
DIGEST

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HB 149 Original

2021 Regular Session

Frieman

Abstract: Provides for legislative termination of a declaration of an emergency or any portion of the declaration.

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 authorizes 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 either house of the legislature. Relative to public health emergencies, provides for the legislature to be in consultation with the public health authority (defined in present law as the secretary of the La. Dept. of Health, or his designee, and the state health officer.)

Proposed law specifies that either house of the legislature may terminate the entire state of emergency or any section or subsection of an emergency declaration by petition signed by a majority of the surviving members of that house. Relative to public health emergencies, provides for either house to terminate the emergency by petition after consulting with a public health specialist.

Present law provides that the petition terminating an emergency declaration may establish a period during which no other declaration of emergency may be issued. Proposed law limits present law to situations related to the state of disaster or emergency or any section or subsection or the order or proclamation that was terminated.

Proposed law 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 requires the clerk or the secretary to transmit the petition to the governor.

Proposed law provides that the petition terminating an emergency declaration becomes effective

upon transmission of the petition to the governor.

Proposed law further provides that the clerk of the House of Representatives or secretary of the Senate, as applicable, shall disseminate the petition to the general public and file it with specified executive branch agencies.

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

(Amends R.S. 29:724(B)(2) and 768(B))