
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 68 Reengrossed

2020 Second Extraordinary Session

Schexnayder

Abstract: Provides for renewal of gubernatorial declarations of disaster or emergency and of public health emergency.

Present law authorizes the governor to declare states of disaster or emergency. Provides that such a declaration shall continue until the governor finds that the threat of danger has passed or that the emergency has been dealt with to the extent that the emergency conditions no longer exist and he terminates the state of disaster or emergency. Provides that no state of disaster or emergency may continue for longer than 30 days unless renewed by the governor.

Proposed law creates the Legislative Committee on Emergency Declarations and provides that all renewals of a state of disaster or emergency are the responsibility of the committee. Provides that in renewing a declaration of a state of disaster or emergency, the committee may make any modifications it deems appropriate. Requires that decisions of the committee be published in the La. Register.

Proposed law provides that the committee is composed of the speaker and speaker pro tempore of the House of Representatives and the president and president pro tempore of the Senate. Provides that a decision of the committee requires approval of two of the four members.

Present law authorizes either house of the legislature to terminate a declaration of a state of disaster or emergency. Proposed law additionally authorizes either house of the legislature to terminate any part of such a declaration. Authorizes either house of the legislature to terminate a declaration that has been renewed by the Legislative Committee on Emergency Declarations.

Present law authorizes the governor, following consultation with the public health authority, to declare a state of public health emergency if he finds a public health emergency has occurred or the threat thereof is imminent. Provides that such a declaration shall continue until the governor finds that the threat of danger has passed or that the emergency has been dealt with to the extent that the emergency conditions no longer exist and he terminates the state of public health emergency.

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

Present law authorizes either house of the legislature to terminate a declaration of a state of public health emergency. Upon such a termination, present law requires the governor to issue an order to

end the state of public health emergency. Proposed law provides that upon legislative termination of a public health emergency, no further action is needed from the governor to effectuate the termination. Provides that the governor may request that the legislature authorize renewal of the declaration.

Proposed law establishes a balloting procedure by which the legislature may authorize the governor to renew a public health emergency. Some of the elements of the procedure are as follows:

- (1) Requires that a request by the governor to renew a public health emergency shall clearly delineate each item and provides that each item requires approval by a majority of each house of the legislature.
- (2) Requires the clerical officers of each house to prepare, distribute, verify, and tabulate ballots to and from their respective members. Requires the clerical officers to implement a system for electronic voting.
- (3) Requires that ballots be returned on the seventh day after transmittal if the legislature is not in session and on the fifth day if the legislature is in session.

Proposed law provides that the Act is to be given prospective and retroactive application.

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

(Amends R.S. 29:722(A)(2), 724(A) and (B), and 768; Adds R.S. 29:768.1)

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill.

1. Relative to declarations of disaster or emergency, authorize the legislature to terminate any part of a declaration.
2. Relative to declarations of disaster or emergency, change the vote requirement for a decision by the Legislative Committee on Emergency Declarations from a majority vote to two of the four members.
3. Relative to declarations of public health emergencies, remove provision for involvement of the Legislative Committee on Emergency Declarations in renewals of such declarations.
4. Relative to declarations of public health emergencies, add requirements for legislative approval of each part of such a declaration and add ballot procedures for obtaining such approval.