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 provid	
5	the renewal and termination of certain emergencies; to create the Legisla	
6	Committee on Emergency Declarations; to provide for the authority, duties, and	
7	membership of the Legislative Committee on Emergency Declarations; and	
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	* * *	

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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

1	(2) To confer upon 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 effective upon delivery to the governor. Thereupon, the governor shall issue an 13 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) <u>The Legislative Committee on Emergency Declarations shall be</u> 28 <u>composed of the following members:</u>

(a) The speaker of the House of Representatives.

29

1	(b) The president of the Senate.
2	(c) The speaker pro tempore of the House of Representatives.
3	(d) The president pro tempore of the Senate.
4	(4)(a) The committee shall appoint a chairperson from among its members,
5	and each member may appoint a designee who shall have all the rights and privileges
6	as a member of the committee.
7	(b) The committee shall ensure that all notices relating to meetings and
8	official actions of the council are duly given as required by law.
9	(c) The committee shall publish all decisions and declarations in the
10	Louisiana Register in the same manner as provided in and pursuant to R.S. 49:954.1.
11	(3)(5) All executive orders or proclamations declarations issued under this
12	Subsection shall indicate the nature of the disaster or emergency, the designated
13	emergency area which is or may be affected, and the conditions which have brought
14	it about or which make possible the termination of the state of disaster or emergency.
15	An executive order or proclamation <u>A declaration</u> shall be disseminated promptly
16	by means calculated to bring its contents to the attention of the general public and,
17	unless the circumstances attendant upon the disaster or emergency prevent or impede
18	it, promptly filed with the Governor's Office of Homeland Security and Emergency
19	Preparedness and with the secretary of state.
20	(4)(6) As soon as conditions allow, the governor or the committee, as
21	appropriate, may proclaim declare a reduction of the designated emergency area, or
22	the termination of the state of emergency.
23	* * *
24	§766. Declaration of a state of public health emergency
25	A. Declaration.
26	A state of public health emergency may be declared by executive order or
27	proclamation of the governor, following consultation with the public health
28	authority, if he finds a public health emergency as defined in R.S. 29:762 has
29	occurred or the threat thereof is imminent. The Committee on Emergency

1	Declarations may declare a renewal of a declaration of a public health emergency		
2	issued pursuant to this Chapter.		
3	B. Content of declaration.		
4	A state of public health emergency shall be declared by an executive order		
5	or proclamation that indicates the nature of the public health emergency, the area or		
6	areas which are or may be affected, and the conditions which have brought it about		
7	or which make possible the termination of the state of disaster or emergency. \underline{Th}		
8	Committee on Emergency Declarations may issue a renewal of a declaration of a		
9	public health emergency. An executive order or proclamation Declarations shall be		
10	disseminated promptly by means reasonably calculated to bring its their contents to		
11	the attention of the general public and, unless the circumstances attendant upon the		
12	public health emergency prevent or impede it, the executive order or proclamation		
13	declaration shall be promptly filed with the Governor's Office of Homeland Security		
14	and Emergency Preparedness, with the Louisiana Department of Health, office of		
15	public health, and with the secretary of state.		
16	* * *		
17	D. Emergency powers.		
18	During a state of public health emergency, in addition to any powers		
19	conferred upon the governor by law and limited by this Chapter, he may do any or		
20	all of the following:		
21	* * *		
22	§768. Termination of declaration of public health emergency		
23	A.(1) The state of public health emergency shall continue until the governor		
24	finds that the threat of danger has passed or the disaster or emergency has been dealt		
25	with to the extent that the emergency conditions no longer exist and terminates the		
26	state of public health or emergency by executive order or proclamation, but no state		
27	of public health emergency may shall continue for longer than thirty days unless		
28	renewed by the governor Legislative Committee on Emergency Declarations, in		
29	consultation with the public health authority.		

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 <u>a state of</u> public health emergency may be issued <u>based on the same</u>	
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 <u>of public health emergency.</u>
- 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 Engrossed	2020 Second Extraordinary Session	Schexnavder
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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.

<u>Present law</u> 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.

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

<u>Proposed law</u> amends <u>present law</u> 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.

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

<u>Present law</u> 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.

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

<u>Proposed law</u> 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 of the Senate shall be members of the committee.

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

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

<u>Proposed law</u> 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.

<u>Proposed law</u> 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)