

SENATE SUMMARY OF HOUSE AMENDMENTS**SB 29****2020 Second Extraordinary Session****Cortez****KEYWORD AND SUMMARY AS RETURNED TO THE SENATE**

EMERGENCY POWERS. Requires legislative approval of a state of emergency issued by the governor that extends beyond thirty days. (gov sig) (Items #1 and #2)

SUMMARY OF HOUSE AMENDMENTS TO THE SENATE BILL

1. Change the overall requirement of the bill from only a review of a pending renewal of an gubernatorial declaration of disaster or emergency by a committee of 10 legislators to review and ballot approval by a majority of surviving members of each house.
2. Require the governor to submit notification of his intent to renew to the secretary of the Senate and the clerk of the House of Representatives when he submits the notification to the committee. Provide a balloting process triggered by the notification. Mandate the clerical officers to transmit ballots to the members, to notify members of receipt of voted ballots, to tabulate the votes on the ballots received, and to disseminate the tabulation.
3. Change time frame in which the governor must submit notification of his intent to renew a disaster or emergency declaration from seven days to seventy-two hours prior to expiration.
4. Remove time frame in which the committee may to review the governor's notification of his intent to renew an executive order.
5. Allow the governor to make changes to the proposed renewal language after submission of the notification of intent to renew.
6. Add provision that requires the legislature's termination of a declaration of disaster or emergency to be in the form of a concurrent resolution if the legislature is in session and allows the termination to be completed by mail ballot rather than signed petition if the legislature is not in session.
7. Allow the legislature to terminate only portions of the declaration of disaster or emergency.
8. Specify that the termination may include a period during which no other declaration related to the same disaster or emergency may be issued by the governor, rather than preventing the issuance of any other disaster or emergency declaration.

DIGEST OF THE SENATE BILL AS RETURNED TO THE SENATE

DIGEST

SB 29 Reengrossed

2020 Second Extraordinary Session

Cortez

Proposed law requires approval of a majority of the surviving members of each house for the governor to renew a declaration. Prohibits the governor from renewing a declaration without legislative approval. Allows the legislature at any time, with the approval of a majority of the surviving members of each house, to terminate a gubernatorial declaration of disaster or emergency or a portion of a declaration.

Present law provides for the governor to declare a state of disaster or emergency, including a public health emergency, by executive order or proclamation. Restricts the length of any declaration to 30 days. 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 allows the governor to renew a declaration of disaster or emergency if the conditions necessitating the original declaration have not passed or been addressed within 30 days.

Proposed law requires legislative review and approval for the renewal of any disaster or emergency declaration. Specifies that absent legislative approval, the disaster or emergency is terminated and the governor is prohibited from renewing the state of disaster or emergency.

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, the chief justice of the supreme court, and the chief clerical officer of each house of the legislature of a governor's intent to renew an executive order or proclamation declaring the existence or imminent threat of a state of disaster or 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 further requires the governor to submit the notification of his intent to renew to the clerk of the House of Representatives and the secretary of the Senate. Requires the clerical officers to present the question of approval of the renewal to the surviving members of each house. Provides a mechanism, including time limitations, for a balloting process

triggered by the notification. Mandates the clerical officers to transmit ballots to the members, to notify members of receipt of voted ballots, to tabulate the votes on the ballots received, and to disseminate the tabulation. Specifies that if a majority of the members of each house do not vote to approve the renewal, the state of emergency or disaster is deemed terminated as of the date and time the tabulation is transmitted to the governor. Prohibits the governor from issuing another order or proclamation renewing that state of disaster or emergency.

Proposed law specifies that the notification of intent 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.

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 termination to be approved by a majority of the surviving members of each house. Allows the termination to be limited to any section or subsection of the declaration. Requires the termination to be in the form of a concurrent resolution if the legislature is in session. Allows the termination to be completed by mail ballot or signed petition if the legislature is not in session.

Proposed law provides that if the termination establishes a period during which no other declaration related to the same emergency or disaster may be issued, the period shall not exceed 30 days.

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 that the legislature has ended the state of disaster or emergency. Specifies that no additional action is required to effectuate the termination of the state of emergency or disaster.

Proposed law provides that proposed law shall not be construed 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))

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