

2020 Second Extraordinary Session
HOUSE CONCURRENT RESOLUTION NO. 9
BY REPRESENTATIVE SCHEXNAYDER

LEGISLATIVE POWERS: Suspends certain authority of the governor relative to the declaration of an emergency (Item #41)

1 A CONCURRENT RESOLUTION

2 To suspend until thirty days after final adjournment of the 2020 Second Extraordinary
3 Session of the Legislature of Louisiana the authority of the governor to declare or
4 renew a state of emergency or public health emergency which addresses or is related
5 to the COVID-19 pandemic pursuant to R.S. 29:724(A) and (B)(1), 766(A) and (B),
6 and 768(A).

7 WHEREAS, on March 11, 2020, the World Health Organization declared the novel
8 coronavirus (COVID-19) outbreak a global pandemic; and

9 WHEREAS, on March 11, 2020, Governor Edwards issued Proclamation Number
10 25 JBE 2020 to declare a statewide public health emergency due to the imminent threat
11 posed to Louisiana citizens by COVID-19; and

12 WHEREAS, on March 13, 2020, President Trump issued Proclamation 9994
13 declaring a national emergency concerning COVID-19; and

14 WHEREAS, the extraordinary threat posed by COVID-19 initially caused critical
15 shortages of healthcare equipment and personal protective equipment for healthcare workers
16 and serious concerns about reduced beds and capacity in hospitals to care for our citizens;
17 and

18 WHEREAS, Governor Edwards' proactive actions and measures at the onset of
19 COVID-19 were necessary to protect the health and safety of the people of Louisiana; and

1 WHEREAS, in the seven months following the initial declaration of a public health
2 emergency by Governor Edwards, the medical supply chain has recovered and is capable of
3 meeting the current demands for COVID-19-related medical equipment and supplies; and

4 WHEREAS, after seven months of state-directed effort, the emergency systems and
5 procedures that have been put in place, along with a sustainable medical supply chain and
6 an informed public, have overcome what was initially an imminent threat to our residents
7 and healthcare system caused by the spread of COVID-19 and a strained medical supply
8 chain; and

9 WHEREAS, the continuation of the existing drastic measures currently in place
10 pursuant to Proclamation Number 117 JBE 2020 and Proclamation Number 123 JBE 2020
11 are creating unnecessary and tragic business and societal hardships; and

12 WHEREAS, the legislature, by petition, has full authority to terminate an entire state
13 of emergency or public health emergency and to establish an unlimited period of time during
14 which the governor may issue no other declaration of a state of emergency or public health
15 emergency as provided by R.S. 29:724(B)(2) and 768(B); and

16 WHEREAS, the Constitution of Louisiana, as provided by Article III, Section 20,
17 authorizes the legislature to suspend a law and fix the period of suspension which shall not
18 extend beyond the sixtieth day after final adjournment of the next regular session; and

19 WHEREAS, it is the intent of the legislature to employ its least burdensome and
20 restrictive authority by narrowing the termination of the state of emergency or public health
21 emergency and the period of time within which the governor is prohibited from issuing
22 another declaration of a state of emergency or public health emergency instead of completely
23 terminating his authority for an unlimited time-period or completely suspending his authority
24 for a lengthy time-period; and

25 WHEREAS, the purpose of this Resolution is to prohibit the governor from issuing
26 any further declarations or extensions of declarations intended to address the COVID-19
27 pandemic, and to limit the suspension for a short time-period; and

28 WHEREAS, this Resolution does not seek to limit the governor's authority to issue
29 other declarations unrelated to the COVID-19 pandemic.

1 THEREFORE, BE IT RESOLVED that the Legislature of Louisiana hereby suspends
2 the provisions of R.S. 29:724(A) and (B)(1), 766(A) and (B), and 768(A), which grant the
3 authority to the governor to declare or renew a state of emergency or public health
4 emergency only as they apply to the COVID-19 pandemic.

5 BE IT FURTHER RESOLVED that this suspension shall become effective upon
6 adoption of this Resolution and shall extend through the thirtieth day after final adjournment
7 of the 2020 Second Extraordinary Session of the Legislature of Louisiana.

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)]

HCR 9 Original

2020 Second Extraordinary Session

Schexnayder

Suspends the provisions of R.S. 29:724(A) and (B)(1), 766(A) and (B), and 768(A), which authorize the governor to declare and renew a state of emergency or public health emergency only as they apply to the COVID-19 pandemic.

Present law authorizes the governor to declare and renew emergencies and public health emergencies.

Proposed law suspends present law only as it applies to the COVID-19 pandemic.

(Suspends R.S. 29:724(A) and (B)(1), 766(A) and (B), and 768(A))