
DIGEST

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HB 60 Engrossed

2020 Second Extraordinary Session

Ivey

Abstract: Requires legislative approval for the renewal of an emergency declaration and provides the procedure to be used in the legislative approval of an emergency declaration.

Present law provides that a 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 a 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 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 public health emergency by petition of a majority of the surviving members of either house.

Proposed law further provides that the petition may establish a period where no other declaration of a public health emergency may be issued. The petition must also include a date and time of termination for such emergency.

Proposed law provides that the petition must be submitted to the clerical officer of the respective house who will then send the signed petition to the other house, the governor, and the secretary of state. The clerical officer must also publish the petition on the joint legislative website and in the official journal of the state.

Present law provides that upon receiving a signed petition terminating a public health emergency, the governor must issue an executive order or proclamation ending the state of public health emergency. Proposed law provides that upon receipt of a signed petition terminating a public health emergency, no further action is needed from the governor to effectuate the termination of the state of public health emergency. Provides that the governor may ask the legislature for authority to renew the declaration.

Proposed law provides that no public health emergency may continue for longer than 30 days unless authorized by the legislature as provided by proposed law.

Proposed law establishes a balloting procedure by which the legislature may authorize the governor to renew a public health emergency.

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

(Amends R.S. 29:768; Adds R.S. 29:768.1)

Summary of Amendments Adopted by House

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

1. Add that the petition may establish a period where no other declaration of a public health emergency may be issued.
2. Add a provision that the clerical officer of the respective house will then send the signed petition to the other house, the governor, and the secretary of state. Further add that the clerical officer must also publish the petition on the joint legislative website and in the official journal of the state.