DIGEST

HB 701 Engrossed	2022 Regular Session	Hilferty

Abstract: Provides the procedures for the legislature to terminate a declaration of a state of disaster or emergency; provides for the declaration of a state or emergency in parishes and municipalities; requires the approval of the governing authority of the parish or municipality before a declaration of a state of emergency may continue for a period exceeding 90 days.

Present law provides for the termination of a state of emergency by executive order or proclamation by the governor, a petition signed by a majority of the surviving members of either house of the legislature, a majority of the surviving members of the parish governing authority (in the case of a parish-declared emergency), or a majority of the surviving members of the municipal governing authority (in the case of a municipal-declared emergency).

Proposed law retains present law except for changing the procedure for termination of a state of emergency by the legislature.

Proposed law provides that if the legislature is in session, it may, by adoption of a concurrent resolution, direct the governor, parish president, or mayor who declared a state of disaster or emergency or public health emergency to terminate the state of disaster or emergency or public health emergency and may establish a period during which no other declaration of emergency or disaster or public health emergency may be issued.

Proposed law provides that if the legislature is not in session, the speaker of the House of Representatives and the president of the Senate may utilize the procedures provided by proposed law to allow the surviving members of the legislature to vote to direct the governor, parish president, or mayor who declared a state of disaster or emergency or public health emergency to terminate such declaration.

Proposed law provides that upon the direction by the speaker and the president, the clerk of the House of Representatives and the secretary of the Senate shall prepare and transmit a ballot to each member of the legislature.

Proposed law provides for the uniformity, information contained in, and criteria of the ballots to be transmitted. Requires each member to complete and sign the ballot and return it to the clerical officer of his house.

Proposed law requires the clerk and the secretary to initiate and oversee the design and implementation of a system to allow each member to electronically vote and return his ballot and

shall certify that the system meets the requirements of proposed law.

Proposed law provides that the ballots shall be returned to the clerk and the secretary no later than five o'clock p.m. on the 15th day after the transmittal date, and that no ballot received after the deadline shall be valid or counted and shall be marked "Invalid".

Proposed law requires the clerk and the secretary to tabulate the vote and to hold the ballots under seal until the day when such ballots are tabulated.

Proposed law provides that approval by the requisite majority of the surviving members of the legislature shall constitute approval to direct the termination of a state of disaster or emergency or public health emergency declared by the governor, parish president, or mayor who declared a state of disaster or emergency or public health emergency.

Present law provides that a local disaster or emergency may be declared only by the parish president, except as otherwise provided in present law, and that it shall continue until the parish president finds that the threat of danger has been dealt with to the extent that emergency conditions no longer exist.

Proposed law retains present law and also provides that no state of emergency may continue for longer than 30 days unless extended by the parish president and that no continuous state of emergency may be extended by the parish president for a period exceeding 90 days unless approved by the governing authority of the parish.

Present law provides that whenever a situation develops within or outside of a municipality which the chief executive officer of the municipality determines requires immediate action to preserve the public peace, property, health, or safety within the municipality or to provide for continued operation of municipal government, the chief executive officer of the municipality is authorized to undertake immediate emergency response measures.

Present law provides that the state of emergency shall continue until the mayor or chief executive officer finds that the threat of danger has been dealt with to the extent that emergency conditions no longer exist, but that no state of emergency may continue for longer than 30 days unless extended by the mayor or chief executive officer.

Proposed law retains present law and further provides that no state of emergency may be extended by the mayor or chief executive officer for a period exceeding 90 days unless approved by the governing authority of the municipality.

Proposed law provides that procedures for legislative termination of an emergency provided by proposed law apply to emergencies declared by a parish president or mayor.

Proposed law provides that termination of an emergency does not affect an election being conducted in accordance with present law regarding emergency election procedures.

(Amends R.S. 29:727(D) and 737(C); Adds R.S. 29:724.1)

<u>Summary of Amendments Adopted by House</u>

The Committee Amendments Proposed by <u>House Committee on House and Governmental Affairs</u> to the <u>original</u> bill:

1.   Add provision that <u>proposed law</u> does not affect an election being conducted in accordance with <u>present law</u> regarding emergency election procedures

2.   Make technical changes.