

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 other than those for which the terminated declaration was based.

1 (c) Legislative termination of a state of disaster or emergency does not affect
2 the governor's authority to declare a state of public health emergency pursuant to
3 Chapter 9 of this Title nor does it nullify an existing declaration of a state of disaster
4 or emergency pursuant to this Chapter based on circumstances other than those for
5 which the terminated declaration was based.

* * *

7 §768. Termination of declaration of public health emergency

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9 B.(1) The legislature, in consultation with the public health authority, by a
10 petition signed by a majority of the surviving members of either house, may
11 terminate a state of public health emergency at any time. This petition terminating
12 the public health emergency may establish a period during which no other
13 declaration of public health emergency may be issued. Thereupon, the governor
14 shall issue an executive order or proclamation ending the state of public health or
15 emergency.

16 (2) Legislative termination of a state of public health emergency does not
17 affect the governor's authority to declare a state of public health emergency based on
18 circumstances other than those for which the terminated declaration was based.

19 (3) Legislative termination of a state of public health emergency does not
20 affect the governor's authority to declare a state of disaster or emergency pursuant
21 to Chapter 6 of this Title nor does it nullify an existing declaration of a state of
22 public health emergency pursuant to this Chapter based on circumstances other than
23 those for which the terminated declaration was based.

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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 11 Original

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 other circumstances and that such termination does not nullify other declarations.

Present law also provides that the 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 other circumstances nor does it nullify other declarations.

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