of Representatives  
 14 or the Senate, may terminate a the entire state of public health emergency or any part  
 15 or subpart of the executive order or proclamation at any time. This petition  
 16 terminating the public health emergency or any part or subpart of the executive order  
 17 or proclamation may establish a period during which no other declaration of public  
 18 health emergency may be issued. ~~Thereupon, the governor shall issue an executive~~  
 19 ~~order or proclamation ending the state of public health or emergency~~ The petition  
 20 terminating the declaration of a state of public health emergency or any part or  
 21 subpart of the executive order or proclamation, duly signed by a majority of the  
 22 surviving members of the House of Representatives or the Senate shall be  
 23 transmitted to the clerk of the House of Representatives or the secretary of the  
 24 Senate, as applicable, who shall transmit the petition to the governor. The  
 25 termination shall be effective upon the transmission of the petition to the governor.

26 \* \* \*

27 Section 2. This Act shall become effective upon signature by the governor or, if not  
 28 signed by the governor, upon expiration of the time for bills to become law without signature  
 29 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If

1 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
2 effective on the day following such approval.

3 Section 3. The provisions of this Act shall be given prospective and retroactive  
4 application.

#### 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 15 Original

2020 Second Extraordinary Session

Frieman

**Abstract:** Authorizes the legislature to terminate any declaration or any portion of the declaration, requires that the petition to terminate be transmitted to the clerk or secretary as applicable and to the governor, and makes the petition to terminate effective upon transmission of the petition to the governor.

Present law provides that a disaster, emergency, or public health emergency shall be declared by executive order or proclamation of the governor if the governor finds that a disaster or emergency has occurred or the threat thereof is imminent.

Present law also provides that the state of disaster, emergency, or public health emergency shall continue until the governor finds that the threat of danger has passed or the disaster or emergency has been dealt with to the extent that the emergency conditions no longer exist and terminates the state of disaster, emergency, or public health emergency by executive order or proclamation.

Present law provides that no state of disaster, emergency, or public health emergency may continue for longer than 30 days unless renewed by the governor.

Present law authorizes the legislature to terminate an emergency declaration of a state of disaster, emergency, or public health emergency by petition of a majority of the surviving members of either house.

Proposed law amends present law to specify that a majority of either the House of Representatives or the Senate may terminate all or any part or subpart of an emergency declaration.

Proposed law requires the petition terminating an emergency declaration be transmitted to the clerk of the House of Representatives or the secretary of the Senate, as applicable, and that the clerk or the secretary shall transmit the petition to the governor.

Proposed law further provides that the petition terminating an emergency declaration is effective upon transmission of the petition to the governor.

Proposed law provides for retroactive and prospective application.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 29:724(B)(2) and 768(B))