

DIGEST

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SB 29 Reengrossed

2020 Second Extraordinary Session

Cortez

Present law provides for the governor to declare a state of emergency or disaster, including a public health emergency, by executive order or proclamation. Restricts the length of any declaration to 30 days. Allows the governor to renew the state of emergency or disaster. Authorizes the governor to suspend the provisions of any regulatory statute prescribing procedures for conducting state business, or the orders, rules, or regulations of any state agency, if strict compliance with the statute, order, rule, or regulation would prevent, hinder, or delay necessary action in coping with the emergency.

Proposed law retains present law and requires the suspension of a statute to be narrowly tailored to avoid the prevention, hindrance, or delay of the action necessary to cope with the emergency. Further requires the language suspending the statute to state with specificity the obstacles to the action necessary for addressing the emergency that strict compliance with the provisions of the statute would cause.

Present law authorizes the legislature to terminate a state of disaster or emergency at any time by a petition signed by a majority of the surviving members of *either* house. Provides that the petition may establish a period during which no other declaration of emergency or disaster may be issued. Proposed law requires the petition to be signed by a majority of the surviving members of *each* house.

Proposed law requires the petition to be in the form of a concurrent resolution if the legislature is in session. Proposed law allows the petition to be completed by mail ballot if the legislature is not in session.

Present law provides for the governor to issue an executive order or proclamation ending the state of disaster or emergency upon petition signed by the required members of the legislature.

Proposed law instead provides for notification of the governor, the secretary of state, the chief justice, and public. Specifies that no additional action is required to effectuate the termination of the state of emergency or disaster.

Proposed law creates the Legislative Emergency Declaration Review Committee, comprised of ten members:

- (1) The speaker of the House of Representatives.
- (2) The president of the Senate.
- (3) The speaker pro tempore of the House of Representatives.
- (4) The president pro tempore of the Senate.
- (5) The chair of the House Committee on Appropriations.
- (6) The chair of the Senate Committee on Finance.
- (7) The chair of the House Committee on Health and Welfare.
- (8) The chair of the Senate Committee on Health and Welfare.
- (9) A member of the House of Representatives, appointed by the speaker.

(10) A member of the Senate, appointed by the president.

Provides for notification of the committee and the chief justice of the supreme court of a governor's intent to renew an executive order or proclamation declaring the existence or imminent threat of a state of emergency, including a public health emergency or to renew a suspension of a statute, order, rule, or regulation.

Proposed law provides that, after the initial 30-day period, the governor may renew the declaration or suspension and requires the governor to submit, at least 72 hours before expiration, written notification of his intent to renew the order, proclamation, or suspension to the committee and the chief justice of the state supreme court for review.

Proposed law specifies that the notification of intent to renew or request for approval to renew must state the reasons for the renewal, the duration of the renewal, and a plan of action to address the conditions necessitating the renewal. Further provides that a copy of the notification shall be provided to any member of the legislature upon request by that member.

Proposed law allows the committee to hold a public meeting to consider the request. Authorizes the committee to meet remotely pursuant to present law.

Proposed law provides that proposed law shall not be applied to nullify any order, proclamation, or suspension in effect on the effective date of proposed law.

Proposed law requires the governor to submit to the committee and to the chief justice any executive order or proclamation declaring a state of disaster or emergency, including a public health emergency, in effect on the effective date of proposed law and any suspension related thereto for review in conformity with the provisions of proposed law. Subjects any renewal of an order, proclamation, or suspension in effect on the effective date of proposed law to the requirements of proposed law.

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

(Amends R.S. 29:724(B)(1) and (2) and (D)(1), 766(D)(1), and 768; Adds R.S. 29:724(I))

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill

1. Added that any member of the legislature upon request shall be provided a copy of notification of intent to renew.

Summary of Amendments Adopted by House

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

1. Change time frame, in which the governor must submit to the committee and to the chief justice of the La. Supreme Court a notification of his intent to renew an executive order, from seven days to seventy-two hours prior to expiration.
2. Add provision that requires the petition to be in the form of a concurrent resolution if the legislature is in session and allows the petition to be completed by mail ballot if the legislature is not in session.
3. Remove time frame in which the committee must meet to review the governor's notification of his intent to renew an executive order.