SLS 202ES-107

2020 Second Extraordinary Session

SENATE BILL NO. 43

BY SENATOR MORRIS

EMERGENCY POWERS. Provides relative to termination of emergency proclamations and executive orders issued by governor. (gov sig) (Item #2)

1	AN ACT
2	To amend and reenact R.S. 29:724(B)(1) and 768(A), relative to disasters and emergencies;
3	to provide relative to declarations, proclamations, and executive orders issued by the
4	governor; to provide relative to termination; to require legislative approval under
5	certain circumstances; to provide certain terms, conditions, procedures, and
6	requirements; and to provide for related matters.
7	Be it enacted by the Legislature of Louisiana:
8	Section 1. R.S. 29:724(B)(1) and 768(A) are hereby amended and reenacted to read
9	as follows:
10	§724. Powers of the governor
11	* * *
12	B.(1) A disaster or emergency, or both, shall be declared by executive order
13	or proclamation of the governor if he finds that a disaster or emergency has occurred
14	or the threat thereof is imminent. The state of disaster or emergency shall continue
15	until the governor finds that the threat of danger has passed or the disaster or
16	emergency has been dealt with to the extent that the emergency conditions no longer
17	exist and terminates the state of disaster or emergency by executive order or

Page 1 of 3 Coding: Words which are struck through are deletions from existing law; words in **boldface type and underscored** are additions.

1	proclamation, but no state of disaster or emergency may continue for longer than
2	thirty days unless renewed by the governor. After sixty calendar days from the
3	initial declaration of a state of disaster or emergency, each renewal by the
4	governor shall require approval by a majority of the elected members of both
5	houses of the legislature. Failure to obtain approval shall terminate the state of
6	disaster or emergency. Such termination shall be in addition to other means of
7	termination provided by law.
8	* * *
9	§768. Termination of declaration of public health emergency
10	A. 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 continue for longer than thirty days unless renewed
15	by the governor. After sixty calendar days from the initial declaration of a state
16	of public health emergency, each renewal by the governor shall require
17	approval by a majority of the elected members of both houses of the legislature.
18	Failure to obtain approval shall terminate the state of public health emergency.
19	Such termination shall be in addition to other means of termination provided
20	by law.
21	* * *
22	Section 2. This Act shall become effective upon signature by the governor or, if not
23	signed by the governor, upon expiration of the time for bills to become law without signature
24	by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
25	vetoed by the governor and subsequently approved by the legislature, this Act shall become
26	effective on the day following such approval.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Jerry G. Jones.

## DIGEST

SB 43 Original

2020 Second Extraordinary Session

Morris

<u>Present law</u> provides relative to the Louisiana Homeland Security and Emergency Assistance and Disaster Act. Provides that a disaster or emergency, or both, shall be declared by executive order or proclamation of the governor if he finds that a disaster or emergency has occurred or the threat thereof is imminent. The state of disaster or 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 or emergency by executive order or proclamation, but no state of disaster or emergency may continue for longer than 30 days unless renewed by the governor.

<u>Proposed law</u> retains <u>present law</u> and adds that after 60 calendar days from the initial declaration of a state of disaster or emergency, each renewal by the governor shall require approval by a majority of the elected members of both houses of the legislature. Failure to obtain approval shall terminate the state of disaster or emergency. Such termination shall be in addition to other means of termination provided by law.

<u>Present law</u> provides relative to the Louisiana Health Emergency Powers Act. Provides that a declared state of 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 public health or emergency by executive order or proclamation, but no state of public health emergency may continue for longer than 30 days unless renewed by the governor.

<u>Proposed law</u> retains <u>present law</u> and adds that after 60 calendar days from the initial declaration of a state of public health emergency, each renewal by the governor shall require approval by a majority of the elected members of both houses of the legislature. Failure to obtain approval shall terminate the state of public health emergency. Such termination shall be in addition to other means of termination provided by law.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 29:724(B)(1) and 768(A))