

2020 Second Extraordinary Session

HOUSE BILL NO. 17

BY REPRESENTATIVE HORTON

PUBLIC HEALTH: Limits duration of certain, specified public health emergencies unless extension is authorized by the legislature (Item #28)

1 AN ACT

2 To amend and reenact R.S. 29:768 and to enact R.S. 29:768.1, relative to public health
3 emergencies; to provide relative to the declaration of public health emergencies; to
4 provide relative to the renewal of the declaration of public health emergencies; to
5 provide for a procedure by which to approve new declarations of public health
6 emergencies; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 29:768 is hereby amended and reenacted and R.S. 29:768.1 is hereby
9 enacted to read as follows:

10 §768. Termination of declaration of public health emergency

11 A. ~~The~~ Except as provided in Subsection C, the state of public health
12 emergency shall continue until the governor finds that the threat of danger has passed
13 or the disaster or emergency has been dealt with to the extent that the emergency
14 conditions no longer exist and terminates the state of public health ~~or~~ emergency by
15 executive order or proclamation, but no state of public health emergency may
16 continue for longer than thirty days unless renewed by the governor.

17 B. ~~The~~ Except as provided in Subsection C, the legislature, in consultation
18 with the public health authority, by a petition signed by a majority of the surviving
19 members of either house, may terminate a state of public health emergency at any
20 time. This petition terminating the public health emergency may establish a period

1 during which no other declaration of public health emergency may be issued.
2 Thereupon, the governor shall issue an executive order or proclamation ending the
3 state of public health or emergency.

4 C. When a state of public health emergency affects at least fifty percent of
5 the state's population, the state of public health emergency shall not continue longer
6 than thirty days unless renewed by a majority of the surviving members of each
7 house of the legislature by ballot as provided in R.S. 29:768.1.

8 * * *

9 §768.1. Renewal of declaration by legislature; procedure

10 A.(1) In order to obtain the written consent of a majority of the surviving
11 members of either house of the legislature, the clerk of the House of Representatives
12 and the secretary of the Senate shall prepare and transmit a ballot to each member
13 of the legislature as provided in this Subsection.

14 (2) The ballots shall be uniform.

15 (3) If more than one part of the petition is to be voted on, the ballot shall set
16 forth each item in such form as to enable each member to cast his vote separately for
17 or against each item.

18 (4) Each ballot shall include a place for the member to whom the ballot has
19 been transmitted to provide his name and sign the ballot after casting his vote.

20 (5) The clerk and the secretary shall transmit the ballots to all of the
21 members on the same day. The clerk and the secretary shall certify this date, which
22 is referred to in this Subsection as the "transmittal date".

23 (6) The clerk and the secretary shall provide a notice to each member of the
24 legislature on the transmittal date. The notice shall include all of the following:

25 (a) The number of items on the ballot.

26 (b) The vote required for passage of the items on the ballot.

27 (c) The date and time by which the ballot shall be returned to the clerical
28 officer of the member's house in order to be valid.

1 (d) Such other pertinent information as the clerk and the secretary shall
2 determine.

3 (7)(a) The member shall cast his vote for each item on the ballot, provide his
4 name in the appropriate place on the ballot, sign the ballot, and return the voted
5 ballot to the clerical officer of his house.

6 (b)(i) The clerk and the secretary shall initiate and oversee the design and
7 implementation of a system to allow each member to electronically vote and return
8 his ballot as provided in Subparagraph (a) of this Paragraph. The system shall be
9 accurate and secure. The clerk and the secretary shall certify that the system meets
10 the requirements of this Subparagraph.

11 (ii) Notwithstanding the provisions of Paragraph (4) of this Subsection and
12 Subparagraph (a) of this Paragraph, if a member votes using a system certified as
13 provided in Item (i) of this Subparagraph, the member shall not be required to sign
14 his ballot.

15 (8)(a) The clerk and the secretary shall provide notice to each member from
16 whom the clerk or the secretary, as applicable, receives a voted ballot confirming
17 that the ballot has been received.

18 (b) On the tenth day after the transmittal date, the clerk and the secretary
19 shall provide a notice to each member whose voted ballot has not been received
20 indicating that the member's voted ballot has not been received and informing the
21 member of the deadline for returning the ballot.

22 B.(1) If the legislature is not in session on the transmittal date, the ballots
23 shall be returned to the clerk of the House of Representatives and the secretary of the
24 Senate no later than five o'clock p.m. on the fifteenth day after the transmittal date.

25 (2) When ballots are transmitted to the members of the legislature while in
26 session, they shall be returned to the clerk and the secretary no later than five o'clock
27 p.m. on the fifth day after the transmittal date.

28 (3) No ballot received by the clerk and the secretary after the deadline
29 provided in Paragraph (1) or (2) of this Subsection shall be valid or counted, but the

1 day and time received shall be recorded for each ballot received after such time, and
 2 the ballot shall be marked "Invalid". However, prior to the deadline for returning a
 3 ballot, a member may withdraw his ballot or change his vote upon his written
 4 request.

5 (4) Whenever the clerk of the House of Representatives and the secretary of
 6 the Senate are to provide notice to a member of the legislature pursuant to this
 7 Section, the notice shall be transmitted using the most efficient communication
 8 medium available to the clerk or the secretary. Any such communication media may
 9 include but is not limited to telephonic, e-mail, or SMS communications.

10 C.(1) On the next business day after the deadline for returning ballots as
 11 provided in Paragraph (B)(1) or (2) of this Section, the clerk of the House of
 12 Representatives and the secretary of the Senate shall tabulate the vote in roll call
 13 order for each house of the legislature. The clerk and the secretary shall hold such
 14 ballots under seal and shall not disclose the contents to any person until the day when
 15 such ballots are tabulated. No ballot shall be deemed spoiled if inadvertently
 16 disclosed in processing.

17 (2) The tabulation shall indicate by name those members who voted in favor
 18 of each item, those who voted against each item, those who did not vote on one or
 19 more items, those who did not return the ballot by the due date and time, and those
 20 whose ballots were invalid because not signed by the member. The clerk and the
 21 secretary shall sign the tabulation sheet or sheets and cause a summary thereof to be
 22 transmitted to the governor. Approval by the requisite majority of the surviving
 23 members of the legislature shall constitute approval of the petition to terminate a
 24 state of disaster or emergency or public health emergency.

25 * * *

26 Section 2. This Act shall become effective upon signature by the governor or, if not
 27 signed by the governor, upon expiration of the time for bills to become law without signature
 28 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If

- 1 vetoed by the governor and subsequently approved by the legislature, this Act shall become
2 effective on the day following such approval.
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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 17 Original

2020 Second Extraordinary Session

Horton

Abstract: Requires legislative approval for renewal of declarations of public health emergencies when at least 50% of the state's population is affected and provides for the procedure to be used when determining whether to renew a declaration of public health emergency.

Present law provides that a state of public health emergency shall continue until the governor finds that the threat of danger has passed or the emergency has been dealt with to the extent that emergency conditions no longer exist and terminates the public health emergency.

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

Present law further provides that the legislature, in consultation with the public health authority, may terminate a state of public health emergency by a petition signed by a majority of the surviving members of either house and that the governor shall issue an executive order or proclamation ending the state of public health emergency.

Present law also provides that the petition terminating the public health emergency may establish a period during which no other public health emergency may be issued.

Proposed law amends the applicability of present law to public health emergencies affecting less than 50% of the state's population.

Proposed law provides that when a state of public health emergency affects at least 50% of the state's population, the state of public health emergency shall not continue longer than 30 days unless renewed by a majority of the surviving members of the legislature.

Proposed law provides for the procedure by which the legislature votes on whether to extend the state of 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)