

2020 Regular Session

HOUSE CONCURRENT RESOLUTION NO. 58

BY REPRESENTATIVE MIGUEZ

GOVERNOR: Suspends certain provisions of Title 29 of the La. Revised Statutes relative to public emergencies

1 A CONCURRENT RESOLUTION

2 To suspend, until fifteen days after the adoption of this Resolution, the provisions of R.S.
3 29:724(E), 766(D)(5), (6), and (7), 767, and 769(A), relative to criminal penalties for
4 violations of an order, rule, or regulation issued pursuant to the Louisiana Homeland
5 Security and Emergency Assistance and Disaster Act; relative to the governor's
6 authority to compel the evacuation of any stricken or threatened area within the state,
7 to prescribe routes, modes of transportation, and destination in connection with an
8 evacuation, and to control ingress and egress to and from a disaster area, the
9 movement of persons within the area, and the occupancy of premises therein; and
10 relative to the Governor's Office of Homeland Security and Emergency Preparedness
11 and its authority to adopt rules and to decontaminate buildings and materials.

12 WHEREAS, a novel coronavirus named "coronavirus disease 2019", commonly
13 referred to as COVID-19, was first detected in December of 2019; and

14 WHEREAS, the governor of Louisiana declared a statewide public health emergency
15 on March 11, 2020, due to the risks related to public health associated with COVID-19; and

16 WHEREAS, the governor of Louisiana has extended his emergency disaster
17 declaration and stay-at-home order until May 15, 2020; and

18 WHEREAS, the president of the United States has indicated many states can reopen
19 by May 1, 2020, and shared federal guidelines for restarting the economy; and

20 WHEREAS, on April 15, 2020, the director of the Center of Disease Control and
21 Prevention (CDC) along with members of the White House Coronavirus Task Force have

1 recognized a significantly varied impact among communities all across the nation from the
2 coronavirus, and therefore many lesser impacted areas may be ready to reopen by President
3 Donald Trump's target date; and

4 WHEREAS, the CDC has worked with the Federal Emergency Management Agency
5 (FEMA) to develop such guidelines for restarting the economy; and

6 WHEREAS, Louisiana is a diverse state made up of many different communities
7 each of which present different challenges culturally, socioeconomically, and medically; and

8 WHEREAS, the guidelines of the CDC, public health experts, and President Trump
9 recommend a region by region or county by county (parish by parish) reopening strategy;
10 and

11 WHEREAS, a single, statewide universal order limits the responsibilities and powers
12 of mayors and parish presidents in areas that otherwise might contemplate the reopening
13 process; and

14 WHEREAS, it is urged and requested that mayors and parish presidents be
15 empowered to reopen their communities by issuing proclamations and executive orders to
16 provide strategies in accordance with the guidelines provided by the CDC, FEMA, and
17 President Trump; and

18 WHEREAS, the economic shutdown which has resulted from the stay-at-home order
19 and the restrictions contained in the governor's emergency disaster declaration have resulted
20 in substantial economic loss and historic unemployment numbers for the people of
21 Louisiana; and

22 WHEREAS, public health indicators across Louisiana show great improvements,
23 including a decreasing rate of positive tests and fewer hospitalizations from all parts of
24 Louisiana; and

25 WHEREAS, efforts to "flatten the curve" in Louisiana have been largely successful,
26 the original predictions of COVID-19 overwhelming our healthcare system have not proven
27 true, and the healthcare facilities and workers of Louisiana have proven to be more than
28 capable of properly caring for the patient load presented by COVID-19.

29 THEREFORE, BE IT RESOLVED that the Legislature of Louisiana hereby suspends
30 the provisions of R.S. 29:724(E), 766(D)(5), (6), and (7), 767, and 769(A), relative to

1 criminal penalties for violations of an order, rule, or regulation issued pursuant to the
 2 Louisiana Homeland Security and Emergency Assistance and Disaster Act; relative to the
 3 governor's authority to compel the evacuation of any stricken or threatened area within the
 4 state, to prescribe routes, modes of transportation, and destination in connection with an
 5 evacuation, and to control ingress and egress to and from a disaster area, the movement of
 6 persons within the area, and the occupancy of premises therein; and relative to the
 7 Governor's Office of Homeland Security and Emergency Preparedness and its authority to
 8 adopt rules and to decontaminate buildings and materials.

9 BE IT FURTHER RESOLVED that this suspension shall become effective upon
 10 adoption of this Resolution and shall extend through the fifteenth day after the adoption of
 11 this Resolution.

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)]

HCR 58 Engrossed

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Miguez

Present law includes the following among provisions relative to emergencies:

- (1) Imposes criminal penalties for violations of an order, rule, or regulation issued pursuant to present law.
- (2) Authorizes the governor to compel the evacuation of any stricken or threatened area within the state, to prescribe routes, modes of transportation, and destination in connection with an evacuation, and to control ingress and egress to and from a disaster area and the movement of persons and occupancy of premises within the area.
- (3) Authorizes the director of the Governor's Office of Homeland Security and Emergency Preparedness to adopt rules and regulations to implement his authority under present law.
- (4) Authorizes the Governor's Office of Homeland Security and Emergency Preparedness, in accordance with a declaration of public health emergency, to close or compel evacuation of or to cause decontamination of any facility and to cause decontamination or destroy any material if there is reasonable cause to believe that the facility or material may endanger the public health.

Proposed Resolution suspends present law for 15 days.

(Suspends R.S. 29:724(E), 766(D)(5), (6), and (7), 767, and 769(A))

Summary of Amendments Adopted by House

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

1. Except as otherwise summarized above in this digest, remove provisions for suspension of present law providing for:
 - a. The governor's authority to declare a disaster, emergency, or public health emergency and his powers under a declared disaster or emergency.
 - b. The authority of the Governor's Office of Homeland Security and Emergency Preparedness to coordinate the activities of all agencies and organizations for homeland security and emergency preparedness and the general authority and duties of the office with respect to disasters, emergencies, and public health emergencies.
 - c. Public health emergency planning.