

2020 Second Extraordinary Session

HOUSE BILL NO. 68

BY REPRESENTATIVE SCHEXNAYDER

LEGISLATIVE POWERS: Provides with respect to legislative authority during periods of certain declared emergencies (Items #1, 2, 28, and 41)

1 AN ACT

2 To amend and reenact R.S. 29:722(A)(2), 724(A) and (B), 766(A), (B), and (D) and 768,
3 relative to the declaration of emergencies; to provide relative to the declaration of a
4 state of disaster or emergency and a state of public health emergency; to provide for
5 the renewal and termination of certain emergencies; to create the Legislative
6 Committee on Emergency Declarations; to provide for the authority, duties, and
7 membership of the Legislative Committee on Emergency Declarations; and to
8 provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 29:722(A)(2), 724(A) and (B), 766(A), (B), and (D) and 768 are
11 hereby amended and reenacted to read as follows:

12 §722. Purpose

13 A. Because of the existing possibility of the occurrence of emergencies and
14 disasters of unprecedented size and destructiveness resulting from terrorist events,
15 enemy attack, sabotage, or other hostile action, or from fire, flood, earthquake, or
16 other natural or manmade causes, and in order to ensure that preparations of this state
17 will be adequate to deal with such emergencies or disasters, and in order to detect,
18 prevent, prepare for, investigate, respond to, or recover from these events, and
19 generally to preserve the lives and property of the people of the state of Louisiana,
20 it is hereby found and declared to be necessary:

21 * * *

1 (2) To confer upon and the governor and upon the parish presidents the
2 emergency powers as provided by and limited in this Chapter.

3 * * *

4 §724. Powers of the governor and legislature

5 A. ~~The governor is responsible for meeting the dangers to the state and~~
6 ~~people presented by emergencies or disasters, and in~~ In order to effectuate the
7 provisions of this Chapter, the governor may issue declarations by executive orders,
8 proclamations, and regulations and amend or rescind them. The Committee on
9 Emergency Declarations may issue a renewal of a declaration of a state of disaster
10 or emergency. ~~Executive orders, proclamations, and regulations~~ Declarations so
11 issued shall have the force and effect of law.

12 B.(1)(a) A disaster or emergency, or both, shall be declared by executive
13 order or proclamation of the governor if he finds that a disaster or emergency has
14 occurred or the threat thereof is imminent. The state of disaster or emergency shall
15 continue until the governor finds that the threat of danger has passed or the disaster
16 or emergency has been dealt with to the extent that the emergency conditions no
17 longer exist and terminates the state of disaster or emergency by executive order or
18 proclamation, but no state of disaster or emergency ~~may~~ shall continue, under any
19 single or successive declaration, for longer than thirty days unless renewed by the
20 ~~governor~~ Legislative Committee on Emergency Declarations.

21 (b) For the purposes of this Chapter and Chapter 9 of this Title, the
22 Legislative Committee on Emergency Declarations is hereby established to issue
23 renewals of declarations of a state of disaster or emergency.

24 (c) The Legislative Committee on Emergency Declarations shall meet within
25 thirty days of the issuance of the initial declaration of a state of disaster or
26 emergency to decide whether to renew the declaration. In issuing a renewed
27 declaration, the committee may make any modifications to the initial declaration it
28 deems appropriate. No renewed declaration shall continue for longer than thirty days
29 unless renewed by the committee.

1 (d) A decision by the committee to renew or modify a declaration shall
2 require the favorable vote of at least a majority of the members of the committee.
3 Each declaration to renew a declaration shall be published as required by
4 Subparagraph (4)(c) of this Subsection.

5 (2)(a) ~~The~~ During the first thirty days after the initial declaration of a state
6 of disaster or emergency, either house of the legislature, by petition signed by a
7 majority of the surviving members of ~~either house~~ the house filing the petition, may
8 terminate any declaration related to a state of disaster or emergency at any time.
9 This petition terminating ~~the~~ a declaration of a state of emergency or disaster may
10 establish a period during which no other declaration of a state of emergency or
11 disaster may be issued based on the same circumstances as the terminated
12 declaration. The petition shall be delivered to the governor and shall become
13 effective upon delivery to the governor. Thereupon, the governor shall issue ~~an~~
14 ~~executive order or proclamation~~ a declaration ending all prior declarations related to
15 the state of disaster or emergency.

16 (b) Subsequent to the first thirty days after the initial declaration of a state
17 of disaster or emergency, either house of the legislature, by petition signed by a
18 majority of the surviving members of the house filing the petition, may terminate any
19 declaration related to a state of disaster or emergency at any time. This petition
20 terminating a declaration of a state of emergency or disaster may establish a period
21 during which no other declaration of a state of disaster or emergency may be issued
22 based on the same circumstances as the terminated declaration. The petition shall
23 be delivered to the committee, shall become effective upon delivery to the
24 committee, and shall supersede a decision of the committee, if any. Thereupon, the
25 committee shall issue a declaration ending all prior declarations related to the state
26 of disaster or emergency.

27 (3) The Legislative Committee on Emergency Declarations shall be
28 composed of the following members:

29 (a) The speaker of the House of Representatives.

1 (2) For purposes of this Chapter, the Legislative Committee on Emergency
2 Declarations shall have the same authority, duties, and voting requirements as are
3 provided to the committee by Chapter 6 of this Title.

4 (3) The Legislative Committee on Emergency Declarations shall meet within
5 thirty days of the issuance of the declaration of a state of public health emergency
6 to decide whether to renew the state of public health emergency. In renewing a
7 declaration of a state of public health emergency, the committee may make any
8 modifications to the declaration it deems appropriate. No renewal of the state of
9 public health emergency shall continue for longer than thirty days unless renewed
10 by the Legislative Committee on Emergency Declarations.

11 B.(1) ~~The~~ During the first thirty days after the initial declaration of a public
12 health emergency, either house of the legislature, in consultation with the public
13 health authority, by a petition signed by a majority of the surviving members of
14 ~~either house~~ the house filing the petition, may terminate any declaration related to
15 a state of public health emergency at any time. This petition terminating ~~the public~~
16 ~~health emergency~~ a declaration may establish a period during which no other
17 declaration of a state of public health emergency may be issued based on the same
18 circumstances as the terminated declaration. The petition shall be delivered to the
19 governor and shall become effective upon delivery to the governor. Thereupon, the
20 governor shall issue ~~an executive order or proclamation~~ a declaration ending any
21 prior declaration related to the state of public health ~~or~~ emergency.

22 (2) Subsequent to the first thirty days after the initial declaration of a state
23 of public health emergency, either house of the legislature, by petition signed by a
24 majority of the surviving members of the house filing the petition, may terminate any
25 declaration related to a state of public health emergency at any time. This petition
26 terminating a declaration of a public health emergency may establish a period during
27 which no other declaration of a state of public health emergency may be issued
28 based on the same circumstances as the terminated declaration. The petition shall
29 be delivered to the committee, shall become effective upon delivery to the

1 committee, and shall supersede a decision of the committee, if any. Thereupon, the
2 committee shall issue a declaration ending all prior declarations related to the state
3 of public health emergency.

4 Section 2. This Act shall become effective upon signature by the governor or, if not
5 signed by the governor, upon expiration of the time for bills to become law without signature
6 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
7 vetoed by the governor and subsequently approved by the legislature, this Act shall become
8 effective on the day following such approval.

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 68 Original

2020 Second Extraordinary Session

Schexnayder

Abstract: Creates and provides for the composition and duties of the Legislative Committee on Emergency Declarations and prohibits disaster or emergency declarations or public health emergency declarations from extending beyond 30 days unless approved by the Legislative Committee on Emergency Declarations.

Present law provides that disaster or emergency declarations or public health emergency declarations shall continue until the governor finds that the threat of danger has passed or that the emergency has been dealt with to the extent that the emergency conditions no longer exist and terminates the emergency by executive order or proclamation.

Present law further provides that no state of public health emergency may continue for longer than 30 days unless renewed by the governor.

Proposed law amends present law to provide that no disaster or emergency declarations or public health emergency declarations may continue for longer than 30 days unless renewed by the Legislative Committee on Emergency Declarations.

Proposed law establishes the Legislative Committee on Emergency Declarations and provides that the committee may renew public health emergency declarations.

Present law provides that the legislature may file a petition to terminate a state of public health emergency if signed by the surviving members of either house.

Proposed law retains and clarifies the procedures of present law, and provides that the petition supersedes any decision of the Legislative Committee on Emergency Declarations.

Proposed law provides that the speaker of the House of Representatives, the president of the Senate, the speaker pro tempore of the House of Representatives, and the president pro tempore shall be members of the committee.

Proposed law requires the committee to appoint a chairperson from among its members.

Proposed law allows the members of the committee to appoint a designee who shall have the rights and privileges of the member being represented.

Proposed law provides that no decision by the committee to renew or modify a declaration shall be without the favorable vote of at least a majority of the members of the Legislative Committee on Emergency Declarations.

Proposed law requires the committee to give notice for meetings and official actions and requires the council to publish its decisions in the Louisiana Register.

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

(Amends R.S. 29:722(A)(2), 724(A) and (B), 766(A), (B), and (D) and 768)