

2015 Regular Session

HOUSE BILL NO. 223

BY REPRESENTATIVE HODGES

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

SUNSET LAW: Re-creates the Governor's Office of Homeland Security and Emergency Preparedness and all statutory entities made a part of the department by law

1 AN ACT

2 To enact R.S. 49:191(8)(m) and (9) and to repeal R.S. 49:191(5)(k) and (10), relative to the

3 Governor's Office of Homeland Security and Emergency Preparedness, including

4 provisions to provide for the re-creation of the Governor's Office of Homeland

5 Security and Emergency Preparedness and the statutory entities made a part of the

6 department by law; to provide for the effective termination date for all statutory

7 authority for the existence of such statutory entities; to provide for prospective and

8 retroactive application; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. Pursuant to R.S. 49:193, the Governor's Office of Homeland Security and

11 Emergency Preparedness and the statutory entities made a part of the department by law

12 shall be re-created effective June 30, 2015, and all statutory authority therefor is continued

13 in accordance with the provisions of Part XII of Chapter 1 of Title 49 of the Louisiana

14 Revised Statutes of 1950.

15 Section 2. All acts, on or after June 30, 2014, to the effective date of this Act, made

16 pursuant to law, including but not limited to the provisions of Chapter 6 of Title 29 of the

17 Louisiana Revised Statutes of 1950, by the Governor's Office of Homeland Security and

18 Emergency Preparedness and the statutory entities which are a part thereof, which, except

1 for the effect of the provisions of Part XII of Chapter 1 of Title 49 of the Louisiana Revised  
2 Statutes of 1950 are otherwise legal, and are hereby ratified, authorized, and made valid.

3 Section 3. All statutory authority for the existence of the Governor's Office of  
4 Homeland Security and Emergency Preparedness and the statutory entities made a part of  
5 the department as re-created by Section 1 of this Act shall cease as of July 1, 2019, pursuant  
6 to R.S. 49:191. However, the Governor's Office of Homeland Security and Emergency  
7 Preparedness may be re-created prior to such date in accordance with the provisions of Part  
8 XII of Chapter 1 of Title 49 of the Louisiana Revised Statutes of 1950.

9 Section 4. The provisions of R.S. 49:193 are hereby superseded to the extent that  
10 those provisions are in conflict with the provisions of this Act.

11 Section 5. R.S. 49:191(8)(m) and (9) are hereby enacted to read as follows:

12 §191. Termination of legislative authority for existence of statutory entities; phase-  
13 out period for statutory entities; table of dates

14 Notwithstanding any termination dates set by any previous Act of the  
15 legislature, the statutory entities set forth in this Section shall begin to terminate their  
16 operations on July first of each of the following years, and all legislative authority  
17 for the existence of any statutory entity, as defined in R.S. 49:190, shall cease as of  
18 July first of the following year, which shall be the termination date:

19 \* \* \*  
20 (8) July 1, 2018:

21 \* \* \*  
22 (m) The Governor's Office of Homeland Security and Emergency

23 Preparedness and all statutory entities made a part of the department by law.  
24 ~~(+)~~ (9) July 1, 2020:

25 \* \* \*  
26 Section 6. R.S. 49:191(5)(k) and (10) are hereby repealed in its entirety.

27 Section 7. This Act shall become effective on June 30, 2015; if vetoed by the  
28 governor and subsequently approved by the legislature, this Act shall become effective on  
29 June 30, 2015, or on the day following such approval by the legislature, whichever is later.

1 Section 8. The provisions of this Act shall be given prospective and retroactive  
2 application.

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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 223 Original

2015 Regular Session

Hodges

**Abstract:** Re-creates the Governor's Office of Homeland Security and Emergency Preparedness.

Present law (Sunset) provides that the Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP) and all the statutory entities made a part of that department by law shall begin to terminate their operations on July 1, 2014, and that all legislative authority for such entities shall cease as of July 1, 2015, unless the legislature enacts a bill authorizing the re-creation of the department and its statutory entities prior thereto.

Proposed law provides for the general re-creation of GOHSEP and its statutory entities, effective June 30, 2015, in accordance with the "sunset law". Proposed law supersedes the provisions of the "sunset law" which set out the procedure for review and re-creation and which require a separate bill to re-create each statutory entity with the department along with additional provisions, including ratification and authorization of any acts taken by GOHSEP on or after June 30, 2014, through June 30, 2015.

Proposed law makes July 1, 2019, the new termination date and provides that termination will begin July 1, 2018, unless the department is re-created again.

Effective June 30, 2015.

(Adds R.S. 49:191(8)(m) and (9); Repeals R.S. 49:191(5)(k)and (10))