HLS 202ES-32 ENGROSSED

2020 Second Extraordinary Session

HOUSE BILL NO. 15

1

## BY REPRESENTATIVES FRIEMAN AND HORTON

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

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	В.
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

Page 1 of 5

CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

29

1	establish a period during which no other declaration of emergency or disaster related
2	to the state of disaster or emergency that was terminated or related to any section or
3	subsection of the executive order or proclamation declaring the state of disaster or
4	emergency that was terminated by the petition may be issued. Thereupon, the
5	governor shall issue an executive order or proclamation ending the state of disaster
6	or emergency.
7	(b) The petition terminating the entire declaration of a state of disaster or
8	emergency or terminating one or more sections or subsections of the executive order
9	or proclamation, duly signed by a majority of the surviving members of the House
10	of Representatives or the Senate shall be transmitted to the clerk of the House of
11	Representatives or secretary of the Senate, as applicable, who shall transmit the
12	petition to the governor. The termination shall be effective upon the transmission
13	of the petition to the governor.
14	(c) Further, the clerk of the House of Representatives or secretary of the
15	Senate, as applicable, shall disseminate the petition promptly by means calculated
16	to bring its contents to the attention of the general public and promptly file it with
17	the Governor's Office of Homeland Security and Emergency Preparedness and with
18	the secretary of state.
19	* * *
20	§768. Termination of declaration of public health emergency
21	* * *
22	B.(1) The Either house of the legislature, in consultation after consulting
23	with the public health authority, by a petition signed by a majority of the surviving
24	members of either that house, may terminate a the entire state of public health
25	emergency or any section or subsection of the executive order or proclamation
26	declaring the state of public health emergency at any time. This petition terminating
27	the public health emergency or any section or subsection of the executive order or
28	proclamation declaring the state of public health emergency may establish a period

during which no other declaration of public health emergency related to the state of

1	public health emergency that was terminated or related to any section or subsection
2	of the executive order or proclamation declaring the state of public health emergency
3	that was terminated by the petition may be issued. Thereupon, the governor shall
4	issue an executive order or proclamation ending the state of public health or
5	<del>emergency.</del>
6	(b) The petition terminating the entire declaration of a state of public health
7	emergency or terminating one or more sections or subsections of the executive order
8	or proclamation, duly signed by a majority of the surviving members of the House
9	of Representatives or the Senate shall be transmitted to the clerk of the House of
10	Representatives or secretary of the Senate, as applicable, who shall transmit the
11	petition to the governor. The termination shall be effective upon the transmission
12	of the petition to the governor.
13	(c) Further, the clerk of the House of Representatives or secretary of the
14	Senate, as applicable, shall disseminate the petition promptly by means calculated
15	to bring its contents to the attention of the general public and promptly file it with
16	the Governor's Office of Homeland Security and Emergency Preparedness, with the
17	Louisiana Department of Health, office of public health, and with the secretary of
18	state.
19	* * *
20	Section 2. This Act shall become effective upon signature by the governor or, if not
21	signed by the governor, upon expiration of the time for bills to become law without signature
22	by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
23	vetoed by the governor and subsequently approved by the legislature, this Act shall become
24	effective on the day following such approval.
25	Section 3. The provisions of this Act shall be given prospective and retroactive
26	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 Engrossed

2020 Second Extraordinary Session

Frieman

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

<u>Present law</u> 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.

<u>Present law</u> 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.

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

<u>Present law</u> 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.

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

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

<u>Proposed law</u> 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.

<u>Proposed law</u> provides that the petition terminating an emergency declaration is effective upon transmission of the petition to the governor.

<u>Proposed law</u> 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.

<u>Proposed law</u> 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))

HLS 202ES-32 ENGROSSED
HB NO. 15

## Summary of Amendments Adopted by House

The Committee Amendments Proposed by <u>House Committee on House and Governmental Affairs</u> to the <u>original</u> bill:

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