

2020 Second Extraordinary Session

HOUSE BILL NO. 11

BY REPRESENTATIVE PRESSLY

LEGISLATIVE POWERS: Provides relative to the termination of emergency declarations
(Items #1, 2, and 28)

1 AN ACT

2 To amend and reenact R.S. 29:724(B)(2) and 768(B), relative to emergency declarations; to
3 provide relative to the termination of emergency declarations; to provide relative to
4 the effect of terminating emergency declarations; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 29:724(B)(2) and 768(B) are hereby amended and reenacted to read
7 as follows:

8 §724. Powers of the governor

9 * * *

10 B.

11 * * *

12 (2)(a) The legislature, by petition signed by a majority of the surviving
13 members of either house, may terminate a state of disaster or emergency at any time.
14 This petition terminating the state of emergency or disaster may establish a period
15 during which no other declaration of emergency or disaster may be issued.
16 Thereupon, the governor shall issue an executive order or proclamation ending the
17 state of disaster or emergency.

18 (b) Legislative termination of a state of disaster or emergency does not affect
19 the governor's authority to declare an emergency or disaster based on circumstances
20 that are not directly related to the state of disaster or emergency that was terminated.

21 (c) Legislative termination of a state of disaster or emergency does not affect
22 the governor's authority to declare a state of public health emergency pursuant to

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 11 Engrossed

2020 Second Extraordinary Session

Pressly

Abstract: Specifies that legislative termination of an emergency declaration does not affect the governor's ability to declare a state of disaster or emergency or public health emergency based on circumstances that are not directly related to the emergency that was terminated.

Present law provides that a 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 a majority of the surviving members of either house of the legislature may terminate a state of disaster or emergency or a state of public health emergency at any time.

Present law further provides that the petition terminating the state of emergency, disaster, or public health emergency may establish a period during which no other declaration of emergency or disaster may be issued and that the governor shall issue an executive order or proclamation ending the state of disaster or emergency.

Proposed law specifies that legislative termination of an emergency order does not affect the governor's ability to declare a state of disaster or emergency or state of public health emergency based on circumstances that are not directly related to the state of disaster or emergency or public health emergency that was terminated nor does it nullify other declarations.

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

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

Summary of Amendments Adopted by House

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

1. Add section that makes proposed law effective upon signature of governor or lapse of time for gubernatorial action.
2. Make technical changes.