

2020 Second Extraordinary Session

HOUSE BILL NO. 15

BY REPRESENTATIVES FRIEMAN AND HORTON

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)(a) ~~The~~ Either house of the legislature, by petition signed by a majority
16 of the surviving members of ~~either~~ that house, may terminate a the entire state of
17 disaster or emergency or any section or subsection of the executive order or
18 proclamation declaring the state of disaster or emergency at any time. This petition
19 terminating the state of emergency or disaster or any section or subsection of the
20 executive order or proclamation declaring the state of disaster or emergency may

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 Engrossed

2020 Second Extraordinary Session

Frieman

Abstract: Authorizes the legislature to terminate any declaration of an emergency or any portion of the declaration.

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 either house of 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 that house.

Proposed law authorizes either house to terminate any section or subsection of an emergency declaration.

Present law provides that the petition terminating an emergency declaration may establish a period during which no other declaration of emergency may be issued. Proposed law limits present law to related emergencies.

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

Proposed law further provides that the clerk of the House of Representatives or secretary of the Senate, as applicable, shall disseminate the petition among the general public and file it with appropriate executive branch agencies.

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))

Summary of Amendments Adopted by House

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

1. Add requirement for legislative clerical officers to disseminate a petition to the public and specified government agencies.