

2020 Second Extraordinary Session

HOUSE CONCURRENT RESOLUTION NO. 13

BY REPRESENTATIVE MIGUEZ

FIRE PROTECT/FIRE MARSHAL: Prohibits the state fire marshal from enforcing certain restrictions on businesses (Items #2 and #28)

1 A CONCURRENT RESOLUTION

2 To suspend until sixty days after final adjournment of the 2021 Regular Session of the
3 Legislature of Louisiana the enforcement authority of the state fire marshal pursuant
4 to R.S. 40:1591 and any powers delegated to the state fire marshal pursuant to R.S.
5 29:721 et seq. or 760 et seq. as they apply to violations of COVID-19-related
6 restrictions.

7 WHEREAS, the governor has issued several proclamations imposing restrictions on
8 businesses during the COVID-19 public health emergency, including those restrictions in
9 Proclamation Number 117 JBE 2020 and Proclamation 123 JBE 2020; and

10 WHEREAS, in these proclamations the state fire marshal is authorized and directed
11 to "ensure compliance with" these orders and "is empowered to exercise all authorities
12 pursuant to La. R.S. 29:721, et seq., and La. R.S. 29:760, et seq."; and

13 WHEREAS, the state fire marshal is granted general enforcement authority pursuant
14 to R.S. 40:1591 which includes the power to enforce all laws under the jurisdiction of the
15 state fire marshal; and

16 WHEREAS, the purpose of this Resolution is to prohibit the state fire marshal from
17 enforcing closures or restrictions on businesses, imposing fines, or suspending or revoking
18 licenses as a result of alleged or actual violations of the governor's COVID-19-related
19 restrictions; and

20 WHEREAS, this Resolution does not seek to limit the state fire marshal's
21 enforcement powers in any other context.

1 THEREFORE, BE IT RESOLVED that the Legislature of Louisiana hereby suspends
2 the provisions of R.S. 40:1591 granting enforcement powers to the state fire marshal as they
3 apply to violations of COVID-19-related restrictions.

4 BE IT FURTHER RESOLVED that the Legislature of Louisiana hereby suspends
5 the provisions of R.S. 29:721 et seq. and 760 et seq. pursuant to which any powers are
6 delegated to the state fire marshal to enforce COVID-19-related restrictions.

7 BE IT FURTHER RESOLVED that this suspension shall become effective upon
8 adoption of this Resolution and shall extend through the sixtieth day after final adjournment
9 of the 2021 Regular Session of the Legislature of Louisiana.

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 13 Original

2020 Second Extraordinary Session

Miguez

Suspends the enforcement authority of the state fire marshal as it relates to violations of COVID-19-related restrictions.

Effective through the 60th day following final adjournment of the 2021 R.S.

(Suspends R.S. 29:721-739 and 760-775 and R.S. 40:1591)