
DIGEST

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HB 4 Engrossed

2020 Second Extraordinary Session

Wright

Abstract: Provides procedures for either house of the legislature to terminate renewals of emergency declarations or specific provisions therein.

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 provides that the legislature, by petition signed by a majority of the surviving members of either house, may terminate a state of disaster or emergency at any time. In cases of a public health emergency, provides that the legislature, in consultation with the public health authority, by petition signed by a majority of the surviving members of either house, may terminate a state of disaster or emergency at any time.

Proposed law additionally provides a method for either house of the legislature to terminate a renewal of a state of disaster or emergency or public health emergency or specific terms prescribed by the governor in the order or declaration. Provides that the presiding officers and the pro tempores immediately review the order or proclamation and the terms prescribed in the order or proclamation. If at least three of the four legislative officers concur that the order or proclamation or the terms prescribed within it exceed the authority granted to the governor or are not narrowly tailored to address the situation, the presiding officers are to immediately transmit to the governor a concise description of the issues and direct the legislative clerical officers to prepare and transmit a ballot to each surviving member. Provides procedures including requiring the ballot to be uniform and set forth in a manner to enable each member to cast a vote for or against each issue. Provides for the clerical officers to transmit the ballots to each member on the same day and include a notice to each member regarding the number of items, the vote required, the deadline for the ballot to be returned to the clerical officer and any other information deemed pertinent. Requires the ballots to be returned no later than 5:00 p.m. on the fifth day after transmittal. Provides procedures for tabulation of the ballots.

Proposed law provides that the tabulation shall be transmitted promptly to each member and the

governor and also disseminated by means calculated to bring its contents to the attention of the public and filed with the Governor's Office of Homeland Security and Emergency Preparedness and the secretary of state, and if a public health emergency, the La. Dept. of Health, office of public health.

Proposed law provides that if a majority of the surviving members of either house of the legislature vote in favor of terminating the governor's authority regarding an issue on the ballot, then that order or proclamation or section or subsection of such order or proclamation, as the case may be, is deemed terminated and of no effect as of the date and time the tabulation is transmitted to the governor.

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

(Amends R.S. 29:724(B)(1) and 768(A); Adds R.S. 29:768.1)

Summary of Amendments Adopted by House

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

1. Authorize a renewal of a state of disaster or emergency or public health emergency as provided in present law, but provide a procedure for either house of the legislature to terminate a renewal of a state of disaster or emergency or public health emergency or specific sections or subsections thereof.
2. Require review of the renewal by the presiding officers and pro tempores of the legislature and provides that if those legislative officers make certain determinations regarding the renewal, they must transmit those concerns to the governor and direct the clerical officers to prepare and transmit a ballot to the surviving members regarding the specific issues.
3. Provide for the ballot process and duties of the clerical officers of the legislature relative thereto.
4. Provide that if a majority of the surviving members vote to terminate the governor's authority regarding an issue on the ballot, then that order or proclamation or section or subsection of such order or proclamation, as the case may be, is deemed terminated.