

2020 Second Extraordinary Session

HOUSE CONCURRENT RESOLUTION NO. 15

BY REPRESENTATIVE IVEY

EMERGENCY PREPAREDNESS: Suspends certain provisions of the Louisiana Health  
Emergency Powers Act (Items #2, 28, and 41)

1                                   A CONCURRENT RESOLUTION

2     To suspend the provisions of R.S. 29:766(D)(3) through (8), 766(G), 767, 769(A),  
3           769(B)(3), and 769(C)(2)(b), relative to the Louisiana Health Emergency Powers  
4           Act; and to provide relative to the duration of the suspension.

5           WHEREAS, on March 11, 2020, Governor John Bel Edwards issued Proclamation  
6     Number 25 JBE 2020 to declare a statewide public health emergency due to the imminent  
7     threat posed to Louisiana by COVID-19; and

8           WHEREAS, after six months of state-directed effort, the emergency systems and  
9     procedures that have been put in place, along with a sustainable medical supply chain and  
10    an informed public, have overcome what was initially an imminent threat to our citizens and  
11    healthcare system; and

12           WHEREAS, Louisiana citizens have been sufficiently informed of the populations  
13    most at risk, the health risks associated with the COVID-19 virus, and the recommended  
14    precautionary measures that should be taken; and

15           WHEREAS, Louisiana citizens, businesses, and organizations, having been informed  
16    of the risks of COVID-19 and recommended precautionary measures, are in the best position  
17    to take responsibility for their individual level of risk from COVID-19 infection; and

18           WHEREAS, as a result of the negative impact of COVID-19 to the national and state  
19    economies, Congress provided an unprecedented, but limited, amount of federal aid to its  
20    citizens, businesses, and state and local governments; and

1           WHEREAS, hundreds of thousands of Louisiana citizens have lost their jobs,  
2 thousands of businesses have permanently closed, and many more are at risk in the coming  
3 months; and

4           WHEREAS, students in Louisiana are being greatly hindered in academic and  
5 extracurricular pursuits critical to their personal growth and development, significantly  
6 impacting the future opportunity of our children and our state; and

7           WHEREAS, it is the will of the Louisiana Legislature that the state function in a  
8 supporting role for parish and local governments in responding to their requests for  
9 assistance resulting from the varying local impact caused by the COVID-19 virus and that  
10 the Governor's Office of Homeland Security and Emergency Preparedness, the Louisiana  
11 Department of Health, and other state resources be made available to parish governing  
12 authorities and municipal governing authorities to function in a supporting role to local  
13 government as provided for in R.S. 29:727 and 737; and

14           WHEREAS, the governor has not, throughout the prolonged duration of this public  
15 health emergency, collaborated with or sought the counsel of the Louisiana Legislature  
16 regarding the state's response to COVID-19 and the cumulative impact of restrictions on  
17 constituents; and

18           WHEREAS, current laws providing for public health emergencies are inadequate in  
19 their ability to responsibly manage public health emergencies of extended and unpredictable  
20 duration due to absence of statutorily required participation by the Legislature of Louisiana;  
21 and

22           WHEREAS, should the governor veto legislation that creates statutory requirements  
23 for the Louisiana Legislature to perform their oversight role as it pertains to public health  
24 emergencies, the Louisiana Legislature will be forced to exercise its constitutional authority  
25 to temporarily suspend certain statutory authority providing for public health emergencies  
26 that has been granted to the executive branch.

27           THEREFORE, BE IT RESOLVED that the Legislature of Louisiana hereby suspends  
28 the provisions of R.S. 29:766(D)(3) through (8), 766(G), 767, 769(A), 769(B)(3), and  
29 769(C)(2)(b), relative to the Louisiana Health Emergency Powers Act.

1 BE IT FURTHER RESOLVED that this suspension shall become effective upon  
 2 adoption of this Resolution and shall extend through the sixtieth day after the final  
 3 adjournment of the 2021 Regular Session of the Legislature of Louisiana or through receipt  
 4 by the presiding officers of the Legislature of Louisiana of a written petition to terminate  
 5 House Concurrent Resolution No. 15 of the 2020 Second Extraordinary Session of the  
 6 Legislature of Louisiana signed by a majority of the elected members of each house of the  
 7 Legislature of Louisiana, whichever is earlier.

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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)]

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HCR 15 Engrossed

2020 Second Extraordinary Session

Ivey

Present law includes the following among provisions relative to emergencies:

- (1) Imposes criminal penalties for violations of an order, rule, or regulation issued pursuant to present law.
- (2) Authorizes the governor to: transfer functions of state agencies, compel the evacuation of any stricken or threatened area within the state, prescribe routes, modes of transportation, and destination in connection with an evacuation, control ingress and egress to and from a disaster area and the movement of persons and occupancy of premises within the area, and limit the sale and transportation of alcoholic beverages and firearms.
- (3) Authorizes the director of the Governor's Office of Homeland Security and Emergency Preparedness to adopt rules and regulations to implement his authority under present law.
- (4) Authorizes the Governor's Office of Homeland Security and Emergency Preparedness, in accordance with a declaration of public health emergency, to close or compel evacuation of or to cause decontamination of any facility and to cause decontamination or destroy any material if there is reasonable cause to believe that the facility or material may endanger the public health.
- (5) Provide for emergency protocols with respect to sheltering in place or evacuating nursing homes.
- (6) Authorizes the state health officer to ration and control the distribution of food, fuel, clothing, and other commodities.
- (7) Authorizes the public health authority to take care of management of businesses responsible for infectious waste.

Proposed Concurrent Resolution suspends present law until 60 days after adjournment of the 2021 R.S. or until the legislature, by petition, terminates the proposed Concurrent Resolution.

(Suspends R.S. 29:766(D)(3)-(8), 766(G), 767, 769(A), 769(B)(3), and 769(C)(2)(b))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on House and Governmental Affairs to the original resolution:

1. Add provision for termination of the proposed Concurrent Resolution by legislative petition.