

2020 Second Extraordinary Session

HOUSE BILL NO. 19

BY REPRESENTATIVE MIKE JOHNSON

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)(1) and 768(A), and to enact R.S. 29:768.1, relative  
3 to emergency declarations; to provide for legislative approval to extend emergency  
4 declarations beyond thirty days; to provide the procedure for legislative approval;  
5 and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 29:724(B)(1) and 768(A) are hereby amended and reenacted and  
8 R.S. 29:768.1 is hereby enacted to read as follows:

9 §724. Powers of the governor

10 \* \* \*

11 B.(1) A disaster or emergency, or both, shall be declared by executive order  
12 or proclamation of the governor if he finds that a disaster or emergency has occurred  
13 or the threat thereof is imminent. The state of disaster or emergency shall continue  
14 until the governor finds that the threat of danger has passed or the disaster or  
15 emergency has been dealt with to the extent that the emergency conditions no longer  
16 exist and terminates the state of disaster or emergency by executive order or  
17 proclamation, but no state of disaster or emergency ~~may~~ shall continue for longer  
18 than thirty days ~~unless renewed by the governor.~~ A state of disaster or emergency  
19 may be renewed by the governor only if such renewal is approved by a majority vote  
20 of the legislature in the manner as provided by R.S. 29:768.1.

21 \* \* \*

1 §768. Termination of declaration of public health emergency

2 A. The state of public health emergency shall continue until the governor  
3 finds that the threat of danger has passed or the disaster or emergency has been dealt  
4 with to the extent that the emergency conditions no longer exist and terminates the  
5 state of public health ~~or~~ emergency by executive order or proclamation, but no state  
6 of public health emergency ~~may~~ shall continue for longer than thirty days ~~unless~~  
7 ~~renewed by the governor.~~ A state of public health emergency may be renewed by  
8 the governor only if such renewal is approved by a majority vote of the legislature  
9 in the manner as provided by R.S. 29:768.1.

10 \* \* \*

11 §768.1. Renewal of declaration by legislature; procedure

12 A.(1) In order to obtain the written consent of a majority of the surviving  
13 members of either house of the legislature, the clerk of the House of Representatives  
14 and the secretary of the Senate shall prepare and transmit a ballot to each member  
15 of the legislature as provided in this Subsection.

16 (2) The ballots shall be uniform.

17 (3) If more than one part of the petition is to be voted on, the ballot shall set  
18 forth each item in such form as to enable each member to cast his vote separately for  
19 or against each item.

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

22 (5) The clerk and the secretary shall transmit the ballots to all of the  
23 members on the same day. The clerk and the secretary shall certify this date, which  
24 is referred to in this Subsection as the "transmittal date".

25 (6) The clerk and the secretary shall provide a notice to each member of the  
26 legislature on the transmittal date. The notice shall include all of the following:

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

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

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

3           (d) Such other pertinent information as the clerk and the secretary shall  
4           determine.

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

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

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

17          (8)(a) The clerk and the secretary shall provide notice to each member from  
18          whom the clerk or the secretary, as applicable, receives a voted ballot confirming  
19          that the ballot has been received.

20          (b) On the tenth day after the transmittal date, the clerk and the secretary  
21          shall provide a notice to each member whose voted ballot has not been received  
22          indicating that the member's voted ballot has not been received and informing the  
23          member of the deadline for returning the ballot.

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

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

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

7           (4) Whenever the clerk of the House of Representatives and the secretary of  
 8           the Senate are to provide notice to a member of the legislature pursuant to this  
 9           Section, the notice shall be transmitted using the most efficient communication  
 10          medium available to the clerk or the secretary. Any such communication media may  
 11          include but is not limited to telephonic, e-mail, or SMS communications.

12           C.(1) On the next business day after the deadline for returning ballots as  
 13          provided in Paragraph (B)(1) or (2) of this Section, the clerk of the House of  
 14          Representatives and the secretary of the Senate shall tabulate the vote in roll call  
 15          order for each house of the legislature. The clerk and the secretary shall hold such  
 16          ballots under seal and shall not disclose the contents to any person until the day when  
 17          such ballots are tabulated. No ballot shall be deemed spoiled if inadvertently  
 18          disclosed in processing.

19           (2) The tabulation shall indicate by name those members who voted in favor  
 20          of each item, those who voted against each item, those who did not vote on one or  
 21          more items, those who did not return the ballot by the due date and time, and those  
 22          whose ballots were invalid because not signed by the member. The clerk and the  
 23          secretary shall sign the tabulation sheet or sheets and cause a summary thereof to be  
 24          transmitted to the governor. Approval by the requisite majority of the surviving  
 25          members of the legislature shall constitute approval of the petition to terminate a  
 26          state of disaster or emergency or public health emergency.

\* \* \*

28          Section 2. This Act shall become effective upon signature by the governor or, if not  
 29          signed by the governor, upon expiration of the time for bills to become law without signature

1 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
2 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
3 effective on the day following such approval.

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#### 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)]

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HB 19 Original

2020 Second Extraordinary Session

Mike Johnson

**Abstract:** Requires legislative approval for renewal of gubernatorial emergency declarations continuing beyond 30 days and provides for a procedure for legislative approval of the renewal.

Present law provides that a 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 a majority of the surviving members of either house of the legislature may terminate a state of disaster or emergency or a state of public health emergency at any time.

Present law further provides that the petition terminating the state of emergency, disaster, or public health emergency may establish a period during which no other declaration of emergency or disaster may be issued and that the governor shall issue an executive order or proclamation ending the state of disaster or emergency.

Proposed law retains present law but makes renewal of an emergency declaration to extend beyond 30 days subject to legislative approval.

Proposed law provides for the procedure by which the legislature votes to determine whether to extend the state of public health emergency.

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

(Amends R.S. 29:724(B)(1) and 768(A); Adds R.S. 29:768.1)