

2020 Second Extraordinary Session

HOUSE BILL NO. 3

BY REPRESENTATIVE MCFARLAND

EMERGENCY PREPAREDNESS: Provides relative to public health emergency declarations (Items #1, 2, and 28)

1 AN ACT

2 To amend and reenact R.S. 29:768(A), relative to public health emergencies; to provide  
3 relative to the declaration of a public health emergency; to provide for the  
4 continuance of public health emergencies; to create the Council of State; to provide  
5 for the duties and membership of the Council of State; and to provide for related  
6 matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 29:768(A) is hereby amended and reenacted to read as follows:

9 §768. Termination of declaration of public health emergency

10 A.(1) The state of public health emergency shall continue until the governor  
11 finds that the threat of danger has passed or the disaster or emergency has been dealt  
12 with to the extent that the emergency conditions no longer exist and terminates the  
13 state of public health or emergency by executive order or proclamation, but no state  
14 of public health emergency ~~may~~ shall continue for longer than thirty days unless  
15 ~~renewed by the governor~~ approved by the Council of State. The Council of State  
16 shall meet within thirty days of the issuance of the declaration of the public health  
17 emergency to decide whether the public health emergency will continue beyond  
18 thirty days.

1                   (2) For the purposes of this Section, the Council of State is hereby  
2                   established to approve, amend, or deny declarations of a state of public health  
3                   emergency.

4                   (3) The Council of State shall be composed of the following members:

5                   (a) The governor.

6                   (b) The state treasurer.

7                   (c) The attorney general.

8                   (d) The speaker of the House of Representatives.

9                   (e) The president of the Senate.

10                  (4) The Council of State shall appoint a chairperson from among its  
11                  members. Each member may appoint a designee who shall have all the rights and  
12                  privileges as a member of the Council of State.

13                  (5) The Council of State shall ensure that all notices relating to meetings and  
14                  official actions of the council are duly given as required by law.

15                  (6) The Council of State shall publish all decisions in the Louisiana Register  
16                  in the same manner as provided in and pursuant to R.S. 49:954.1.

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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 3 Original                   2020 Second Extraordinary Session                   McFarland

**Abstract:** Creates and provides for the composition and duties of the Council of State and prohibits public health emergency declarations from extending beyond 30 days unless approved by the Council of State.

Present law provides that a state of public health emergency 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 state of public health emergency by executive order or proclamation.

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

Proposed law amends present law to provide that no state of public health emergency may continue for longer than 30 days unless approved by the Council of State.

Proposed law establishes the Council of State and provides that the council shall amend, approve, or deny public health emergency declarations.

Proposed law provides that the governor, state treasurer, attorney general, speaker of the House of Representatives, and president of the Senate shall be members of the council.

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

Proposed law allows the members of the council to appoint a designee who shall have the rights and privileges of the member being represented.

Proposed law requires the Council of State to give notice for meetings and official actions and requires the council to publish its decisions in the Louisiana Register.

(Amends R.S. 29:768(A))